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THE DEEP SEA FISHERIES MANAGEMENT AND
DEVELOPMENT ACT, 2020

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THE UNITED REPUBLIC OF TANZANIA



NO. 5 OF 2020

I ASSENT

JOHN POMBE JOSEPH MAGUFULI
President

[15th June, 2020]

An Act to make provisions for recognition of the existence of the Deep Sea Fishing Authority, provide for administration of the Authority, management and development of fisheries conservation and related activities in all areas which the United Republic exercises jurisdiction; for the exercise of effective control of fishing and related activities of nationals of the United Republic in areas beyond national jurisdiction; for the repeal of the Deep Sea Fishing Authority Act, Cap. 388 and to provide for related matters.

ENACTED by Parliament of the United Republic.

PART I
PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Deep Sea Fisheries Management and Development Act, 2020 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2.-(1) This Act shall apply to Mainland Tanzania as well as Tanzania Zanzibar.

Cap. 238 (2) This Act shall be construed as being in addition to and not in derogation of the Territorial Sea and Exclusive Economic Zone Act for fishing purposes in the Exclusive Economic Zone and other areas which the United Republic exercises jurisdiction rights or sovereign rights, and shall for all fishing intents and purposes complement that Act.

(3) This Act shall have extraterritorial application according to its provisions and tenor.

Interpretation

3. In this Act, unless the context otherwise requires-
“aircraft” includes any craft capable of self-sustained movement through the atmosphere, helicopters and unmanned or remotely operated airborne devices;

“associated electronic equipment” means any device or system which is used to locate, track or otherwise monitor a fish aggregating device;

“Authorized Fishing Vessel” which is also known by its acronym as “AFV”, in relation to an international conservation and management measure, means a fishing vessel on the record of fishing vessels of an applicable regional fisheries management organization that is:

- (a) larger than twenty four meters in length overall; or
- (b) in case of fishing vessels less than twenty four meters in length overall, those operating in waters outside the Exclusive Economic Zone of the flag state, and hold a valid and applicable authorization to fish in the area of competence of such regional fisheries management organization;

“authorized officer” means officers of the Authority, fisheries officers of the Government, ministries responsible for fisheries, members of police force, members of defense force, KMKM, officers of Customs and Revenue Department or any other person designated as such by the Minister;

“Authority” means the Authority established under section 5;

“Automatic Identification System (AIS)” means a system required pursuant to Chapter V, Regulation 19 of the International Convention for the Safety of Life at Sea as may be applicable to fishing vessels from time to time;

“bycatch” means part of a catch of a fishing unit taken incidentally in addition to the target species towards

Cap. 238

- which fishing effort is directed;
- “carcass” in relation to sharks means all parts of the shark except for the head and viscera;
- “Court” means the High Court of Tanzania or the High Court of Zanzibar, as the case may be;
- “data buoy” means floating devices, either drifting or anchored, that are deployed by governmental organizations, recognized scientific organizations or entities for the purpose of electronically collecting and measuring environmental data and excludes fishing activities;
- “Director General” or “Deputy Director General” means the Director General or Deputy Director General of the Authority appointed under section 15 of this Act;
- “Exclusive Economic Zone” shall have a meaning ascribed to it under the Territorial Sea and Exclusive Economic Zone Act;
- “Executive Committee” means the Committee established under section 8;
- “fish” means all forms of aquatic or amphibious marine life and includes finfish, shell fish, dugong, turtle, dolphins and whales and their spat, brood, fry, spawn, ova or young;
- “Fish Aggregating Device” which is also known by its acronym as “FADS” means an object or group of objects of any size, whether drifting, anchored or deployed or not, that is natural, manufactured or a combination of both and includes buoys, floats, netting, webbing, plastics, metals, bamboo, logs and objects with electronic devices affixed floating or designed to float on or near the surface of the water with which fish may associate, and any natural floating object on which associated electronic equipment has been placed to facilitate its location;
- “fisher” includes a person employed or engaged in any capacity or carrying out an activity on board any fishing vessel and persons working on board who are paid on the basis of a share of the catch;
- “fishery” means-
- (a) one or more stocks of fish, or parts thereof, which can be treated as a unit for the purposes of conservation and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or
 - (b) any fishing for such stocks;

- “fishery inspector” means any person appointed under section 16(1)(n);
- “fishery observer” means any person appointed under section 16(1)(n);
- “fish stock” means a population of fish, including migratory species, which constitute coherent reproductive unit;
- “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish, and includes the deployment, monitoring and retrieving of Fish Aggregating Devices;
- “fishing vessel” means any vessel used for, equipped to be used for or of a type that is normally used for fishing or related activities;
- “flag state” means the state under whose laws the vessel is registered, and whose flag a ship flies and is entitled to fly;
- “foreign fishing vessel” means any fishing vessel other than a Tanzanian fishing vessel;
- “gear” in relation to fishing, means any equipment, implement or other item that can be used in the act of fishing, and includes any net, rope, line, float, trap, hook, Fish Aggregating Device, winch, boat, craft or aircraft carried on board a vessel or aircraft or vehicle used in association with this Act;
- “instrumented buoy” means a buoy, associated with a drifting Fish Aggregating Device, with a clearly marked reference number allowing its identification and equipped with a satellite tracking system to monitor its position;
- “international agreement” means a treaty, convention or other form of agreement or arrangement legally binding upon the United Republic entered into with another state or other states;
- “KMKM” is an acronym of the words “Kikosi Maalum cha Kuzuia Magendo”;
- “International Conservation and Management Measure” which is also known by its acronym as “ICMM” means any measure to conserve and manage fish or fisheries that are adopted and applied consistently with the relevant rules of international law, including those reflected in the 1982 United Nations Convention on the Law of the

- Sea and the 1995 United Nations Fish Stocks Agreement, by any regional fisheries management organization, treaty, agreement or arrangement applicable to the United Republic;
- “landing” in relation to fish, means bringing any fish or fish product to a port or other landing site and offloading it from the vessel, and “landed fish” may refer to the number or weight of such fish;
- “licensing officer” means a person appointed under section 16 (1)(n);
- “Minister” means the Minister responsible for fisheries in Mainland Tanzania;
- “Ministers” means the Minister responsible for fisheries in Mainland Tanzania and the Minister responsible for fisheries in Tanzania Zanzibar;
- “Mobile Transceiver Unit” which is also known by its acronym as “MTU” means a device approved by the Director General, which is installed on board a fishing vessel and designed to automatically transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing, catch and such other activities as may be required, and allows detection and identification of the fishing vessel at all times;
- “national”, when referring to a national of the United Republic, includes persons as well as vessels registered in accordance with the laws relating to maritime transport and other applicable laws of the United Republic;
- “national fishing logbook” or “fishing logbook” means any permanently bound logbook issued by the flag state of a vessel and required for any purpose relating to fishing or related activities, with irremovable pages, each of which is consecutively numbered and printed with an applicable serial number;
- "operator" means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;
- “organized criminal group” shall have a meaning as ascribed to it under the 2003 United Nations Convention against Transnational Organized Crime and includes a group of three or more persons that were not randomly formed

and has existed over a period of time and that acts in concert with the aim of committing a crime punishable by at least four years' incarceration in order to obtain, directly or indirectly, a financial or other material benefit;

“public notice” includes the posting of relevant requirements of an applicable international conservation and management measure upon a publicly available website associated with the Authority;

“Regional Fisheries Management Organization” which is also known by its acronym as “RFMO” means an inter-governmental fisheries organization or arrangement, as appropriate, that has the competence to establish international conservation and management measures;

“related activities”, in relation to fishing or “fishing related activities”, includes any operation in support of, or in preparation for fishing including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

“relevant RFMO” means an RFMO in which the United Republic is a member or is otherwise legally bound by ICMMs adopted in accordance with its procedures;

“Tanzanian Fishing Vessel” means a fishing vessel registered in accordance with this Act and other applicable laws of Tanzania and which holds a valid and applicable registration issued by Tanzania Maritime Authorities and flies the Tanzanian flag and does not have a registration issued by any other state;

“targeted species” means main fish species which a fishing vessel is licensed to harvest;

“Technical Advisory Committee” means the Technical Advisory Committee established under section 11;

“transnational crime” includes-

- (a) offences committed in more than one state and offences which take place in one state but are planned or controlled in another;
- (b) crimes in one state committed by groups that operate in more than one state; and
- (c) crimes committed in one state that impact on other states;

“trans-shipment” means the transfer of fish or fish products to or from any vessel, and includes the transfer of fish or fish products from a vessel to a land-based facility exclusively for purposes of promptly on loading to another vessel, without being subject to importation into the country where the land-based facility is located;

“use of port” means use for landing, trans-shipping, packaging or processing of fish or for other port services including, re-fueling, resupplying, maintenance and dry docking;

“vessel” means any boat, ship, hovercraft or other water going craft, and includes fishing vessels;

“vessel monitoring operations centre” means a centre established pursuant to this Act; and

“Vessel Monitoring System which is also known by its acronym as “VMS” means a satellite-based reporting system to monitor position and activities of fishing vessels for the purpose of effective management of fisheries.

Scope of Act

4. The scope of this Act shall include-

- (a) all fishing and related activities and any other activity or matter, and all persons, vessels and vehicles falling within the scope of this Act or any applicable international conservation and management measure;
- (b) all persons and all vessels in, and in relation to areas beyond national jurisdiction-
 - (i) following hot pursuit initiated in waters under the jurisdiction of the United Republic and conducted in accordance with international law; or
 - (ii) as required pursuant to this Act or international conservation and management measures or permitted by international law or any international agreement; and
- (c) all Tanzanian fishing vessels and persons on Tanzanian fishing vessels or dealing with or having any relevant relationship to them or persons associated with them, in and in relation to any areas within or beyond national jurisdiction in so far as

this is not in conflict with the jurisdiction of another state.

PART II
ESTABLISHMENT OF THE DEEP SEA FISHING AUTHORITY

Establishment of Authority

5.-(1) There is hereby established an Authority to be known as the Deep Sea Fishing Authority.

(2) The Authority shall be a body corporate and shall-

(a) have perpetual succession and a common seal;

(b) in its corporate name, be capable of suing and being sued;

(c) be capable of acquiring, holding and disposing of movable and immovable property;

(d) have exclusive authority for the exploration, exploitation, conservation and management of fisheries in the Exclusive Economic Zone in accordance with the law relating to Territorial Sea and Exclusive Economic Zone;

(e) exercise such other powers and perform such functions which are necessary for the proper performance of its functions or which may be performed under this Act.

(3) The headquarters of the Authority shall be in Tanzania Zanzibar, and for purposes of the smooth execution of its functions, the Authority may establish branches in any part of the United Republic.

Functions of Authority

6. The functions of the Authority shall be to-

(a) formulate, implement and monitor the implementation of national policy and strategies concerning the conservation, management, development and sustainable use of fishery resources in the Exclusive Economic Zone;

(b) develop, manage and control all activities relating to fisheries, including fishing and related activities, in relation to the Exclusive Economic Zone and all other areas, persons and activities within the application and scope of this Act, including:

(i) formulating appropriate standards on management, development and protection of

- the fishery resources that occur in the Exclusive Economic Zone;
- (ii) developing guidelines for the preparation of fisheries specific management plans and developing plans for fishery resources that occur in the Exclusive Economic Zone;
 - (iii) concluding agreements for fisheries access by non-citizens and non-nationals, including foreign fishing vessels;
 - (iv) in collaboration, as may be appropriate, with Mainland Tanzania and Tanzania Zanzibar, managing fishing by citizens of the United Republic in or from vessels registered in the United Republic;
 - (v) regulating and administering the issuance of licences, authorizations and other required permissions for activities within the scope of this Act;
 - (vi) collecting and analysing data relating to fishery resources and related activities in the Exclusive Economic Zone and other areas in which the United Republic exercises jurisdiction or rights or has responsibilities pursuant to any international conservation and management measure; and
 - (vii) coordinating or undertaking monitoring, control, surveillance and enforcement of all activities within the scope of this Act;
- (c) determine fees, charges, resource rent or royalties;
 - (d) identify and promote any necessary means toward generating income and social benefits;
 - (e) formulate and coordinate programmes for scientific, economic, social or other research in relation to the fisheries;
 - (f) negotiate and enter into any contract, agreement or cooperation with any national and regional fisheries management institution or organization, international organization or other institution in relation to any matter within the scope of this Act;
 - (g) safeguard the marine environment of the Exclusive Economic Zone; and
 - (h) do or undertake any other act or thing required or

permitted to be done in furtherance of the objectives, purposes and provisions of this Act.

PART III
ADMINISTRATION OF THE AUTHORITY

Organs of
Authority

7. The Authority shall consist of the following organs:
- (a) the Executive Committee;
 - (b) the Technical Advisory Committee; and
 - (c) the Management.

Executive
Committee

- 8.-(1) The Executive Committee shall consist of the following members:
- (a) Permanent Secretary of the Ministry responsible for fisheries in Mainland Tanzania;
 - (b) Principal Secretary of the Ministry responsible for fisheries in Tanzania Zanzibar;
 - (c) Permanent Secretary of the Ministry responsible for defense;
 - (d) Permanent Secretary of the Vice President's office responsible for Union matters;
 - (e) Principal Secretary of the Second Vice President's Office;
 - (f) Principal Secretary responsible for special departments in Tanzania Zanzibar;
 - (g) Permanent Secretary of the Ministry responsible for finance in Mainland Tanzania;
 - (h) Principal Secretary of the Ministry responsible for finance in Tanzania Zanzibar; and
 - (i) the Director General who shall be the Secretary of the Executive Committee.

(2) The Deputy Director General and directors of fisheries from both sides of the Union shall be members of the Secretariat.

(3) For the purposes of smooth, transparent and effective discharge of the functions of the Authority, the Chairmanship of the Executive Committee shall alternate after one meeting between the Permanent Secretary of the Ministry responsible for fisheries in Mainland Tanzania and the Principal Secretary of the Ministry responsible for fisheries in Tanzania Zanzibar.

Functions of
Executive
Committee

9. The Executive Committee shall have the following functions:

- (a) appoint officers of the rank of director or manager as the case may be, in the management of the Authority, on the criteria, terms and conditions determined by the Committee;
- (b) establish committees, sub-committees, working groups or other subsidiary body of the Authority as may be considered necessary;
- (c) receive and review an annual report;
- (d) approve and monitor the budget, work programmes and projects of the Authority;
- (e) approve and monitor implementation of any policy concerning any or all matters under this Act;
- (f) consider and as appropriate, take action on performance reports relating to the Authority;
- (g) approve criteria for the issuance of licences and authorizations; and
- (h) perform any other functions as may be directed or approved by the Ministers for better implementation of this Act.

Meeting and
procedure of
Executive
Committee

10.-(1) The Executive Committee shall ordinarily meet at least twice a year, and may hold an extraordinary meeting if a Chairman, considering the effective discharge of the functions of the Authority, so determines.

(2) The Executive Committee shall meet at such times and places as may be specified by notice in writing, to members of the impending meeting.

(3) The quorum at any meeting of the Executive Committee shall be at least half of the members from each sides of the Union:

Provided that in all meetings the Permanent Secretaries responsible for fisheries for both sides of the Union shall be present.

(4) The Executive Committee shall adopt financial and staff regulations for the Authority.

(5) The Executive Committee shall regulate its own proceedings.

(6) The Executive Committee shall report to the

Ministers.

(7) Where the Executive Committee fails, for any reason, to reach a decision on any matter within its jurisdiction, the Chairman shall refer that matter to the Minister who shall consult with the Minister responsible for fisheries in Tanzania Zanzibar, and their decision shall be binding upon both sides of the Union.

Technical
Advisory
Committee

11.-(1) The Technical Advisory Committee shall consist of the following members:

- (a) the Director responsible for Fisheries of Mainland Tanzania;
- (b) the Director responsible for Fisheries of Tanzania Zanzibar;
- (c) two law officers from the office of the Attorney General one from each side of the Union;
- (d) two fisheries economists one from each side of the Union;
- (e) two marine scientific researchers from research institutions, one from each side of the Union; and
- (f) two other members having knowledge and experience in the fishing industry one from each side of the Union.

(2) The Director General shall be the Secretary to the Technical Advisory Committee.

Functions of
Technical
Advisory
Committee

12. The functions of the Technical Advisory Committee shall be to:

- (a) consider technical aspects of fisheries, including scientific, biological, social, economic and cultural, and provide advice in accordance with the objectives of this Act;
- (b) make proposals for fisheries policies to be formulated by the Executive Committee;
- (c) evaluate proposed fisheries projects and monitor ongoing projects of the Authority and report to the Executive Committee for consideration or approval;
- (d) evaluate and advise on the type of fishing vessels, fishing gears and sustainable fishing methods to be permitted in the management of fisheries under this Act;

- (e) evaluate performance reports on the administration and management of the Authority and report to the Executive Committee;
- (f) consider the budget proposed by the Director General and submit it to the Executive Committee for its consideration and approval; and
- (g) perform any other functions as may be directed by the Executive Committee for better implementation of this Act.

Meeting and procedure of Technical Advisory Committee

13.-(1) The Technical Advisory Committee shall ordinarily meet twice yearly and may hold an extraordinary meeting if the Chairman, considering the effective discharge of the functions of the Authority, so determines.

(2) The Technical Advisory Committee shall meet at such times and places as may be specified in the notice in writing, notifying members of the impending meeting.

(3) The Technical Advisory Committee shall regulate its own procedure.

(4) The Chairmanship of the Technical Advisory Committee shall alternate after one meeting between the Director responsible for fisheries of Mainland Tanzania and Tanzania Zanzibar.

Management of Authority

14.-(1) There shall be a Management of the Authority which shall perform institutional management and administrative functions, and be headed by the Director General.

(2) The Management of the Authority shall consist of the following members:

- (a) the Director General;
- (b) the Deputy Director General;
- (c) Directors of the Departments; and
- (d) other officers as may be required subject to the need of the organization structure of the authority.

(3) The Director General shall be the chief executive officer of the Authority.

(4) The Deputy Director General shall be the chief assistant to the Director General and shall assist him in day to day activities of the Authority.

Appointment of
Director General
and Deputy
Director General

15.-(1) There shall be the Director General and Deputy Director General of the Authority who shall be appointed by the President of the United Republic after consultation with the President of Zanzibar.

(2) The Director General and Deputy Director General shall hold office for a term of three years and shall be eligible for reappointment after rotation.

(3) For the purpose of ensuring equal representation of both sides of the Union, the Director General and Deputy Director General shall, at any given time, be appointed one from Mainland Tanzania and the other from Tanzania Zanzibar, and subsequent appointments for each position shall alternate between the two sides of the Union.

(4) A person qualifies to be appointed as a Director General or Deputy Director General if that person has at least a first degree related to fisheries from a recognized university, and experience in that field for at least seven years of which five years shall be in managerial level.

Functions and
powers of
Director General

16.-(1) The functions and powers of the Director General shall be to:

- (a) supervise, manage and control the affairs of the Authority;
- (b) coordinate and facilitate the preparation of policy, plans and strategies concerning fisheries conservation, management, development and sustainable use of fishery resources;
- (c) prepare an annual report, including the budget and work programme of the Authority;
- (d) manage and coordinate as may be appropriate, through cooperating with other agencies of government, other governments, non-governmental organizations, regional bodies, regional fisheries management organizations and international organizations:

- (i) the conservation, management, development and sustainable use of fishery resources;
- (ii) the monitoring, control and surveillance of activities;
- (iii) relevant quality control activities; and

- (iv) any other activity that falls within the scope of this Act;
- (e) give effect to the responsibilities under paragraph (d) by recommending for consideration and implementation such measures as may be necessary to implement conservation and management measures in accordance with the objectives of this Act and any international agreement;
- (f) give directives to the members of management and other staff of the Authority;
- (g) monitor and advise on international developments in fishery matters and ensure the fulfillment of obligations of the United Republic under international agreements;
- (h) make decisions relating to the issuance, refusal, suspension and revocation of licences, authorizations and other forms of permission required under this Act;
- (i) establish and maintain an information system concerning activities within the scope of this Act, including:
 - (i) all information required under any international agreement, including applicable regional fisheries management organizations;
 - (ii) all relevant information on the application and grant of licences, authorizations or other forms of permission required under this Act;
 - (iii) all information on activities of vessels, including their operators, operating under licence, authorization or other permission given under this Act relating to catches, by catches, discards, trans-shipments and other related activities;
 - (iv) activities carried out in violation of this Act, including details of any relevant legal or administrative action; and
 - (v) any other information that may, from time to time be required by the Director General or the Executive Committee.
- (j) promote and facilitate:
 - (i) fisheries research, training and education;

- (ii) the development of Fisheries Management Plans;
- (iii) the sustainable development of the fisheries and associated industry, taking into account the objectives of this Act;
- (k) liaise with the Technical Advisory Committee;
- (l) make recommendations on any matter under the Director General's authority and take into account the advice and recommendations of any committees established under this Act;
- (m) appoint the staff of the Secretariat, other than those appointed by the Executive Committee pursuant to section 9 of this Act, in accordance with the staff regulations of the Authority and other procedures and requirements that may be established;
- (n) appoint in writing among officers of the Authority to be licensing officers, fisheries inspectors, fisheries observers or authorized officers to carry out duties as prescribed in the Regulations; and
- (o) perform such functions or exercise such powers as may be prescribed or necessary to carry out the objectives and provisions of this Act.

(2) For the purpose of subsection (1)(i)(iii), the term "discard" means the portion of the total catch which is thrown away or slipped at sea, because it is of little or no economic interest to the fisher, or management regulations which may restrict landings *inter alia* the minimum size or quota.

(3) The Director General may, either generally or as otherwise provided by instrument of delegation, delegate to any officer any power or duty conferred or imposed to the Director General by this Act, other than powers stipulated under subsection (1)(h), (l), (m) and (n).

Staff and
officers of
Authority

17.-(1) There shall be employed by the Authority such number of employees in such categories and titles as may be necessary for the efficient discharge of the functions of the Authority and on such terms and conditions as may be determined by the Authority.

(2) Employment of staff for the Authority shall, other than the Director General and Deputy Director General, be permanent employment governed by employment and labour laws for the time being applicable to the United Republic.

(3) The Director General may, in consultation with the Executive Committee, employ persons for specific task on temporary basis.

Limitation of liability

18. A person authorized to perform the functions of the Authority shall not be personally liable for any loss or damage suffered to any person by reason of anything done or not done in good faith.

Power to delegate functions of Authority

19.-(1) The Authority may, in consultation with the Executive Committee, delegate some of its functions to any authorised person to act on its behalf.

(2) The functions under subsection (1) may be exercised subject to such conditions, qualifications, limitations or exceptions as the Authority may direct.

Conflict of interest

20.-(1) Where a person discharges responsibilities or performs functions or duties that fall within the scope of this Act, such person shall, if has an interest of a financial or fiduciary nature or otherwise that conflicts with such functions or duties, be required to promptly disclose in writing the nature of such interest.

(2) Where a disclosure is made pursuant to subsection (1), the Minister or the Director General, as the case may be, shall appoint another officer to perform such functions in respect of that matter.

(3) For the purposes of this section, a person has an interest in a matter if he:

- (a) may derive a financial or in-kind benefit from the matter;
- (b) is the spouse, child or parent of a person who may derive a financial benefit from the matter;
- (c) may have a financial interest in a person to whom the matter relates;
- (d) may have a fiduciary relationship with a person to whom the matter relates;
- (e) is a partner, director, officer, board member or trustee

of a person who may have a financial interest in a person to whom the matter relates; or

(f) may be interested in the matter because this Act so provides.

(4) The Authority shall not engage in any activity which would result in a conflict of interest with its functions and objectives.

(5) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine as set out in the Second Schedule or to a term of imprisonment not exceeding five years or to both.

PART IV

FISHERIES CONSERVATION, MANAGEMENT AND DEVELOPMENT

Conservation
and management
measures

21.-(1) The Authority shall, in giving effect to its responsibilities pursuant to this Act, develop, implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fishery resources.

(2) Subject to subsection (1), the conservation and management measures shall be prescribed in the Regulations.

(3) Without prejudice to the jurisdiction and sovereign rights of the United Republic over resources in the Exclusive Economic Zone, conservation and management measures shall implement applicable international conservation and management measures, action plans and as may be appropriate, scientific recommendations adopted by any relevant regional fisheries management organization.

(4) Conservation and management measures shall be developed, where necessary, taking into account consultations with stakeholders.

(5) A person who contravenes any conservation and management measure taken pursuant to this Act commits an offence and shall, on conviction, be liable to a fine as set out in the Second Schedule or any other penalty that may be provided under this Act.

Fisheries
research in
Exclusive
Economic Zone

22.-(1) The Director General shall, in collaboration with relevant research institutions and other stakeholders or as may be advised by the Technical Advisory Committee, arrange for research to be carried out concerning fisheries in the Exclusive Economic Zone.

(2) Research conducted under subsection (1) may include-

- (a) fish stock assessment;
- (b) studies on fish migratory patterns;
- (c) fishing season;
- (d) fish biology;
- (e) biodiversity;
- (f) environment;
- (g) ecology;
- (h) socio-economic factors;
- (i) Monitoring Control and Surveillance; or
- (j) any other research relating to fisheries.

(3) Where a research under this section involves an operator of a fishing vessel holding a licence or authorization issued under this Act, the Director General may enter into an agreement with such operator to participate in such research or tagging programme, and such agreement shall include requirements for the operator to-

- (a) retain the tags onboard; and
- (b) report to the Director General together with data on vessel name, catch position, date of capture, length and weight of individual tagged fish and name of person reporting the capture.

Implementation
of regional
conservation and
management
measures

23.-(1) The requirements of any applicable ICMM in the United Republic shall, without prejudice to the jurisdiction and sovereignty of the United Republic and upon such public notice of the applicable ICMM requirements, apply to:

- (a) any owner, operator or master of any Tanzanian fishing vessel that holds a valid licence or authorization issued by the Authority and is entered on the Record of Authorized Vessels of a relevant RFMO and authorized to fish for the species and in the area of competence under the mandate of such RFMO;
- (b) any owner, operator or master of any other fishing vessel that falls under this Act and the applicable ICMM; or
- (c) any Tanzanian citizen.

(2) It shall be a condition of every licence, authorization or other permission issued pursuant to this Act

that each of the owner, operator and master of a relevant fishing vessel shall comply with the requirements of any ICMM from the date of public notice unless the Director General notifies an extension for a reasonable period of time to allow arrangements for compliance to be made.

(3) The Director General shall notify holders of licences and authorizations of the relevant obligations of each applicable ICMM upon its date of public notice to this Act.

(4) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Fisheries
Management
Plans

24.-(1) The Executive Committee may designate priority fishery or fisheries for the purpose of developing Fisheries Management Plans and in doing so shall take into account recommendations of the Technical Advisory Committee, applicable regional fishery bodies and international conservation and management measures adopted by applicable regional fisheries management organizations.

(2) The Director General may, in consultation with the stakeholders, prepare or cause to be prepared Fisheries Management Plans for any fishery or fisheries under this Act.

(3) Subject to subsection (2), the Director General shall prepare or cause to be prepared Fisheries Management Plans for any fishery designated as a priority by the Executive Committee in accordance with subsection (1).

(4) A Fisheries Management Plan under sub section (2) shall be approved by the Ministers.

(5) A Fisheries Management Plan shall:

- (a) identify the fishery and its characteristics, including the:
 - (i) current status of the fishery and resource, including area, species and fishing;
 - (ii) possible adverse effects of fishing on the resource and environment;
 - (iii) regional and international context, if applicable;
- (b) specify the management objectives for the fishery;
- (c) identify the process for development and implementation of the Fisheries Management Plan;
- (d) specify management measures to be applied to the fishery;

- (e) specify plans for monitoring and review of the fishery and the Fisheries Management Plan; and
 - (f) where appropriate, make provision in relation to any other matter necessary for effective conservation and sustainable use of the fishery resources.
- (6) When approval has been given for a Fisheries Management Plan pursuant to subsection (4), the Minister shall cause:
- (a) the Plan to be published in the *Gazette*; and
 - (b) copies of the Plan to be made available on the Authority website and any other place as the Minister considers appropriate.
- (7) The Minister may make Regulations prescribing for the management measures, fines and penalties, as well as the licensing and enforcement powers and other requirements in Fisheries Management Plan.

Marking and protection of set fishing gears

25. The operator of any fishing vessel in the Exclusive Economic Zone or of any Tanzanian fishing vessel within the area of competence of a relevant RFMO shall ensure that fishing gear set in the sea is clearly marked in a manner prescribed in the Regulations.

Control of fishing efforts

26. The Minister may, in consultation with the Executive Committee and the Minister responsible for fisheries in Tanzania Zanzibar, make regulations prescribing for control of fishing efforts including Fish Aggregating Devices; fish on data buoys, fishing methods and gears, the use of aircraft and artificial light.

Prohibition to tamper with, use or destroy property of another in Exclusive Economic Zone

27.-(1) A person shall not, within the Exclusive Economic Zone-

- (a) remove any fish from any fishing gear unless such person is the owner or is acting with the authority of the owner;
- (b) tamper with, destroy, damage or impair the functioning of any fishing gear which belongs to another person;

- (c) tamper with, destroy, damage, remove or take any part of a fish aggregating device, artificial reef, mooring buoy, float, trap or other devices which have been authorized and deployed in accordance with this Act and belongs to another person; or
- (d) engage in fishing for fish aggregated by, or within half a nautical mile from a fish aggregating device that belongs to another person, unless such other person has expressly been given permission to do so.

(2) Nothing in this section shall limit powers of an authorized officer or prevent the disposal of unauthorized gear or equipment in accordance with this Act.

(3) Any person who contravenes this section commits an offence and shall, on conviction be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

(4) For the purposes of this section, “property” includes things and rights that can be owned or that have a monetary value, and includes fishing vessels, gear and any fish caught, enmeshed, encircled or controlled by a person.

Prohibition to use, possess on vessel, import, purchase or sell prohibited gear

28.-(1) A person shall not-

- (a) use for fishing any fishing gear which does not conform to requirements of this Act and no operator of a vessel shall, where it is prohibited, permit such fishing gear on board any vessel in the Exclusive Economic Zone; or
- (b) import, buy or sell a driftnet or any other fishing gear prohibited under this Act.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, the prohibited gear shall be seized by the court.

Prohibition of interference with inspected fish and fish products

29.-(1) A person shall not, except with the written permission of the Director General:

- (a) remove, alter or interfere with a trade description, seal, stamp or other mark applied to a container or a container system unit containing any fish or fish product that has been inspected by an authorized officer;

- (b) add to, remove from or otherwise change the composition of any consignment of fish that has been certified as inspected by an authorized officer; or
- (c) unseal or leave unsealed any boxes that have been inspected by an authorized officer.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, any fish or fish products shall be seized by the court.

Prohibition of possession, trade or export of fish or fish products

30.-(1) A person shall not buy, sell, possess, export or otherwise trade fish or fish products taken or obtained in contravention of this Act.

(2) A person who contravenes this section commits an offence and shall, upon conviction, be liable to a fine not exceeding the maximum amount described in the Second Schedule to this Act, and in addition, all fish or fish products shall be seized by the court.

Prohibition of trade of fish and fish products taken or obtained in contravention of laws of another State

31.-(1) A person shall not, in any area under the jurisdiction of the United Republic, on their own account or in any other capacity-

- (a) cause or permit a person acting on their behalf to take, import, export, land, transship, transport, trade, sell, receive, acquire or buy any fish or fish product that was caught in contravention of the laws of another state; or
- (b) use or permit a vessel to be used to engage in fishing or related activities for a purpose referred to in paragraph (a).

(2) This section applies to all persons, vessels, fishing, related activities and other activities governed by this Act.

(3) In this section, “illegal fish or fish product” means fish or fish product taken, possessed, transported or sold in violation of any law or regulation of another state or of any international conservation and management measure.

(4) Any person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

(5) Where an international agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State on conviction or other process, such remittance shall be made after all costs and expenses incurred by the United Republic have been deducted.

Declaration of
and prohibitions
respecting
protected,
threatened or
endangered
species

32.-(1) The Minister may, on the advice of the Director General and in consultation with the Minister responsible for fisheries in Tanzania Zanzibar and the Ministers responsible for environment in Mainland Tanzania and Tanzania Zanzibar, by order published in the *Gazette*, declare any fish as protected, threatened or endangered:

- (a) that are designated as protected or endangered under an international agreement; or
- (b) that the Director General recommends to be declared as protected, threatened or endangered, based on the best available scientific evidence.

(2) A person shall not take, land, sell, deal in, transport, receive, buy, possess, import or export any fish or fish product declared as protected or endangered in accordance with this section.

(3) A person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition the fish or fish products shall be seized by the court.

Designation of
zones or areas

33.-(1) The Minister may, upon the recommendation of the Executive Committee and in consultation with the Minister responsible for fisheries in Tanzania Zanzibar, and by order published in the *Gazette*, declare any zone or area within the Exclusive Economic Zone for:

- (a) purpose that is consistent with the objectives of this Act;
- (b) the conservation, management or protection of fishery resources;
- (c) the development of the fishing industry in the United Republic; or
- (d) any other purposes that are consistent with the objectives of this Act.

(2) The Director General shall, as appropriate, ensure the development and implementation of conservation and management measures for any zone or area established pursuant to subsection (1), and effectively monitor the activities and attainment of purposes for which they were established.

(3) A person shall not engage, permit or allow any other person to engage in any activity that:

- (a) is prohibited under an order made pursuant to subsection (1);
- (b) results in destruction or adverse impacts on the fishery resource in the zone or area declared pursuant to subsection (1); or
- (c) causes the objective of establishing such area to be unattainable.

(4) A person who contravenes subsection (3) commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act:

Provided that in the event of contravention of subsection (3)(b), the offender shall be liable to full compensation for any destruction or adverse impacts and restoration of the zone or area to its original state.

Marine
environmental
quality

34.-(1) A person shall not introduce into the Exclusive Economic Zone, directly, indirectly, deliberately or accidentally, any deleterious substance, including substances which may have toxic, hazardous or other harmful properties or effects in relation to fish or marine environment.

(2) The operator of any fishing vessel shall:

- (a) take back to port for disposal any unused bait and waste generated on a fishing vessel by fish processing or other human activities; and
- (b) carry out bunkering operations in compliance with subsection (1).

(3) A person shall not, without a written authorization of the Director General, leave in or in a position to enter the Exclusive Economic Zone any fishing gear or any other non-biodegradable object used for fishing after the termination of fishing activity, except in an emergency when the incident is promptly reported to the Director General.

(4) The Director General may cause the fishing gear or any other non-biodegradable object referred to in subsection (3)

to be removed by any other person authorized for that purpose, and any cost incurred in connection with such removal may be recovered from the person or persons responsible for leaving the gear or object.

(5) A person who contravenes subsections (1), (2) or (3), commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and be liable for full compensation in respect of any loss or damage as well as the full cost of restoring the affected habitat to its previous state.

PART V

REQUIREMENTS FOR FISHING VESSELS AND FISHERIES ACCESS

(a) General Requirements for Fishing Vessels

Licences,
authorization or
other permission
required

35.-(1) A person shall not, being an operator of a fishing vessel, engage in any fishing activities unless such person has a valid and applicable licence, authorization or other permission issued in accordance with this Act.

(2) Subject to subsection (1), the terms and conditions of licence, authorization and other permission shall be prescribed in the Regulations.

Terms and
conditions for
compliance by
holders of
licenses,
authorizations or
other
permissions

36.-(1) The holder of a licence, authorization or other permission issued under this Act shall:

- (a) comply with the terms and conditions of the licence, authorization or other permission;
- (b) comply with this Act, and any other written law, applicable Access Agreement and any applicable international conservation and management measure; and
- (c) comply with all relevant provisions of the laws of the United Republic relating to navigational standards, seaworthiness and safety of vessels at sea.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act, and in addition, the person's licence may be suspended or cancelled.

Gear stowage

37.-(1) The operator of a:

(a) fishing vessel in any place or at any time in the Exclusive Economic Zone if it is not licensed or authorized for fishing or related activities, or where this Act or any written law prohibits fishing or related activities; or

(b) Tanzanian fishing vessel when navigating in areas beyond the Exclusive Economic Zone where it has not been authorized for fishing or related activities pursuant to this Act,

shall ensure that all gear on board is at all times stowed or secured in such a manner that it is not readily available for fishing.

(2) An operator who contravenes this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Prohibitions on use of fishing vessels for transnational organized crime

38.-(1) A person, being an operator of any fishing vessel in the Exclusive Economic Zone, or of a fishing vessel registered in the United Republic that is within or beyond areas under national jurisdiction of the United Republic shall not-

(a) use the fishing vessel; or

(b) cause or allow the fishing vessel to be used, whether or not there was knowledge or intention of such use,

for any purpose related to transnational organized crime.

(2) A person, being a member of, or associated with a transnational criminal group shall not be permitted to engage in any activity under this Act, and any licence, authorization or other permission issued without knowledge of such association shall be immediately cancelled upon reasonable proof of such membership or association.

(3) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount as set out in the Second Schedule to this Act, or to a term of imprisonment not exceeding ten years, or to both, and such person shall not be issued with a licence, authorization or other permission for any activity within the scope of this Act for a minimum period of ten years from the time the contravention was established.

Trans-shipment
at sea prohibited

39.-(1) A person shall not engage in trans-shipment activities at sea:

- (a) in the Exclusive Economic Zone; or
- (b) in respect of any national of the United Republic including any Tanzanian fishing vessel, in areas beyond national jurisdiction,

except in accordance with a written permission under section 29 of this Act.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Clearance for
registration of
fishing vessels
in United
Republic

40.-(1) A person who intends to register a fishing vessel within the United Republic under the law relating to maritime transport shall, prior to an application for registration, request a clearance letter from the Director General.

(2) A clearance letter for registration under subsection (1) shall be issued by the Director General in a manner prescribed in the regulations.

(b) National Fishing Vessels

Requirements
for nationals
fishing vessels
in areas beyond
national
jurisdiction

41.-(1) All nationals of the United Republic and the operators of any Tanzanian fishing vessel operating or engaging in any fishing or related activities in areas beyond national jurisdiction shall:

- (a) comply with applicable international conservation and management measures;
- (b) not undermine the effectiveness of international conservation and management measures in an area to which such measures apply; and
- (c) when in waters under the national jurisdiction of another state, comply with the legislation of such state.

(2) Where any Tanzanian fishing vessel is used in contravention of subsection (1), the operator of such vessel commits an offence, and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Requirements
for conditions of

42.-(1)The operator of any:

- (a) Tanzanian fishing vessel, of twenty four meters in

personnel on board in vessels in areas beyond national jurisdiction and licensed vessels in United Republic Exclusive Economic Zone

length overall or above, or of less than twenty four meters in length overall that remains at sea for three days or more, or navigates beyond the Exclusive Economic Zone, at all times, while within the Exclusive Economic Zone or beyond the national jurisdiction of the United Republic; and

- (b) foreign fishing vessel carrying a valid and applicable licence, authorization or other permission granted for any activity within the scope of this Act, while in the Exclusive Economic Zone or any other place under the jurisdiction of the United Republic,

shall comply with all requirements of the International Labour Organization Work in Fishing Convention, No. 188 of 2007 and other related International Conventions, and in particular shall implement such requirements that may be prescribed or required by the Director General.

(2) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Fishing beyond Exclusive Economic Zone of United Republic

43.-(1) A person who intends to fish or undertake fishing related activities beyond the United Republic Exclusive Economic Zone shall, before commencing intended fishing activities, be required to apply for a certificate of authorization to fish from the Director General.

(2) The Director General shall, upon receipt of application under subsection (1), issue a certificate of authorization to fish in a manner prescribed in the regulations.

(3) A person who is granted Certificate of Authorization to Fish under this Act and who undertakes fishing or fishing related activities beyond Exclusive Economic Zone of the United Republic shall be bound by conditions prescribed in the regulations.

Requirements for Tanzanian vessels to provide cooperation in other states' ports

44.-(1) The operator of each Tanzanian fishing vessel shall:

- (a) cooperate fully with inspections carried out in the ports of other states in accordance with their laws and procedures; and
- (b) engage in any use of port, including landing, transshipping, packaging or processing fish or

using other port services, in a port state identified by a relevant regional fisheries management organization in accordance with, or in a manner consistent with, applicable international or regional instruments relating to port state measures.

(2) Any operator of a Tanzanian fishing vessel who contravenes this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act, and the authorization of the fishing vessel may be cancelled.

Provisions for incentives to citizens intending to undertake fishing activities

45.- (1) For the purpose of promoting access to and fisheries in the Exclusive Economic Zone, the Authority may-

(a) on application by citizens or entities owned by citizens of the United Republic;

(b) after consultation with the Ministers responsible for fisheries in Mainland Tanzania and Tanzania Zanzibar; and

(c) subject to the list of incentives issued pursuant to subsection (2) and the regulations prescribed pursuant to subsection (3),

recommend to the relevant institutions responsible for investment incentives in Mainland Tanzania and Tanzania Zanzibar for provision of incentives for matters regulated under this Act.

(2) The Minister may, after consultation with the Minister responsible for fisheries in Tanzania Zanzibar and by notice in the *Gazette*, prescribe a list of incentives to be granted under subsection (1).

(3) The Minister may after consultation with the Minister responsible for fisheries in Tanzania Zanzibar make regulations prescribing for procedures and manner for application of incentives under this section.

(c) Foreign Fishing Vessels and Fisheries Access

Foreign fishing vessels to comply with legislation of United Republic

46.-(1) Unless otherwise provided in this Act, no foreign fishing vessel shall be used for fishing or related activities in the Exclusive Economic Zone except under and in accordance with an applicable fisheries access agreement, licence or other permission for activities within the scope of this Act.

(2) The owner or the operator of a foreign fishing

vessel who contravenes sub section (1), commits an offence and shall, upon conviction be liable to a fine not exceeding the maximum amount set out in the Second Schedule to this Act.

Fisheries access
by foreign
fishing vessels

47.-(1) The foreign fishing vessels may be used in the Exclusive Economic Zone for fishing or related activities subject to a written agreement made in accordance with this Act, any applicable Fisheries Management Plan, international agreement, fisheries management agreement and national policy or strategy, and subject to stated terms and conditions.

(2) The Minister may, in consultation with the Minister responsible for fisheries in Tanzania Zanzibar and after consultation with Executive Committee, enter into an agreement referred to in subsection (1) with states or regional economic integration organizations by way of an international agreement, joint venture or other written agreement or arrangement.

(3) The Director General may enter into an agreement referred to in subsection (1) by way of written agreement with:

- (a) a fishing association or similar body;
- (b) a publicly incorporated company; or
- (c) such other persons or bodies as may be agreed by the Executive Committee.

(4) The Minister may make regulations prescribing procedure and requirements for fisheries access by foreign fishing vessels.

Fisheries
Management
Agreement

48. The Minister may, upon the recommendation of the Director General, enter into a Fisheries Management Agreement, other than an Access Agreement, with other states for purpose of cooperation or coordination of fisheries management measures.

Requirements
for joint venture
and charter
agreements and
vessel licensing
for foreign
fishing vessels

49.-(1) No agreement governing joint ventures or the chartering of any foreign fishing vessel for fishing or fishing related activities within or beyond the Exclusive Economic Zone, whether or not it involves changing the registration of the vessel, shall be valid unless it is approved by the Ministers on the advice of the Director General.

(2) A joint venture or charter agreement may be approved if the following requirements are fully met:

- (a) a charter agreement vests operational control of the

Cap. 212

- foreign fishing vessel to a Tanzanian citizen, resident or registered company;
- (b) the joint venture or charter agreement provides clearly identifiable benefits with no adverse effects to the United Republic, its fisheries or its marine environment, including:
- (i) development of the Tanzanian fishing industry;
 - (ii) training of Tanzanian citizens;
 - (iii) foreign exchange earnings for the United Republic;
 - (iv) investment in the United Republic;
 - (v) landing and domestic distribution activities;
 - (vi) development of export activities; and
 - (vii) establishment of a company under the Companies Act of Mainland Tanzania or the Companies Act of Tanzania Zanzibar with specified ownership, control and equity by Tanzanian citizens;
- (c) the joint venture, charter agreement, right or vessel approved under this Act shall:
- (i) be registered in Mainland Tanzania or Tanzania Zanzibar;
 - (ii) pay taxes and satisfy other financial obligations fully and promptly;
 - (iii) comply with all applicable laws in the United Republic;
- (d) a legally binding undertaking is submitted that all financial obligations of the foreign fishing vessel will be met promptly and effectively, including payment of all fees and any applicable fine, penalty or other determination which may result from the vessel's activities; and
- (e) in respect of a charter agreement, that the flag state is responsible for exercising full and effective control over the vessel when it is in areas beyond the national jurisdiction of the United Republic.
- (3) Unless a company is otherwise established under a joint venture or charter agreement, where the operator of the foreign fishing vessel is a company incorporated outside the

Cap. 212 United Republic and doing business within the United Republic, it shall establish a place of business within the United Republic that includes the requirements for significant benefit to the United Republic as provided for under subsection (2)(b) and shall comply with the requirements of the Companies Act of Mainland Tanzania and Tanzania Zanzibar.

(4) Any vessel fishing under an approved charter agreement shall be subject to all requirements of this Act in respect of foreign fishing vessels, including licensing and compliance agreements.

Agents

50.-(1) The operator of each foreign fishing vessel that applies for a licence under this Act shall designate a corporate person as an agent authorized to accept on behalf of such vessel service of process and any notices required to be served on the vessel and to provide such information as may be required under this Act with respect to the vessel and its activities, operator, master and crew members.

(2) A corporate person may be designated as agent only if it has been established pursuant to the laws applicable in the United Republic, and has provided full and correct information to the Director General as prescribed in the regulations.

PART VI
INFORMATION, DATA AND STATISTICS

Establishment of information system and register

51.-(1) There shall be established and maintained an information system and a register in order to meet national, regional and international requirements relating to information and data, and for purposes of supporting the objectives of this Act.

(2) The information system shall contain such information, data and statistics as may be prescribed in the regulations.

(3) The Director General shall appoint a registrar and assistant registrar of fishing licences and authorizations from amongst licensing officers who shall keep and maintain the register.

Public access to information

52. A person may, upon payment of such fee as may be prescribed by the Director General, access any non-confidential information from the register.

Confidential information

53.-(1) Any person carrying out duties or responsibilities under this Act shall not, unless authorized under this Act or in accordance with data confidentiality policy and procedures of a relevant regional fisheries management organization, reveal confidential information acquired by virtue of their duties and responsibilities to any person not having such duties and responsibilities.

(2) The Minister may make regulations prescribing the manner of revealing confidential information.

(3) For the purposes of this Act, “confidential information” means information referred to under section 54 and includes information that the Director General declares to be confidential.

Confidentiality of information in relation to vessel monitoring operations centre

54.-(1) Information received and recorded by the equipment in the vessel monitoring operations centre shall be treated as confidential and may only be revealed:

- (a) to a person who is gathering information in order to decide whether criminal proceedings may be instituted against any person;
- (b) to a prosecutor or legal representative who requires such information for the purpose of prosecuting or defending criminal proceedings;
- (c) to a person who is empowered to ensure compliance of the United Republic with obligations under international law;
- (d) to a relevant regional fisheries management organization, in accordance with its policy on confidentiality;
- (e) when the revealing of such information is necessary in order to conduct search or rescue operations in relation to any vessel; and
- (f) where the operator of the relevant fishing vessel gives permission for the revealing of the information.

(2) A person who obtains information for a purpose referred to in subsection (1) shall use the information for the purpose as requested and such information shall not be revealed to any other person.

(3) A person who reveals or uses the information contrary to this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to

this Act.

Technical requirements for Vessel Monitoring System

55.-(1) The Director General shall approve the technology to be used in relation to the Vessel Monitoring System required pursuant to this Act.

(2) The Director General may, in writing, prescribe or determine, technical requirements for mobile transceiver units.

(3) Any operator who fails to comply with the technical requirements designated by the Director General pursuant to subsection (2) in respect of the registered mobile transceiver unit commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

(4) The Director General may suspend or cancel the certificate of registration of a vessel where he is satisfied on reasonable grounds that part or all of the technical requirements designated pursuant to this Act are not being fulfilled.

Ownership of information

56. Ownership of any information required to be reported, notified or otherwise given to the Authority and all information generated by mobile transceiver units or similar device that is part of a vessel monitoring system or Automatic Identification System under this Act shall be vested in the Authority.

Information sharing

57. The Director General may prepare fisheries and vessel statistics and share the same with the Food and Agricultural Organization of the United Nations, regional or international organizations which the United Republic is a party.

Information to be submitted to relevant RFMOs and others

58. The Director General shall ensure that such information in relation to foreign fishing vessels and Tanzanian fishing vessels that hold a valid and applicable licence or authorization is submitted in electronic format, to a relevant regional fisheries management organisation as may be required by an applicable international conservation and management measure.

PART VII

QUALITY CONTROL, IMPORT AND EXPORT

Quality control for export of fish

59.-(1) The Minister may, in consultation with the Executive Committee and the Minister responsible for fisheries

and fish products

in Tanzania Zanzibar and on adoption of any applicable international conservation and management measure or international agreement, make regulations imposing or prescribing conditions, specifications or any requirement on any matter of quality of fish or fish products to be exported, including processing establishments.

(2) The Minister shall, in consultation with the Minister responsible for fisheries in Tanzania Zanzibar, designate a competent authority for quality control of fish or fish products to be exported.

(3) A person who fails to comply with any condition, specification or requirement prescribed in the regulations made under subsection (1), commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

Documentation required for import, export or re-export

60.-(1)The Director General shall ensure implementation of statistical documentation requirements of a relevant regional fisheries management organization for import, export or re-export of such species in accordance with such requirements as may be prescribed and by requiring:

- (a) submission of statistical documents by any person who imports, causes to import or intends to import any species of fish into the United Republic, including such statistical documents that may be adopted by a relevant regional fisheries management organization or prescribed under this Act;
- (b) validation by a government official or other authorized persons or institution of the flag state of the vessel that harvested targeted species, if the vessel is operating under a charter arrangement, by a government official or other authorized persons of the exporting state; and
- (c) validation of a re-export certificate by the Director of Fisheries for Mainland Tanzania or Tanzania Zanzibar as the case may be.

(2) The operator of any fishing vessel or any person who imports or causes to be imported an illegitimate shipment as may be prescribed in the regulations or any person who exports, causes to be exported or intends to export or re-export fish from the United Republic contrary to any requirements made under this Act commits an offence and shall, on

conviction, be liable to a fine set out in the Second Schedule to this Act.

PART VIII
MONITORING, CONTROL AND SURVEILLANCE

Monitoring,
control and
surveillance

61.-(1) The Authority shall ensure compliance with, and enforce the provisions of this Act, applicable international conservation and management measures and relevant international obligations of the United Republic through effective monitoring, control and surveillance.

(2) Monitoring, control and surveillance shall be carried out by fishery inspectors, authorized officers, observers and such other officers as the Director General may determine.

(3) The persons under subsection (2) shall have powers, authorities and responsibilities as provided for in this Act and any other relevant law.

(4) The Authority may, in discharging its duties, be equipped with such vehicles, aircrafts, patrol boats, communications equipment and any other equipment necessary for efficient and effective implementation of the provisions of this Act.

Port State
Measures
application and
implementation

62.-(1) The Port State Measures application and implementation shall apply to:

(a) foreign fishing vessels and fishing vessels not entitled to fly the flag of the United Republic that are seeking entry to a port or are in a port of the United Republic, except for:

(i) fishing vessels of a neighbouring state that are engaged in artisanal fishing for subsistence, provided that there is cooperation between the United Republic and such neighbouring state to ensure that such fishing vessels do not engage in illegal, unreported and unregulated "IUU" fishing; and

(ii) container vessels that are not carrying fish or, if carrying fish, are fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related

- activities in support of IUU fishing;
- (b) persons, vessels, vehicles, aircraft, export facilities or places engaged in or otherwise connected with any activity falling within the scope of this Act; and
 - (c) all fishing and fishing related activities in support of such fishing-
 - (i) in areas over which the United Republic exercises jurisdiction or sovereign rights; or
 - (ii) in areas beyond national jurisdiction-
 - (aa) by nationals of the United Republic, including fishing vessels, persons and all persons on board such vessels or dealing with them or having any relevant relationship to them, to the extent that it does not conflict with the jurisdiction of another state;
 - (bb) as required pursuant to this Act, international agreement, relevant regional fisheries management organization or applicable international conservation and management measures; and
 - (cc) otherwise in relation to illegal, unreported and unregulated “IUU” fishing and fishing related activities in support of such fishing consistent with international law.

(2) For the purposes of this section, the provisions of the First Schedule to this Act shall have effect to the illegal, unreported and unregulated “IUU” fishing.

Designation of ports

- 63.**-(1) The Ministers shall, in consultation with the Ministers responsible for maritime authorities-
- (a) designate and publicise the port or ports to which foreign fishing vessels may request entry; and
 - (b) provide a list of each port designated pursuant to paragraph (a) to any international organization and to any relevant regional fisheries management organization in accordance to an applicable conservation and management measure.
- (2) The Minister may, by regulations, prescribe the

manner and procedure for port entry, inspection and use of ports by fishing vessel.

Hot pursuit
Cap. 238

64.-(1) A fishery inspector or authorised officer shall, in accordance with the Territorial Sea and Exclusive Economic Zone Act or any other relevant law, have power to pursue a vessel beyond waters of the United Republic based on evidence from:

- (a) vessel monitoring system;
- (b) geographical positioning system;
- (c) air photographing;
- (d) satellite system; or
- (e) any other accepted international technological communication system.

(2) A fishery inspector or authorised officer shall, in the exercise of the right of hot pursuit take into consideration relevant bilateral, regional or international instrument to which the United Republic is a party.

(3) A fishery inspector or any authorized officer shall, after exercising powers under subsection (1), inform the Director General who through the Ministry responsible for foreign affairs shall further inform the embassy of the flag state.

(4) An operator of any fishing vessel who fails to comply with the order to stop or with any powers exercised by a fisheries inspector or authorized officer, commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act, and the licence or authorization of the fishing vessel may be cancelled and fish or fish products on board be forfeited.

PART IX
ARREST, SEIZURE, DISPOSAL, RELEASE AND FORFEITURE
OF SEIZED ITEMS

Arrest or
detention and
release of
foreign fishing
vessels and crew
or members

65.-(1) In cases of arrest or detention of foreign fishing vessels for a contravention of this Act, the Director-General shall promptly notify the flag state, through appropriate channels, on action taken and penalties subsequently imposed.

(2) Any foreign fishing vessels and its crew arrested for the contravention of any provisions of this Act relating to any act of fishing or fishing related activity shall be promptly

released upon the posting of a reasonable bond or other security in the manner provided for under this Act.

Seizure of
vessels, aircraft,
etc

66.-(1) The Director General or an authorized officer may seize:

- (a) any vessel or other conveyance, fishing gear, implement, appliance, material, container, goods, equipment or thing which the Director General or an authorized officer believes on reasonable grounds is being, has been or is intended to be used in the commission of an offence under this Act;
- (b) any fish or fish product, including any other fish with which such fish are intermixed, and the authorized officer believes on reasonable grounds are being or have been taken, killed, transported, bought or sold or have been found in the possession of any person in contravention of this Act;
- (c) any article, record or thing that the Director General or an authorized officer believes on reasonable grounds may provide evidence of an offence under this Act or contravention of an applicable international conservation and management measure;
- (d) any passport and seaman's record book:
 - (i) of the master and crew of a vessel directed to return to and remain in port pursuant to this Act until the vessel is permitted to depart;
 - (ii) of any person arrested, until that person is brought before a court; or
 - (iii) pursuant to any order of the court; and
- (e) any other item which the authorized officer has reasonable grounds to believe has been:
 - (i) or is being used or intended to be used to commit an offence under this Act;
 - (ii) forfeited under this Act; or
 - (iii) unlawfully removed from custody under this Act.

(2) An authorized officer shall deliver anything seized under subsection (1) into the custody of the Director General who shall ensure its safety under such procedures as may be prescribed.

(3) A written notice of the seizure and grounds for such seizure shall be given to the person from whom any article or thing was seized or to any other person whom the authorized officer believes is the owner or person otherwise entitled to possession of the article or thing seized.

(4) For purposes of this section, a vessel's equipment, gear, furniture, appurtenances, stores and cargo shall be deemed to form part of the vessel.

Disposal of perishable seized goods

67.-(1) Any perishable item, including fish and fish products, that has been seized or confiscated under this Act is subject to disposition by the Director General who may, after consultation with the Director of Public Prosecutions:

- (a) sell or authorize its sale;
- (b) otherwise dispose of the item at such time and place as the Director General determines; or
- (c) destroy the item.

(2) The Director General shall notify the owner or apparent owner of any perishable item seized at a reasonable time before selling the item in accordance with subsection (1), and such owner or his nominee may be present at the sale.

(3) Where the Director General cannot ascertain the true ownership of an item at the time of seizure, he shall make reasonable enquiries to ascertain the true owner, and if he has not ascertained the true owner within a reasonable time, taking into account the perishable nature of the item seized, he may sell, dispose of or destroy the item in accordance with subsection (1).

(4) A purchaser for valuable consideration of any item sold under this section shall derive good and unencumbered title in respect of that item.

(5) All items seized pursuant to this Act, and the proceeds from the sale of such items, shall be held in trust by the Director General until-

- (a) the Director of Public Prosecutions decides not to lay any information or charge in respect of any

alleged offence which relates to the seizure of the item; or

(b) the Court-

- (i) has completed its proceedings in respect of a charge or information laid for an offence which relates to the seizure of the item; and
- (ii) has issued an order in relation to the proceeds of sale of the item.

(6) The decision whether or not to lay any information or charge in respect of an alleged offence in relation to any item seized under this Act shall be made as soon as reasonably practicable after the item is seized, taken possession of or detained.

(7) The Director General, fishery inspector or an authorized officer lawfully exercising any power under this Act shall not be liable for any spoilage or deterioration in the quality of any fish or other item seized, taken possession of, or detained.

Release of
seized items
upon bond or
other security

68.-(1) A person from whom any item was seized pursuant to this Act or the owner or person entitled to possession of such item may, within sixty days after the seizure, apply to the Court for the release of the item.

(2) Upon receipt of an application under subsection (1) relating to the seizure of a foreign fishing vessel, the Court shall order:

- (a) that the owner or operator of the vessel pay into court a bond, surety or other security having regard to:
 - (i) the fair market value of the vessel and any items, including fish and fish products on board;
 - (ii) the maximum fine that applies for the offences or alleged offences that led to the seizure of the foreign fishing vessel; and
 - (iii) the costs likely to be recovered by the prosecution if a conviction is entered; and
- (b) that the vessel to be released upon receipt of the bond, surety or other security, subject to such conditions as the court may determine, unless the vessel is reasonably required as evidence in court proceedings or for any further investigation of offences under this Act.

(3) Upon receipt of an application under subsection (1) that does not relate to the seizure of a foreign fishing vessel, the Court may order-

(a) that the owner or operator of the item pay into the court a bond, surety or other security having regard to-

(i) the fair market value of the item and, in the case of a vessel, any other items including fish and fish products on board the vessel;

(ii) the maximum fine or fines that apply for the offences or alleged offences that led to the seizure of the item; and

(iii) the costs likely to be recovered by the prosecution if a conviction is entered; and

(b) the item to be released upon receipt of the bond, surety or other security and subject to such conditions as the court deems fit.

(4) In the event of an appeal from an order of forfeiture, the Court may, pending the final disposition of the appeal and of any retrial or rehearing on remand-

(a) continue any bond, surety or other security deposited in accordance with subsection (2) or (3); or

(b) require an additional bond, surety or other security to be deposited with it.

(5) Exoneration of any bond, surety or other security deposited in accordance with subsection (2) or (3) is conditional upon-

(a) the return of the released item to the court without any impairment of its value; or

(b) final disposition of, or discontinuation of proceedings under this Act and payment of any fines, penalties and other determination imposed by the Court.

(6) An item seized under this Act or a bond, surety or other security paid under subsection (2) or (3) shall be held until any proceedings under this Act have been disposed of or discontinued and any fines, penalties and other determinations imposed have been paid.

(7) Where a bond, surety or other security has been paid under subsection (2) or (3) and the item has been released-

- (a) the sum paid in respect of the value of the vessel or property shall be forfeited from the bond, surety or other security;
- (b) any fine or penalty ordered upon the conviction of any person who committed an offence which led to the seizure of the item shall be paid from the bond, surety or other security; and
- (c) any order for costs against a person accused of committing an offence against this Act which led to the seizure of the item shall be applied against the bond, surety or other security.

Release of
seized items by
Director General
or court

69.-(1) Subject to subsection (2), the Director General shall immediately release an item seized under section 66 of this Act, or immediately release the proceeds from the sale of such item, to the person entitled to the item, where-

- (a) the Director of Public Prosecutions decides not to lay an information or charge;
- (b) the persons charged with the offences that led to the forfeiture of the item have all been acquitted; or
- (c) all court proceedings relating to offences which led to the forfeiture of the item have been finally disposed of without any order for forfeiture have being made in accordance with this Act.

(2) The Court may direct:

- (a) that the release of any item seized or proceeds from the sale of the item under subsection (1), be contingent on payment of all fines, penalties, orders for costs and other determinations imposed in respect of any offence; and
- (b) that failing the payment referred to in paragraph (a), within the time allowed, the item seized be sold and the balance of the proceeds of sale be returned to the owner, his nominee or the apparent owner in accordance with this Act, after deducting all fines, penalties, orders, costs and other determinations imposed and the costs for the sale.

(3) Notwithstanding anything in this section, where an authorized officer returns to the water at the time of seizure any fish seized pursuant to this Act that he believes to be alive, the authorized officer shall have no criminal liability or civil liability to the person from whom the fish was seized, in the

event of a decision being made not to lay an information or charge in respect of the fish or of the person being acquitted of the charge.

Failure to comply with conditions of bond or other security

70. Where a person to whom an item is released under section 69 fails to comply with the conditions of the bond or other security posted for release of that item:

- (a) the Director General may direct the item to be re-seized at any time; or
- (b) the bond or security shall be automatically forfeited.

Forfeiture

71.-(1) Where a court convicts a person of an offence against this Act, it may order the forfeiture of any of the following:

- (a) any fish, fish product, vessel, including its gear, furniture, accessories, stores, cargo and aircraft gear, equipment, explosive or noxious substance or other item taken, used or otherwise involved in the commission of the offence, or otherwise as may be provided in this Act;
- (b) where a vessel was used in the commission of the offence, any fish on board the vessel at the time of the offence;
- (c) where an export storage facility was used in the commission of the offence, any fish or fish product in the facility at the time of the offence; or
- (d) where any fish has been sold under section 67, the proceeds of the sale of the fish.

(2) Notwithstanding section 67, where any fish or fish product which is subject to a ban imposed under this Act is seized and confiscated pursuant to this Act, it shall be forfeited.

(3) Any person who is aggrieved by a decision made pursuant to subsection (2) may apply to the Court for relief.

Disposal of forfeited items

72. Any item or security forfeited or confiscated under this Act shall be the property of the Government.

PART X
JURISDICTION, PROCEDURE AND LIABILITIES

Jurisdiction and standing

73.-(1) Any act or omission committed in areas beyond national jurisdiction of the United Republic to which this Act applies which constitutes a contravention of this Act shall be dealt with and judicial proceedings taken as if such act or omission had taken place in the United Republic within the jurisdiction of the High Court of Tanzania or the High Court of Zanzibar.

(2) Where an authorized person appointed under this Act is exercising any powers or performing duties conferred on such authorized person by this Act in areas beyond the Exclusive Economic Zone in connection with any act or omission of any person in contravention of this Act, that act or omission shall be deemed to have been committed within the jurisdiction of the High Court provided for under subsection (1).

Liability for loss or damage

74. A person who commits an offence under this Act may, on conviction or a determination under summary proceedings, be liable to the United Republic for-

- (a) any loss or damage caused by the offence;
- (b) any costs incurred in detecting, apprehending, investigating or prosecuting the offence; and
- (c) any costs incurred in detaining or seizing any property, fish, article or thing in respect of that offence,

and the amount of compensation for such loss, damage or costs may be awarded by the court or determined in summary proceedings as restitution in addition to, and recovered in the same manner as, a fine or determination.

Liability of operators

75. In any proceedings under this Act, the act or omission of a crew member of a fishing vessel or a person working in association with a fishing vessel is deemed to be that of the operator of the vessel, unless otherwise expressly provided.

PART XI
EVIDENCE

Presumptions

76.-(1) All fish found on board in any fishing vessel which has been used in the commission of an offence under this Act shall be presumed to have been caught during the commission of that offence, unless the contrary is proved.

(2) Where in any legal proceedings under this Act-

(a) the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place is presumed to be the place in which the event took place; and

(b) the production of a written copy or extract of the entry certified by an authorized officer as a true copy of the accurate extract shall be *prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft.

(3) Where in any legal proceedings relating to an offence under this Act:

(a) an authorized officer or observer gives evidence of reasonable grounds to believe any fish to which the charge relates were taken in a specified area of the Exclusive Economic Zone; and

(b) the court considers that, having regard to that evidence the grounds are reasonable,
the fish shall be presumed to have been so taken, unless the contrary is proved.

(4) Where in any legal proceedings for an offence under this Act-

(a) an authorized officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken by the use of driftnets; and

(b) the court considers that, having regard to the evidence, the grounds are reasonable,
the fish shall be presumed to have been so taken, unless the contrary is proved.

(5) Where any information is given in respect of any fishing or related activity of a fishing vessel, it is presumed to have been given by the operator, including the master, owner or

charterer of the vessel concerned, unless it is proved that it was not given or authorized to be given by any of them.

(6) Any entry in writing or other mark in or on a log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel is deemed to be that of the operator, including the master, owner and charterer of the vessel.

(7) Any position fixing instrument on board a vessel or aircraft used for the enforcement of this Act is presumed to be accurate.

Interfering with evidence

77.-(1) A person shall not interfere with evidence which may be related to an offence under this Act.

(2) Without prejudice to the generality of subsection (1), a person shall not-

- (a) being on board any fishing vessel being pursued, about to be boarded, being boarded or notified that it will be boarded by an authorized officer, whether within or beyond the Exclusive Economic Zone, throw overboard or destroy any fish, fish product, equipment, document, explosive, noxious substance or other thing with intent to avoid its seizure or the detection of any offence against this Act;
- (b) remove from custody any fishing vessel, fish, fish product, equipment or other item held in custody under this Act, or act or omit to act so that a vessel, fish, fish product, equipment or other item held in custody under this Act may be removed from custody, whether or not such person knew that the vessel, fish, fish product, equipment or other item was being held in custody;
- (c) destroy, damage, render inoperative or otherwise interfere with any premises or facilities licensed under this Act; or
- (d) where a mobile transceiver unit is required under this Act, whether within or beyond the Exclusive Economic Zone, destroy, damage, render inoperative or otherwise interfere with any part of such mobile transceiver unit aboard a vessel, or feed or input into a mobile transceiver unit or an applicable vessel monitoring system information or

data which is not officially required or is meaningless.

(3) A person who contravenes any provision of this section commits an offence and shall, on conviction, be liable to a fine set out in the Second Schedule to this Act.

PART XII
FINANCIAL PROVISIONS

Funds of
Authority

78. The funds and resources of the Authority shall consist of:

- (a) any sums which Authority may be appropriated by Parliament and the House of Representatives for the purposes of the Authority;
- (b) such sums of monies as may be payable to the Authority by way of borrowings, donations, gifts, grants, loans or bequests; and
- (c) such sums of monies as may be payable to or vested in the Authority as a result or in the course of discharging its functions under this Act.

Distribution of
funds

79.-(1) Any sum of monies vested in the Authority as a result or in the cause of discharging its functions under this Act, shall be distributed in the following manner:

- (a) fifty percent shall be retained by the Authority for the purposes of running operational costs of the Authority;
- (b) thirty percent shall be provided to the Government of the United Republic of Tanzania; and
- (c) twenty percent shall be provided to the Revolutionary Government of Zanzibar.

(2) The funds of the Authority shall be used as budgeted for.

(3) Without prejudice to subsection (2), the Authority may reserve some of its funds to meet future contingent liabilities as the Executive Committee may consider fit.

Annual budget
and estimates

80.-(1) At least three months before the commencement of any financial year, the Director General shall prepare or cause to be prepared for the approval of the Executive Committee annual estimates of the revenue and expenditure of the Authority for the ensuing financial year.

(2) The Executive Committee shall consider and approve, subject to any modifications and amendments which it may consider appropriate, the estimates prepared in accordance with subsection (1).

(3) The annual budget estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular:

- (a) for the payment of salaries allowances and other charges in respect of the staff, Executive Committee or any Committee of the Authority;
- (b) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Authority;
- (c) for the proper maintenance and replacement of furniture and equipment of the Authority;
- (d) for reserve funds to meet future contingent liabilities as the Executive Committee may think fit;
- (e) for the carrying out of surveillance, monitoring and control of fishing activities; and
- (f) for training of officers and staff and for scientific research.

(3) No expenditure shall be incurred for the purpose of the Authority except in accordance with the provisions of the annual budget estimates or any supplementary estimates approved by the Executive Committee.

(4) A copy of annual budget, supplementary budget and audit report of account approved by the Executive Committee shall be submitted to the Minister one month after commencement of financial year.

(5) A copy of the report under subsection (4) shall be submitted to the Minister responsible for fisheries in the Revolutionary Government of Zanzibar.

(6) The financial year of the Authority shall be the period of one year ending on the 30th June.

Investment of
funds of
Authority

81. The Executive Committee shall, with the approval of the Ministers after consultation with the Minister responsible for finance in Mainland Tanzania and Minister responsible for finance in Tanzania Zanzibar, have power to invest funds of Authority.

Remuneration of members of Committees

82. The Executive Committee may, with the approval of the Ministers and from time to time, prescribe emoluments and other allowances payable to members of Committees.

Account and audit

83.-(1) The Authority shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of monies by, and other financial transactions of the Authority and assets and liabilities of the Authority, and shall cause to be made out of every financial year a balance sheet showing the details of the income and expenditure of the Authority and all its assets and liabilities.

(2) Within three months after the close of each financial year, the accounts, including the balance sheet of the Authority in respect of that financial year, shall be submitted to and audited by the Controller and Auditor General.

(3) As soon as the accounts of the Authority have been audited, and in any case not later than six months after the closure of each financial year, the Executive Committee shall submit to the Ministers a copy of the audited statement of accounts, together with a copy of the report made by the Controller and Auditor General on the statements of the accounts.

Laying of report before National Assembly

84. The Ministers shall, as soon as practicable and after receiving statements of accounts, lay them before the National Assembly and the House of Representatives, as the case may be and such a report shall contain-

- (a) a copy of the audited accounts of the Authority;
- (b) a copy of audit report, if any; and
- (c) a copy of the Director Generals' report on the activities of the Authority in the preceding financial year.

Director General's report

85.-(1) The Director General shall, at the end of each financial year, prepare a report on the activities of the Authority during that financial year.

(2) The report referred to under subsection (1) shall contain-

- (a) activities conducted by the Authority;
- (b) activities conducted jointly with other organizations; and

(c) financial position of the Authority.

Borrowing by
Authority

86.-(1) The Director General may, where circumstances require the Authority to borrow funds, prepare and submit to the Executive Committee for approval, a financial plan showing the amount of monies to be borrowed, how monies will be used and how the Authority will benefit from the loan.

(2) Upon approval by the Executive Committee and the Minister responsible for finance in Mainland Tanzania, the Authority may borrow funds from any financial institution.

Procurement and
disposal of
assets
Cap. 411

87. A Tender Board of the Authority shall be established by the Executive Committee in accordance with the Public Procurement Act to address the procurement of goods and services including consultancies, works and disposal of public assets.

PART XIII

OFFENCES AND PENALTIES

Offences and
penalties

88.-(1) Unless otherwise provided in this Act, the maximum fines shall be as set out in the Second Schedule to this Act.

(2) The maximum fine referred to under subsection (1) may be paid in Tanzanian shillings equivalent to the United States dollars set out in the Second Schedule.

General
penalties

89.-(1) For an offence for which no other fine or penalty is specifically provided, the Court may subject a person guilty of any offence under this Act to the following:

- (a) a fine of up to ten thousand United States dollars or twice the economic benefit that the person obtained through the violation, whichever is greater;
- (b) for intentional violations or violations resulting from gross negligence, a fine of up to one hundred thousand United States dollars or three times the economic benefit that the person obtained through the violation, whichever is greater.

(2) For violations resulting in damage to fish or the marine environment in general, an additional fine equal to twice the value of the reduction in market value caused by the violation, twice the total cost of restoration of the fisheries

resources or twice the total cost of restoration of the environment, whichever is greater.

Deprivation of monetary benefits

90. Where a person is convicted of an offence under this Act, and the court is satisfied that as a result of committing the offence the person acquired monetary benefits or monetary benefits accrued to the person, the court may, notwithstanding the maximum amount of any fine that may otherwise be imposed under this Act, order the person to pay an additional fine in an amount equal to the court's finding of the amount of those monetary benefits.

Court may order additional penalties and compensation

91. In addition to any fine provided for under this Act, the court may order:

- (a) compensation to be paid to the owner of any property damaged or destroyed as a direct result of the offence; and
- (b) compensation for the cost of clearing any pollution of the Exclusive Economic Zone that may have been caused as a direct result of the offence or removing any objects that continue to cause such pollution.

Increased maximum fine for body corporate

92. Where a body corporate is convicted of an offence under this Act, the court may impose a fine of up to three times of the maximum fine specified for the offence.

Continuing offences and repeat offenders

93.-(1) Each day of a continuing offence shall be considered a separate offence.

(2) Subject to subsection (1) and without prejudice to any other penalty which may be imposed under this Act, a fine imposed shall be twice times the fine imposed for the previous offence.

Banning order

94.-(1) In addition to any other fine or penalty provided under this Act, the court or the Director General in consultation with the Director of Public Prosecutions may order an owner or operator to be banned from fishing in the Exclusive Economic Zone for a period of up to five years if that person has committed:

(a) an offence involving unlicensed fishing; or

(b) multiple offences against this Act,

and shall order owner or operator to be banned from fishing in the Exclusive Economic Zone if that owner or operator has been found by a court to have committed any offence or offences against this Act on three separate occasions.

(2) The operator or master who contravenes any provision of this Act, commits an offence and shall, on conviction, be liable to the maximum fine set out in the Second Schedule to this Act.

Compounding of offences

95.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director General or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding two thirds of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Director General or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Director General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Director General shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) The forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

PART XIV

GENERAL PROVISIONS

Relationship with other laws of United Republic

96. Without prejudice to section 2(2), in the event of a conflict or inconsistency between this Act and any other written law enforced relating to deep sea fishing in the United Republic, this Act shall take precedence.

Notifications

97.-(1) Any notification required under this Act shall be in writing.

(2) Except as otherwise specified in this Act, if under this Act any notice or other document is to be given, served on or furnished to any person, that notice or other document may be:

- (a) given to the person personally;
- (b) given personally to any other person authorized to act on behalf of the person;
- (c) in the case of a notice or document to be given or served in the course of or for the purpose of any proceedings for an offence under this Act, given to such person as the court may direct;
- (d) except in the case of a notice or document referred to in paragraph (c), submitted by post to the person or any other person authorized to act on that person's behalf, at the person's usual or last known place of business or abode;
- (e) except in the case of a notice or document referred to in paragraph (c), submitted by electronic transmission to the person, or any other person authorized to act on the person's behalf, at the person's usual or last known address, and for the purpose of this paragraph:
 - (i) "electronic transmission" means any transmission of information sent electronically and includes any transmission sent by facsimile, electronic mail or electronic data transfer; and
 - (ii) "address" includes a facsimile number or an electronic mail address.

(3) Where an operator of a foreign fishing vessel is a defendant in a prosecution for an offence against this Act, and notwithstanding any other law, service on the defendant of any summons or other documents may also be effected:

- (a) by being delivered personally to the agent of the vessel on behalf of the defendant or being brought to the notice of the agent if that agent refuses to accept it on behalf of the defendant;
- (b) by being submitted to the agent of the vessel, by

registered letter to that agent on behalf of the defendant at the agent's last known or usual place of residence or that agent's place of business; or

- (c) where no agent has been nominated in respect of any foreign vessel, by being delivered or submitted under paragraph (a) or (b) to the master of the vessel.

(4) Any notice or document so submitted by post or electronic transmission is deemed to have been given, served or received seven working days after the date on which it was posted or submitted, unless the person to whom it was posted or submitted proves that, otherwise than through that person's fault, the notice or document was not received.

Authority may enter into agreements with Mainland Tanzania and Tanzania Zanzibar

98.-(1) The Director General may, upon the recommendation of the Executive Committee, enter into an agreement with fisheries and other relevant authorities in Mainland Tanzania and Tanzania Zanzibar to further the purposes of this Act, including an agreement with respect to one or more of the following:

- (a) facilitating cooperation between the parties to the agreement, including facilitating joint action in areas of common interest, reducing overlap between their respective programs and otherwise harmonizing those programs;
 - (b) facilitating enhanced communication between the parties, including the exchange of scientific, economic, social and other information;
 - (c) facilitating public consultation or the entry into arrangements with third-party stakeholders; and
 - (d) such other area that may be agreed by the parties.
- (2) An agreement may establish:
- (a) the roles, powers and functions of the parties;
 - (b) programs and projects;
 - (c) principles and objectives of the parties' respective programs and projects;
 - (d) standards, guidelines and codes of practice to be followed by the parties in the administration of their respective programs and projects;
 - (e) processes for policy development, operational planning and communication between the parties, including the exchange of scientific and other

- information;
- (f) the administrative structures that will be used to carry out the agreement's objectives;
- (g) the power of the parties to create committees and public panels and to conduct public consultations;
- (h) the circumstances and manner in which each party is to provide information on and cooperate in the administration and enforcement of its legislation that is relevant to the other parties; and
- (i) such other area that may be agreed by the parties.

Affiliation

99. The Authority may, in performing its functions under this Act, establish and maintain a system of collaboration, affiliation, consultation and cooperation with Defence and Security Organs, Treasury, Customs, Marine Research Institutions, the Commission for Science and Technology and any other person or body of persons established by or under any relevant law and having functions related to those of the Authority.

Appeals

100.-(1) A person who is aggrieved by any decision or order issued by the Authority under this Act may appeal to the Minister.

(2) Subject to subsection (1), procedures for appeals shall be prescribed in the regulations.

Regulations.

101.-(1)The Minister may, in consultation with the Minister responsible for fisheries in Tanzania Zanzibar, make regulations prescribing:

- (a) management of the Authority;
- (b) managing, regulating or controlling fishing and related activities;
- (c) implementing any provisions of, or giving effect to, any international agreement, including international conservation and management measures;
- (d) requirements, processes and other relevant matters for access agreements, licences, authorizations and other forms of permission within the scope of this Act;
- (e) monitoring, control and surveillance of fishing and related activities, including rules for procedures for

- the conduct of boarding and inspection of fishing vessels within and beyond the Exclusive Economic Zone;
- (f) regulating or prohibiting activities which may have an adverse impact on fishery resources or the marine environment;
 - (g) regulating, controlling and managing research, statistical data, surveys, education and training regarding fish, fisheries activities and the marine environment;
 - (h) entering into agreements with Mainland Tanzania and Tanzania Zanzibar for cooperation and coordination in matters relating to this Act;
 - (i) forms, schedules and other documentation required under this Act;
 - (j) conditions of use and marking of vessels, gear, equipment and other items permitted in accordance with this Act;
 - (k) disposition of bycatch, possession, processing, and disposal of fish or fish products;
 - (l) the account, record, document or information that any person or class of persons may be required to keep or provide for the purposes of this Act, including:
 - (i) the manner and form in which such account, record, document or information is to be kept, furnished or communicated;
 - (ii) the time for or within which such account, record, document or information is to be kept, furnished or communicated;
 - (iii) the person by or to whom such account, record, document or information is to be kept, furnished or communicated; and
 - (iv) the places where such account, record, document or information is to be kept, furnished or communicated;
 - (m) for the making of orders for any purpose under this Act; or
 - (n) any other matter under the scope of this Act which is required or otherwise consistent with the objective and needed to be prescribed.
- (2) The Minister may, in consultation with the relevant

authority in respect of each of the following matters, make regulations:

- (a) prescribing fees, charges, levies, resource rent or royalties payable in respect of any matter under this Act;
- (b) regulating the construction and import of fishing vessels and prescribing construction standards for fishing vessels;
- (c) defining required prerequisites for the registration of fishing vessels in the United Republic;
- (d) prescribing safety standards and requirements for fishing vessels;
- (e) prescribing conditions for working on fishing vessels taking into account agreed international standards; and
- (f) prescribing manning and competency requirements for national fishing vessels.

Repeal and
savings
Cap. 388

102.-(1) The Deep Sea Fishing Authority Act, is hereby repealed.

- (2) Notwithstanding the repeal under subsection (1):
 - (a) regulations or orders made under the repealed Act prior to the commencement of this Act shall remain effective and in force unless they are amended, revoked or replaced by regulations made under this Act;
 - (b) all licences, permits, authorizations and other instruments or documents granted or issued under the repealed Act, shall, so long as they on the date of commencement of this Act continue in full force and effect until they expire, cease to have effect or are replaced; and
 - (c) the current employees of the Authority shall continue to execute their duties until their employments or appointments expire or are terminated.

FIRST SCHEDULE

ILLEGAL, UNREPORTED AND UNREGULATED FISHING

(Made under section 62(2))

“Illegal, Unreported and Unregulated Fishing” shall have the same meaning that appears in the 2001 FAO International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, as shown below.

1. Illegal fishing refers to activities:
 - 1.1 conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
 - 1.2 conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
 - 1.3 in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.
2. Unreported fishing refers to fishing activities:
 - 2.1 which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
 - 2.2 undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.
3. Unregulated fishing refers to fishing activities:
 - 3.1 in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
 - 3.2 in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

SECOND SCHEDULE

(Made under section 88)

OFFENCES AND FINES

Section, subsection including any part thereof	Contents of the Section Contravened	Maximum fine US Dollars
20(5)	Conflict of Interest	1 million
21 (5)	Conservation and management measures	200 000
23 (4)	Implementation of Regional conservation and management measures	200 000
27 (3)	Prohibition to tamper with or destroy property of another in the EEZ	500 000
28 (2)	Prohibition to use, possess on a vessel, import, purchase, sell prohibited gear	750 000
29 (2)	Prohibition of interference with inspected fish and fish products	500 000
30 (2)	Prohibition of possession, trade or export in fish, fish products taken or obtained in contravention of Act	500 000
31 (4)	Prohibition of trade in fish and fish products taken or obtained in contravention of the laws of another State	750 000
32 (3)	Declaration of and prohibitions respecting protected, threatened or endangered species	250 000
33(4)	Designation of zones or areas	750 000
34 (5)	Marine environmental quality	1 million
36 (2)	Terms and conditions for compliance by holders of licences, authorizations, other permissions	750 000
37 (2)	Gear stowage	750 000
38 (3)	Prohibitions on the use of fishing vessels for purposes related to transnational organized crime and on individuals in or associated with a transnational criminal group to engage in any activity under the scope of this Act	2 million
39 (2)	Transshipment at sea prohibited	750 000
41 (2),	Requirements for nationals and vessels of the United Republic in areas beyond national jurisdiction	1 million
42 (2)	Requirements for conditions of personnel on board United Republic vessels in areas beyond national jurisdiction and licensed vessels in EEZ	2 million
44(2)	Requirement for vessel operator of Tanzanian vessel to provide cooperation in other state's ports	1 million
46 (2)	Foreign fishing vessels to comply with legislation of the United Republic	1 million
54 (3)	Confidentiality of information in relation to Vessel Monitoring Operations Centre	250 000

Section, subsection including any part thereof	Contents of the Section Contravened	Maximum fine US Dollars
55(3)	Technical requirements for Vessel Monitoring System	250 000
59(3)	Quality control of fish or fish products	250,000
60(2)	Requirement to keep documents for export or import of fish	1 million
64 (4)	Hot pursuit	1 million
77 (3)	Interfering with evidence	750 000
94(2)	Banning Order	750 000

Passed by the National Assembly on the 21st May, 2020.

STEPHEN KAGAIGAI
Clerk of the National Assembly

GOVERNMENT NOTICE No.334 Published On 23/4/2021

THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT ACT,
(CHAPTER 388)

REGULATIONS

(Made under section 101)

THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT REGULATIONS, 2021

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GOVERNMENT NOTICE No.334 Published On 23/4/2021

THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT ACT

(CHAPTER 388)

REGULATIONS

(Made under section 101)

THE DEEP SEA FISHERIES MANAGEMENT AND DEVELOPMENT
REGULATIONS, 2021

PART I
PRELIMINARY PROVISIONS

- Short title 1. These Regulations may be cited as the Deep Sea Fisheries Management and Development Regulations, 2021.
- Interpretation 2. In these Regulations, unless the context otherwise requires-
- Cap. 388 “Act” means the Deep Sea Fisheries Management and Development Act;
- “agent” means a person designated by the operator of a foreign fishing vessel and accredited under these Regulations to represent that operator;
- “Authority” means the Deep Sea Fishing Authority established under section 5 of the Act;
- “authorized officer” has the meaning ascribed to it under the Act;
- “bioprospecting” means the exploration for plant and animal species from which medicinal drugs and other commercially valuable compounds can be obtained;
- “cetaceans” means marine mammals including whale’s dolphins and porpoises;
- “electronic logbook” means a computerized record of information and data relating to fishing or related activities, and in such template, as may be required, including pursuant to any international conservation and management measure, required to be transmitted by the operator of a fishing vessel to the Director General;
- “exploratory fishing” means fishing for scientific purposes excluding commercial fishing, and is normally carried out to explore and identify new stocks of fish or those that

were previously unexploited in order to assess the potential for management and development of commercial fisheries;

“fish product” means any part or product derived from aquatic species, intended for human consumption and other uses, exported from a nation, whether or not taken by fishing vessels of that nation or packed, processed, or otherwise prepared for export in that nation or within the jurisdiction thereof;

“fishery inspector” means any person appointed as inspector under section 16(1)(n) of the Act;

“fishery observer” means any person appointed as observer under section 16(1)(n) of the Act;

“International Conservation and Management Measure” which is also known by its acronym as “ICMM” means any measure to conserve and manage fish or fisheries that are adopted and applied consistently with the relevant rules of international law, including those reflected in the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement, by any regional fisheries management organization, treaty, agreement or arrangement applicable to the United Republic;

“large-scale driftnets” means gillnets or other nets or a combination of nets that are more than two and a half kilometers in length whose purpose is to enmesh, entrap or entangle fish by drifting on the surface of, or in the water column;

“licensing officer” means a person appointed under section 16(1)(n) of the Act;

“marine scientific research” shall include bioprospecting and exploratory fishing operations;

“Regional Fisheries Management Organization” which is also known by its acronym as “RFMO” means an inter-governmental fisheries organization or arrangement, as appropriate, that has the competence to establish international conservation and management measures;

“shark finning” means the taking of a shark, removing its fin or fins, whether or not including the tail, and returning the remainder of the shark to the sea;

“tuna” refers to bigeye tuna (*Thunnus obesus*), skipjack tuna (*Katsuwonus pelamis*), albacore tuna (*Thunnus alalunga*); and yellow fin tuna (*Thunnus albacares*);

“tuna-like species” refers to kawakawa (*Euthynnus affinis*), frigate tuna (*Auxis thazard*), bullet tuna (*Auxis rochei*), Narrow barred Spanish Mackerel (*Scomberomorus*

commerson), Indo-Pacific king mackerel (*Scomberomorus guttatus*), Blue Marlin (*Makaira nigricans*), Black Marlin (*Makaira indica*), Striped Marlin (*Tetrapturus audax*), Indo-Pacific Sailfish (*Istiophorus platypterus*) and Swordfish (*Xiphias gladius*);

"unfit for human consumption" means any fish meshed or crushed in the purse seine, damaged due to depredation or has died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive, provided that it does not include any fish considered undesirable in terms of size, marketability, or species composition; or is spoiled or contaminated as the result of an act or omission of the crew of the fishing vessel.

PART TWO
FISHERIES CONSERVATION, MANAGEMENT AND DEVELOPMENT

Principles of sustainable fishery management and development

3. The Authority shall, in performing the functions and exercising powers under these Regulations, observe the principles of sustainable fishery management and development, the principles shall include-

- (a) precautionary principle;
- (b) polluter pays principle;
- (c) principle of ecosystem integrity;
- (d) principle of public participation; and
- (e) principle of international and regional cooperation in management of fishery resources.

Conservation and management measures

4. The conservation and management measures may, pursuant to section 21(2) of the Act,-

- (a) provide for allocations, areas, gear, closures, effort limitation, fishing capacity, quotas, participatory rights and reporting;
- (b) prohibit the landing, transporting, transshipping, receiving or possession of fish, and any activity within the scope of these Regulations;
- (c) provide for the restoration of fish stocks;

- (d) provide positive incentives for the sustainable business development of the fishing industry and for full compliance; and
- (e) provide for any other measure consistent with international agreement to which the United Republic is a part.

Retention on board of albacore, bigeye tuna, skipjack tuna and yellowfin tuna

5.-(1) The operator of any fishing vessel in the Exclusive Economic Zone or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO equipped with purse seine gear shall-

- (a) retain on board and then land all albacore tuna, bigeye tuna, skipjack tuna and yellowfin tuna caught, except tuna considered unfit for human consumption; and
- (b) retain on board and then land, to the extent practicable, non-targeted species including other tunas or species group, except fish considered unfit for human consumption.

(2) The operator of a fishing vessel shall not discard or cause or allow to be discarded, tuna caught after the point in the set when the net is fully pursed and more than one half of the net has been retrieved.

(3) Where equipment malfunctions affect the process of pursing and retrieving the purse seine net in such a way that the requirement in sub regulation (2) cannot be complied with, the operator shall ensure that the tuna caught are released as soon as possible.

Conservation of sharks

6.-(1) The operator of any fishing vessel in the Exclusive Economic Zone, or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall not-

- (a) engage in commercial fishing of sharks;
- (b) engage in shark finning in the course of fishing;
- (c) possess, store, transship or land, or attempt to transship, land, buy or sell any-
 - (i) shark fin including the tail that is not naturally attached to the whole corresponding carcass or as otherwise provided under the Act or these Regulations; or
 - (ii) species of shark, in whole or in part, that is prohibited by an ICMMs to be retained on

- board, transhipped, stored or otherwise; or
- (d) possess, use or caused to be used a trace wire or J-hook for the purpose of fishing.

(2) The operator of a fishing vessel shall release or cause to be released any species of shark which is caught as soon as possible after the shark is brought alongside the vessel, and to do so in a manner that results in as little harm to the shark as possible.

Conservation of sharks caught in association with fisheries

7. The operator of any fishing vessel in the Exclusive Economic Zone, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO in relation to sharks that have been caught in association with fisheries managed under the Act or by a relevant RFMO shall:

- (a) not land, retain on board, tranship or carry shark fins which are not naturally attached to the shark carcass until the first point of landing where sharks landed are fresh;
- (b) not cause or allow at any time on board the fishing vessel shark fins that total more than 5 per cent of the weight of sharks on board, up to the first point of landing where sharks are landed frozen;
- (c) ensure compliance with any requirement made by the Director General to verify compliance with paragraph (b) through certification, monitoring by an observer or other measures;
- (d) not cause or allow any shark fins harvested in contravention of this regulation to be retained on board, transhipped or landed; and
- (e) cause the release of live sharks, especially juveniles and pregnant sharks, to the extent possible, that are caught incidentally and are not used for food or subsistence.

Conservation of thresher sharks family *alopiidae* and oceanic whitetip sharks *carcharhinus*

8.-(1) The operator of any fishing vessel in the Exclusive Economic Zone, or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall-

- (a) not engage in or allow fishing for thresher sharks and oceanic whitetip sharks;

longimanus

- (b) not allow or cause to be retained onboard, tranship, land or store any part or whole carcass of thresher sharks and oceanic whitetip sharks with the exception of subregulation (2);
- (c) promptly release unharmed, to the extent practicable, thresher sharks and oceanic whitetip sharks when brought alongside the fishing vessel for the purpose of taking onboard, including where they are identified on the line before bringing them onboard; and
- (d) keep full, complete and accurate records of all catches, incidental catches and live releases of thresher sharks and oceanic whitetip sharks, including in the fishing logbook of the relevant fishing vessel.

(2) Where a fishing vessel described in subregulation (1)(b) is involved in fishing activities that result in the taking of thresher sharks or oceanic whitetip sharks that are dead when the fishing gear is hauled back to the vessel, the operator shall allow and assist any observer on board to collect biological samples from thresher sharks or oceanic whitetip sharks taken in the area of competence of a relevant RFMO, provided that the samples are part of a research project of such RFMO.

Conservation
of cetacean
and whale
sharks
rhincodon
typus

9.-(1) The operator of any fishing vessel in the Exclusive Economic Zone or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall not intentionally cause or allow a purse seine net to be set around any protected, threatened or endangered cetacean or whale shark if it is sighted prior to the commencement of the set.

(2) Where any cetacean or whale shark is unintentionally encircled in a purse seine net, the operator referred to in sub regulation (1) shall-

- (a) take all reasonable steps to ensure the safe release of any cetacean or whale shark, while taking into consideration the safety of the crew, in accordance with best practice guidelines for the safe release and handling of cetacean or whale shark developed by the subsidiary scientific body of a Scientific Committee of a relevant RFMO; and
- (b) report the incident to the Director General with the following information-
 - (i) in respect of a cetacean, the species if known;
 - (ii) the number of individuals;
 - (iii) a short description of the interaction,

including details of how and why the interaction occurred, if possible;

- (iv) the location of the encirclement;
- (v) the steps taken to ensure safe release; and
- (vi) an assessment of the life status of the animal on release, including whether the cetacean or whale shark was released alive but subsequently died.

(3) An operator who uses gear types other than purse seiners for fishing tuna and tuna-like species associated with cetacean or whale shark shall report all interactions with cetacean or whale shark to the Director General.

(4) The report under sub regulation (3) shall include information as provided under subregulation (2)(b)(i) to–(vi).

Conservation
of marine
turtles

10. The operator of any fishing vessel in the Exclusive Economic Zone, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall-

- (a) ensure that any captured marine turtle that is comatose or inactive is brought aboard, where practicable, as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water;
- (b) where such fishing vessel is equipped with gillnet gear, record or caused to be recorded all incidents involving marine turtles during fishing operations in their logbooks and report such incidents to the Director General;
- (c) where such fishing vessel is equipped with longline gear-
 - (i) carry line cutters and de-hookers on board the fishing vessel in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled;
 - (ii) where appropriate, encourage the use of whole finfish bait; and
 - (iii) record all incidents involving marine turtles during fishing operations in their logbooks, including the species of the marine turtle, and report such incidents to the Director General;
- (d) where such fishing vessel is equipped with purse seine gear-
 - (i) to the extent practicable, avoid

encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle;

- (ii) to the extent practicable, release all marine turtles observed entangled in Fish Aggregating Devices or other fishing gear;
- (iii) if a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water, disentangle the turtle without injuring it before resuming the net roll and, to the extent practicable, assist the recovery of the turtle before returning it to the water;
- (iv) carry and employ dip nets, when appropriate, to handle marine turtles; and
- (v) record all incidents involving marine turtles during fishing operations in their logbooks and report such incidents to the Director General.

Incidental by catch of seabirds in longline fisheries

11.-(1) The operator of any fishing vessel in the Exclusive Economic Zone or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall make such reports of incidental bycatch of seabirds as may be required by the Director General.

(2) Where a Tanzania fishing vessel is in an area of competence of a relevant RFMO, including the Exclusive Economic Zone, and is in south of 25 degrees' south latitude, the operator shall use and comply with mitigation measures and technical standards.

Fishing vessel and gear set marking

12.-(1) The operator of a fishing vessel in the Exclusive Economic, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall ensure that-

- (a) the fishing gear set marking of a licensed fishing vessel are as follows-
 - (i) the ends of nets, lines and gear in the sea, shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent;

- (ii) marker buoys and similar objects floating on the surface, and intended to indicate the location of fixed fishing gear, shall be clearly marked at all times with the letter or number of the vessel to which they belong;
 - (iii) each and every buoy used for setting gill nets, long lines and set nets shall be marked with the license number or local identification mark assigned to the vessel utilizing the gear;
 - (iv) the identification marks shall be in block letters and numbers;
 - (v) letters and numbers shall be as large as the surface of the buoy permits;
 - (vi) the identification mark shall be in either white or black, whichever colour gives the higher contrast to the colour of the buoy;
 - (vii) good quality marine paint shall be used in writing the identification marks; and
 - (viii) the identification marks and the surrounding background shall be maintained in a good condition all times;
- (b) the fishing vessel marking requirements or conditions.

(2) The operator of a fishing vessel shall, while in an unauthorized fishing area in the United Republic, ensure that fishing gear and any other equipment on board used for fishing are covered and secured in such a manner that they cannot be used in fishing.

Fish
Aggregating
Devices

13. The operator of a fishing vessel in the Exclusive Economic Zone, or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO equipped with purse seine gear or used as a bait boat that uses Fish Aggregating Devices equipped with instrumented buoys for the purpose of aggregating tuna target species shall-

- (a) maintain and keep current on board the fishing vessel at all times a Fish Aggregating Devices logbook;
- (b) mark all artificial Fish Aggregating Devices deployed or modified by the fishing vessels in the area of competence of a relevant RFMO;
- (c) ensure that the Fish Aggregating Devices are designed and deployed in accordance with the

following principles-

- (i) the surface structure of the Fish Aggregating Devices is not covered, or only covered with non-meshed material;
- (ii) if a sub-surface component is used, it is not made from netting but from non-meshed materials such as ropes or canvas sheets; and
- (iii) to reduce the amount of synthetic marine debris, natural or biodegradable materials such as hessian canvas, hemp ropes and others for drifting Fish Aggregating Device is used.

Prohibition to use artificial lights to attract tuna or tuna-like species

14.-(1) An operator of a fishing vessel in the Exclusive Economic Zone, or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO, shall not use, install or operate surface or submerged artificial lights, including on drifting Fish Aggregating Devices, for the purpose of aggregating any tuna or tuna-like species.

(2) For the purpose of this regulation “fishing vessel” includes support, supply and auxiliary vessels, in the Exclusive Economic Zone or any Tanzanian fishing vessel within the area of competence of a relevant RFMO.

Prohibition to fish on data buoys

15.-(1) A person, including the operator of any fishing vessel in the Exclusive Economic Zone, or Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO, shall not deploy a data buoy unless the Director General has been notified of such deployment and provided with such information as may require.

(2) The operator of any fishing vessel in the Exclusive Economic Zone, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall not cause or allow fishing within one nautical mile of or interactions with a data buoy, which includes-

- (a) encircling the buoy with fishing gear;
- (b) tying up to or attaching the vessel, or any fishing

gear, part or portion of the vessel, to a data buoy or its mooring; or

(c) cutting a data buoy anchor line.

(3) Notwithstanding subregulation (2), fishing vessels operating under scientific research programs notified to a relevant RFMO may operate within one nautical mile of a data buoy on the condition that they do not fish or interact with those data buoys.

(4) The operator of any fishing vessel in the Exclusive Economic Zone, or of any Tanzanian fishing vessel within the area of competence of a relevant RFMO, shall-

(a) not cause to be taken on board a data buoy while engaged in fishing in the area of competence of a relevant RFMO, unless specifically authorized or requested to do so by the Director General or the owner responsible for that buoy;

(b) keep watch for moored data buoys at sea and take all reasonable measures to avoid fishing gear entanglement or directly interacting in any way with such data buoys; and

(c) where the fishing vessel or gear becomes entangled with a data buoy, remove the entangled fishing gear without damage to the data buoy.

Prohibition to use large-scale driftnets

16.-(1) The operator of a fishing vessel in the Exclusive Economic Zone, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO or otherwise beyond areas of national jurisdiction shall not use large-scale driftnets.

(2) An operator of a fishing vessel shall be presumed to have used large-scale driftnets if it is found operating in the Exclusive Economic Zone or in the area of competence of a relevant RFMO and the vessel is configured to use large-scale driftnets.

(3) For the purpose of this regulation "configured to use large-scale driftnets" means having on board assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets.

Prohibition to use aircraft

17.-An operator of a fishing vessel including support, supply and auxiliary vessels, in the Exclusive Economic Zone, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO, shall not use aircraft or unmanned aerial vehicles, as fishing aids, unless with authorization made under regulation 35(1)(c).

Surface or midwater trawl and other fishing methods

18. A person shall not, unless with the valid license issued under this regulation, undertake surface or midwater trawling fishing in the Exclusive Economic Zone.

(2) An applicant for a license to undertake fishing under subregulation (1), shall comply with the following requirements-

- (a) be a Tanzanian national;
- (b) where the applicant is a company, be registered under the company laws of the United Republic and the majority of shares owned by Tanzanian nationals;
- (c) the fishing vessel is registered under the laws of the United Republic; and;
- (d) the applicant lands all fish caught in the Exclusive Economic Zone at designated ports prior to exiting waters under the jurisdiction of the United Republic.

General punishment

19.-(1) Any operator who fails to comply with the requirements under regulations 5, 6, 7, 8, 9, 10 or 11 commits an offence and upon conviction shall be liable to a fine not exceeding two hundred thousand USD.

(2) Any operator who fails to comply with the requirement under regulations 10, 12, 13, 14, 15, 16, 17 or 18, commits an offence and shall, upon conviction be liable to a fine not exceeding seven hundred and fifty thousand USD.

PART THREE

LICENSES, AUTHORIZATIONS AND PERMISSIONS

Licensing Officers

20.(1) There shall be a licensing officer appointed by Director General as provided under section 16(1)(n) of the Act.

(2) A licensing officer shall be a person with knowledge and at least three years' experience in fisheries or nautical sciences.

Duties of
licensing
officer

- 21.**-(1) The licensing officer shall-
- (a) keep and maintain records for applications received, vessels inspected and licenses, authorizations or other forms of permission issued, including details of each;
 - (b) process applications for consideration;
 - (c) maintain records of the issuance, denial, suspension and cancellation or revocation of licenses, authorizations or other forms of permission; and
 - (d) input information and data as may be necessary to the information system of the Authority.
- (2) The licensing officer shall, when discharging his duties, be responsible to the Director General.

Fishing
licenses

- 22.**-(1) There shall be fishing licenses in the format as the Director General may determine.
- (2) A fishing license shall be issued in respect of -
- (a) foreign fishing vessel; or
 - (b) national fishing vessel.

Application
for license,
authorization
or permission

- 23.**-(1) An application for a license, authorization or permission shall, be accompanied with all information stated in the application form for license, authorization or permission as prescribed in Form 1 and 2 of the First Schedule to these Regulations.
- (2) The applicant for a license, authorization or permission shall be required to-
- (a) pay application fees to be determined from time to time by the Director General;
 - (b) provide any other information as the Director General may require.
- (3) The Director General shall, if satisfies that-
- (a) the applicant has complied with the requirements, notify the applicant in writing to proceed with the licensing process; or
 - (b) the applicant has not complied with the requirement, refuse the application and notify the applicant stating reasons for such refusal.

Pre-licensing
inspection

- 24.**-(1) The operator of a fishing vessel whose application has complied with the requirement for a license, authorization or

requirements permission shall avail the vessel intended to be used for fishing or related activities for pre-licensing inspection either at designated ports or any other port outside the United Republic.

(2) Where the applicant has nominated a port other than designated ports and approved by the Director General, he shall bear all costs for pre-licensing inspection of the vessel in the nominated port at a rates determined by the Director General from time to time.

(3) The licensing officer shall verify the pre-licensing inspection of a vessel in accordance with submitted information and standard prescribed under regulation 62.

Grant or refusal of licenses, authorizations or permissions

25.-(1) The Director General may, within seven days after pre-licensing inspection process has completed, grant or refuse to grant a fishing license, authorization or permission as the case may be.

(2) In granting or refusing licenses, authorizations or permissions, the Director General shall take into account the requirements provided under the Act and these Regulations.

(3) The Director General shall, if satisfies that-

(a) the intended fishing vessel has complied with pre-licensing inspection, grant the licenses, authorizations or permissions; or

(b) the intended fishing vessel has not complied with pre-licensing inspection, refuse to grant the licenses, authorizations or permissions and notify the applicant in writing stating reasons for refusal.

(4) The license, authorization or permission shall be in the form as prescribed and issued by the Director General.

Grounds for refusal to grant licenses, authorizations or permissions

26. The Director General may refuse to grant a license, authorization or permission, where he determines that-

(a) the standards of pre-licensing inspection have not been met;

(b) the exploitation of the fisheries is unsustainable;

(c) the operator has been convicted of an offence involving dishonesty or fraud;

(d) the operator has been involved in an organized criminal group or transnational crime;

- (e) the operator has committed an offence in the Exclusive Economic Zone, or the vessel has been used for such an offence and any consequent process has not been concluded;
- (f) the operator is associated with a fishing vessel that is on a list of a relevant RFMO that designates fishing vessels that have engaged in illegal, unreported or unregulated fishing;
- (g) the fishing vessel flies a flag that is considered to be a “flag of non-compliance” because of the failure of the flag State to exercise effective flag State responsibility based on criteria set out in FAO Guidelines for Flag State Performance;
- (h) the fishing vessel is not fit for the purpose for which application has been made;
- (i) port State measures have not been taken against the fishing vessel under an applicable conservation and management measure; or
- (j) the applicant has not:
 - (i) complied with the terms of an existing or previous license or any other requirement under the Act and these Regulations; and
 - (ii) submitted to due process under these Regulations in respect of the non-compliance or satisfied any applicable determination.

(2) The Director General shall not grant a license or permission in relation to any foreign fishing vessel previously licensed for fishing or related activities by a foreign State if that vessel undermined the effectiveness of applicable ICMMs and the foreign State suspended or cancelled the previous license.

(3) The restriction under subregulation (2) shall not apply if-

- (a) the ownership of the vessel has changed since the vessel undermined the effectiveness of applicable ICMMs; or
 - (b) the new owner has provided evidence to the Director General that, in his opinion, demonstrates that the previous owner has no further legal, beneficial or financial interest in the vessel.
- (4) The Director General shall, in writing, notify the

applicant the refusal to grant a license, authorization or permission and the reasons for such refusal.

Fees or charges

27.-(1) The license, authorization or permission granted under these Regulations shall be subject to payment of a fee or charge at such amount based on the fishing method, size of vessel and duration as prescribed in the Second Schedule of these Regulations.

(2) Notwithstanding subregulation (1), a special purpose license shall be issued upon payment of a fee as prescribed in the Second Schedule of these Regulations.

(3) Nothing in these Regulations shall impede the Director General from the issuance of a special purpose license issued in terms of regulation 32(2)(e)

(4) The license, authorization or permission granted under these Regulations shall be subject to payment of-

- (a) application fee;
- (b) license, authorization or permit fee;
- (c) fishing related activities administrative fee; and
- (d) any other fees or charges as may be prescribed by the Director General after consultation with the Executive Committee.

Terms and conditions of license, authorization or permission

28.-(1) The operator of a fishing vessel holding a license, authorization or permission issued under these Regulations shall ensure that the original license, authorization or permission or a certified scanned electronic version or certified copy of it is on board the fishing vessel in the wheelhouse at all times during the period of validity and the master shall, upon request, produce it to a fishery inspector or other person authorized under these Regulations.

(2) The operator of a fishing vessel holding a license, authorization or permission issued under these Regulations shall-

- (a) ensure that the fishing vessel is marked with such identification marks as may be required, including a local identification number in relation to fishing or related activities in the Exclusive Economic Zone, in accordance with requirements prescribed under

guideline for description for fishing vessel marking prior to license issuance and at all times during the period of validity of the license, authorization or permission;

- (b) ensure that fishing gear, including any Fish Aggregating Devices, are marked during the period of validity of the license, authorization or permission in accordance with regulation 12 and as prescribed under the guideline for Fish Aggregating Devices marking requirement;
- (c) not engage in fishing in the territorial sea of the United Republic;
- (d) fly the flag of the State in which the vessel is registered;
- (e) comply with all applicable ICMMs in areas including the area of competence of the relevant RFMO;
- (f) comply with such requirements for keeping and maintaining a logbook as prescribed or required by the Director General or an applicable ICMMs;
- (g) comply with the requirements for the Mobile Transceiver Unit as provided under regulation 66 and 67, including ensuring fully functioning linkages between the fishing vessel and the Authority at all times during the period of validity;
- (h) comply with the requirements of authorized officer, fishery inspector, observer and licensing officer;
- (i) not discard any bycatch at sea;
- (j) not catch any protected, threatened or endangered species of fish, marine turtle, or seabird as stated in these Regulations and international agreement to which the United Republic is party, and which the Director General has identified by notice, and in case of incidental catch shall be recorded in the logbook and release such species to the sea as soon as possible;
- (k) at any time that the fishing vessel is in the Exclusive Economic Zone, allow to board and remain on board an officer of the Authority who shall oversee compliance with national and international laws and applicable ICMMs and standards adopted and

implemented by relevant RFMO, and assist such officers in their duties; and

(1) at any time that the fishing vessel is in the Exclusive Economic Zone, ensure that there is a chart on board of the Exclusive Economic Zone.

(3) The operator of a foreign fishing vessel shall, before applying for license or permission, have an agent who is accredited by the Authority under regulation 45.

(4) The operator of a Tanzanian fishing vessel shall at all times keep a national fishing logbook or electronic logbook to record information and data as prescribed by the Director General or other information applicable ICMMs as may require.

(5) All licenses, authorizations and permissions granted under these Regulations are not transferable.

(6) The Director General may attach to any license, permission or authorization issued under these Regulations conditions which are necessary or expedient the carrying into effect the objectives and purposes of these Regulations.

(7) An operator who contravenes the provisions of this regulation commits an offence and upon conviction shall be liable to a fine provided under section 36(2) of the Act.

Loss, damage or alter of license, authorization or permission

29.-(1) Where the operator satisfies the Director General that the license, authorization or permission has been lost, destroyed or defaced, the Director General may, on payment of a fee of thirty percent of the value of the license, authorization or permission, issue a duplicate license, authorization or permission.

(2) A person shall not be allowed to alter a license, authorization or permission in any circumstances.

(3) A person who contravenes the provisions of sub regulation (2) commits an offence and upon conviction shall be liable to a fine not exceeding Five Hundred Thousands USD.

Duration of licenses, authorizations and permissions

30.-(1) A license under these Regulations shall, upon application, be issued for period of three months, six months or one year.

(2) An authorization or permission under these Regulations shall, upon application, be issued for a period for which the authorization or permission is sought, but shall not

exceed one year.

Suspension
and
cancellation
of a license,
authorization
or permission

31.-(1) The Director General may suspend or cancel a license, authorization or permission, in accordance with such procedures as may be prescribed, for any of the following reasons-

- (a) the holder has contravened-
 - (i) the terms and conditions specified in the license, authorization or permission;
 - (ii) any applicable Access Agreement; or
 - (iii) any applicable ICMMs;
- (b) the holder had provided false, misleading or incomplete information in the application;
- (c) the holder has not submitted to the required legal or administrative process, discharged an applicable fine or penalty or complied with the requirements of an applicable determination;
- (d) another State suspends or cancels the license or permission of a Tanzanian fishing vessel that has been issued an authorization to fish in that State's waters;
- (e) there has been a change in material or circumstances affecting the eligibility criteria required for the license, authorization or permission;
- (f) it is necessary to do so to ensure the sustainable use of the fisheries resource or to implement any ICMMs;
- (g) such seaworthiness and safety standards as may be required are not met at all times; and
- (h) for such other reasons as may be prescribed by the Director General subject to the law.

(2) The Director General shall, where the operator contravenes any provision of subregulation (1), in writing require the operator within seven days to show cause why the license, authorization or permission should not be suspended or cancelled.

(3) The Director General shall, after the expiry of the period referred to in subregulation (2) suspend, cancel or allow the operator to proceed under the terms and conditions of the license, authorization or permission as the case may be.

(4) Where the Director General decides to cancel the license, authorization or permission, shall immediately notify the operator in writing.

Special
purpose
license

- 32.**-(1) There shall be special purpose license in the format as the Director General may from time to time determine.
- (2) The special purpose license may be issued for:
- (a) marine scientific research;
 - (b) exploratory fishing
 - (c) collection of fish specimens for museum;
 - (d) educational purposes;
 - (e) the supply of food in case of an emergency where no other adequate food supply is available;
 - (f) sports fishing; or
 - (g) any other purpose as may be determined by the Director General.

Requirements
for special
purpose
license

- 33.** An application for special purpose license in the Exclusive Economic Zone shall be made to the Director General and be accompanied with the following-
- (a) name, tonnage, type and class of vessels and a description of equipment;
 - (b) project plan including nature and objectives of the project;
 - (c) the method and means to be used;
 - (d) the precise geographical areas in which the project is to be conducted;
 - (e) the expected date of first appearance and final departure of the vessels, or deployment of the equipment and its removal, as appropriate;
 - (f) the name of the sponsoring institution and the person in charge of the project; and
 - (g) the extent to which it is considered that the Authority will be able to participate or to be represented in the project.

Conditions
for special
purpose
license for
marine

- 34.**-(1) A holder of special purpose license for marine scientific research shall ensure that:
- (a) the Authority participates or is represented in

scientific
research

- the marine project and has full access to all data and samples derived from the project;
- (b) he provides the Authority with preliminary reports as soon as practicable and with the final results and conclusions after the completion of the research;
 - (c) he provides the Authority with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
 - (d) the research results are made internationally available through appropriate national or international channels, as soon as practicable;
 - (e) he informs the Authority immediately of any change in the programme;
 - (f) unless otherwise agreed, the researcher removes the installations or equipment once the project is completed; and
 - (g) he complies with any other condition as the Director General may determine.

Permission

35.-(1) The operator of a fishing vessel in the Exclusive Economic Zone or, being a Tanzanian fishing vessel, in areas beyond national jurisdiction or in the area of competence of a relevant RFMO shall not engage in any of the following activities without permission to be issued by the Authority, in the form and manner to be determined by the Director General.

- (a) use a fishing vessel for fishing or related activities including:
 - (i) landing or transshipment;
 - (ii) bunkering at sea; and
 - (iii) supply of spare parts to fishing vessels;
- (b) have on board, deploy, maintain or retrieve any fish aggregating device; or
- (c) use aircraft for the purpose of fishing.

(2) Without prejudice to subregulation (1), the operator of a fishing vessel shall not be given a permission to engage in fishing or related activities, unless a mobile transceiver unit is installed and maintained on the fishing vessel.

- (3) An operator who fails to comply with any requirement

of subregulation (1) or (2) commits an offence and upon conviction shall be liable to a fine provided under section 36 (2) of the Act.

Logbooks and reporting

36.-(1) The operator of a fishing vessel in the Exclusive Economic Zone, or of any Tanzanian fishing vessel in any area beyond national jurisdiction or that is within the area of competence of a relevant RFMO shall as a condition of license or authorization maintain a bounded log books on board and make such reports relating to fishing or related activities at such times, containing such information and in such format as prescribed by the Director General.

(2) The operator of a fishing vessel shall provide the following reports to the Director General:

- (a) prior to entering the Exclusive Economic Zone, the last port of call and fishing area;
- (b) upon the vessel's entry into or departure from the Exclusive Economic Zone, information specifying:
 - (i) position of the vessel by latitudes and longitudes;
 - (ii) date and time;
 - (iii) quantity and species of fish on board; and
 - (iv) weight by species of fish caught;

(3) The information referred under sub regulation (2), shall be made daily by facsimile, Mobile Transceiver Unit or electronic mail in English language.

(4) The operator of a licensed or an authorized fishing vessel shall, while the vessel is in the Exclusive Economic Zone or in areas beyond national jurisdiction or within the area of competence of a relevant RFMO, provide such information relating to fishing or related activities in such form that the Director General may require to give effect to any applicable ICMMs.

(5) An operator who contravenes any of the provisions of this regulation commits an offence and upon conviction shall be liable to a fine provided under section 36(2) of the Act.

Permission for fish aggregating

37.-(1) The operator of a fishing vessel:

- (a) shall not have on board, deploy or maintain any

device

Fish Aggregating Device in the Exclusive Economic Zone;

- (b) shall not deploy any drifting Fish Aggregating Device equipped with an instrumented buoy in areas beyond national jurisdiction that drifts into the Exclusive Economic Zone; or
- (c) being a Tanzanian fishing vessel, shall not deploy any drifting Fish Aggregating Device equipped with an instrumented buoy in the area of competence of a relevant RFMO,

except under permission issued by the Director General and in accordance with such conditions as may be specified subject to relevant RFMO and ICMMs.

(2) In granting permission under subregulation (1), the Director General may require other conditions relating to any Fish Aggregating Device.

(3) The operator of each fishing vessel in the Exclusive Economic Zone shall ensure that each Fish Aggregating Device:

- (a) is clearly marked with the name of the owner and of the vessel from which such a device was placed;
- (b) is equipped with a radar reflector and such lights as shall be clearly visible at night from a distance of one nautical mile; and
- (c) has such other equipment or markings as may be prescribed by the Director General or an applicable RFMO and ICMMs as may from time to time requires.

(4) The operator of a fishing vessel that carries Fish Aggregating Device shall make such reports as may be required by the Director General under these Regulations or any applicable RFMO and ICMMs.

(5) A Fish Aggregating Device shall not be placed in such a way as to hinder or block marine traffic or be hazardous to navigation at sea.

(6) The permission under this regulation shall be in writing or in electronic form whether as a condition of a license or otherwise.

(7) The permission to place a Fish Aggregating Device shall not confer any exclusive right to fish in the vicinity of the device.

(8) The operator of a vessel placing a Fish Aggregating Device shall notify the Director General within twenty-four hours of such placement and of the nature and location of the device.

(9) An operator who contravenes any of the provisions of this regulation commits an offence and upon conviction shall be

liable to the fine provided under section 36(2) of the Act and each Fish Aggregating Device that is used or found in the Exclusive Economic Zone in contravention of this regulation shall be confiscated and any permission to deploy Fish Aggregating Devices may be revoked.

Conditions
for landing
and
transshipment

38.-(1) In addition to any requirements under these Regulations, and unless otherwise provided as a condition of the authorization for transshipment required under the Act, the operator of any foreign or Tanzanian fishing vessel wishing to land or transship part or all of the fish or fish products on board, shall submit a written request to the Director General not less than forty-eight hours.

(2) Subject to subregulation (1), contents of the request of landing or transshipment shall include the following information-

- (a) manifest of fish on board;
- (b) place and position of landing or transshipment;
- (c) date and time of landing or transshipment;
- (d) duration of landing or transshipment;
- (e) points of export; and
- (f) any other information that may be required by the Director General or an applicable RFMO and ICMMs.

(3) In requesting permission to transship at sea, the operator of carrier vessel shall submit the following information to the Director General-

- (a) the flag of the vessel;
- (b) name of vessel and register number;
- (c) IMO number;
- (d) previous name, if any;
- (e) previous flag, if any;
- (f) previous details of deletion from other registries, if any;
- (g) international radio call sign;
- (h) type of vessel, length, Gross Tonnage (GT) and carrying capacity;
- (i) name and address of owner and operator;
- (j) duration requested for transshipping;
- (k) identification of vessel monitoring system; and
- (l) any other information as may be required by the Director General.

(4) The carrier vessel shall not be permitted for transshipment unless a Mobile Transceiver Unit has been installed and is maintained and continuously in working order.

(5) The operator of each fishing vessel shall carry out landing and transshipment at any designated port, and shall comply with such procedures of applicable regional or international conservation and management measures including placement of any fishery inspector or observer on board prior to and during landing or transshipment.

(6) The costs of transport, accommodation and subsistence for fishery inspector or observer to conduct supervision of a transshipment of fishery resources outside a port in the United Republic shall be borne by the operator of the fishing vessel.

(7) The shark fins shall not be transshipped without the carcass and vice versa.

(8) The operator of a fishing vessel-

(a) shall not transship at sea in the Exclusive Economic Zone, except where the Director General declares exceptional circumstances, and the transshipment operations shall be monitored by fishery inspector or observer;

(b) being a Tanzanian large scale tuna fishing vessel in areas beyond the Exclusive Economic Zone but within the area of competence of a relevant RFMO or other areas shall not transship at sea except in accordance with a programme for transshipment at sea provided under an applicable RFMO and ICMMs; and

(c) shall submit a report on landing in a manner as may be prescribed by Director General, and in cases of transshipment shall submit a completed Transshipment Declaration Form as prescribed by the Director General.

(9) The operator of a Tanzanian large scale tuna fishing vessel shall be required to provide to the Director General at least twenty-four hours in advance of an intended transshipment the following information-

(a) the name of the fishing vessel, its number on a record of vessels maintained by a relevant RFMO and its IMO number;

(b) the name of the carrier vessel, its number on a record of carrier vessels maintained by a relevant RFMO; and its IMO number, and the product to be transshipped;

(c) the tonnage by product to be transshipped;

(d) the date and location of transshipment; and

(e) the geographic location of the catches.

(10) During transshipment, the operator of a Tanzanian

fishing vessel shall comply with the requirement concerning in-port transshipment and observer programme by a relevant RFMO and applicable laws relating to protection of the marine environment.

(11) The landing and transshipment shall be subject to such further conditions as may be determined by Director General and shall be in compliance with any applicable regional or international conservation management measures.

(12) An operator who contravenes any of the provisions of this regulation commits an offence and upon conviction shall be liable for the fine provided under section 39(2) of the Act.

Mobile
Transceiver
Unit
registration.

39.-(1) The operator of a fishing vessel licensed to carry out fishing or related activities in the Exclusive Economic Zone or of any Tanzanian fishing vessel authorized to carry out fishing or related activities in any area beyond national jurisdiction or area of competence of a relevant RFMO shall register with the Authority the Mobile Transceiver Unit required to be carried on board.

(2) The operator of each fishing vessel shall be required to register the Mobile Transceiver Unit, through Form 1 or 2 as prescribed in the First Schedule to these Regulations.

(3) Without prejudice the provisions of subregulation (2), the ministries responsible for fisheries may request to the Authority the registration of Mobile Transceiver Unit of artisanal fishing vessel license to fish in internal water for monitoring of such vessel.

(4) The Authority may, upon approval of the Executive Committee, register Mobile Transceiver Unit of such vessel for monitoring it in the format as Director General may determine.

(5) The registration of Mobile Transceiver Unit under subregulation (4) shall be subject to the payment of monitoring services fee prescribed under Second Schedule.

(6) Where the Director General is satisfied that the conditions required under regulations 66 and 67 are met, he shall issue a registration in such form as may be prescribed.

Clearance for
registration of
fishing
vessels in the
United

40.-(1) An operator who intends to register a fishing vessel in the United Republic shall be required to submit application for clearance to the Director General pursuant to section 40 of the Act, accompanied with the documents showing-

- Republic
- (a) name of vessel and previous register number;
 - (b) previous name and flag, if any;
 - (c) previous details of deletion from other registries, if any;
 - (d) international radio call sign;
 - (e) IMO number;
 - (f) type of vessel, length, gross tonnage and carrying capacity;
 - (g) name and address of owner and operator;
 - (h) type of gear used, if any;
 - (i) photography of the vessel showing astern, top and inside of the vessel;
 - (j) identification of vessel monitoring system; and
 - (k) any other information as may be required by the Director General.

(2) The Director General shall, within seven days from the date of receiving application for clearance letter, issue or refuse he to issue clearance and if refused shall give notice to the applicant in writing stating reason for such refusal.

(3) The clearance letter applied for, shall be issued upon payment of fees as provided in the Second Schedule to these Regulations.

PART FOUR
REQUIREMENTS FOR FISHING VESSELS AND FISHERIES ACCESS

Fisheries
access
agreement
terms and
conditions

41. The terms or conditions for fisheries access agreement entered into by the Director General shall require that-

- (a) the other party to the agreement and the operator of any vessels subject to the agreement shall comply with these Regulations and all other

- legislation of the United Republic;
- (b) the operator of any vessel subject to the agreement shall hold authorization from the State in which the vessel is registered to carry out fishing or related activities in the Exclusive Economic Zone;
 - (c) all vessels subject to the agreement must have good standing on an authorized vessel list of an applicable RFMO, and the agreement will automatically terminate if the vessel's good standing on any such register be withdrawn;
 - (d) no vessel subject to the agreement is on a list of illegal, unreported or unregulated fishing vessels maintained by applicable RFMO, and the agreement and license issued thereunder will automatically terminate if a vessel be included on any such list;
 - (e) in the case of an agreement entered into with a corporation, association or other body acting on behalf of its members or other persons, that the corporation, association or other body is liable for un-discharged liabilities of its members or other persons arising out of any operations under the agreement and the agreement itself, including fees;
 - (f) fees and other charges be fully paid at the required time, and the agreement will automatically terminate on non-payment or late payment;
 - (g) the other party to the agreement shall ensure minimum specified benefits to nationals of the United Republic in terms of training and employing such level of qualified nationals as crew members as may be specified by the Director General; and
 - (h) in the case of an agreement with a term of more than one year, the agreement is subject to an annual review and termination or suspension, in accordance with these Regulations.

Review of
fisheries
access
agreement

42.-(1) Where the term of an agreement is more than one year, the Executive Committee shall review the agreement annually to assess compliance with the terms and conditions of the agreement, including-

- (a) the compliance by the other party with the laws of the United Republic and the terms of the agreement;
- (b) the realized benefits to the United Republic under the agreement for the preceding year;
- (c) the estimated value of the continuing fisheries access provided under the agreement; and
- (d) such other matters as may be prescribed by the Executive Committee in accordance with these Regulations.

(2) The Director General shall, on the directives of the Executive Committee, terminate or suspend an agreement at any time according to its terms or upon material non-compliance by the other party with these Regulations or any other condition of the agreement.

(3) The Director General shall upon directives of the Executive Committee suspend or otherwise limit an agreement-

- (a) that continued fishing at current levels would pose a risk to any fish stocks based on a precautionary approach; or
- (b) on such other ground as may be specified in these Regulations.

(4) Suspension of an agreement under subregulation (2) or (3) may be for such period or until such conditions are met, as the Director General may require and based on the recommendation of the Executive Committee.

(5) Where an agreement is suspended or limited under subregulation (3)(a), such portion of the access fees as may be determined by the Executive Committee, on a proportional basis for suspended fishing opportunities, may be refunded.

Reporting of
fishing vessel
operation
upon entry
and exit

43.-(1) The operator of a fishing vessel shall, upon entry into and exit from the Exclusive Economic Zone, transmit prescribed information referred under regulation 36 to the

Director General at least within twenty-four hours.

(2) Data from the Mobile Transceiver Unit and Automatic Identification System shall always be operational and transmitted to the Authority when operating within Exclusive Economic Zone.

(3) Without prejudice the requirements of subregulations (1) and (2), in the event that either system is not operational, the operator shall report to the Authority using other means of communication as may be required by the Director General.

(4) The operator of every foreign fishing vessel shall ensure that the vessel does not engage in fishing in the Territorial Sea of the United Republic, except with applicable license or permission issued by competent authority in the United Republic.

(5) The operator of any vessel fails to comply with sub regulation (1) or (2) commits an offence and upon conviction shall be liable to the fine provided for under section 36(2) of the Act.

Condition of
Foreign
fishing to
have Agent

44.-(1) A person shall not have legal authority as an agent to represent any foreign fishing vessel unless he was been granted accreditation by the Authority.

(2) A license or permission shall not be issued to operator of foreign fishing vessel unless the operator has a designated agent accredited in accordance with these Regulations.

Accreditation
of an Agent

45.-(1) A person shall not operate as an agent of operator unless such person is accredited by the Authority upon application in the form and manner prescribed in Form 3 of the First Schedule to these Regulations.

(2) A person shall be eligible for accreditation as an agent if-

- (a) it is a company registered by the laws of the United Republic of Tanzania and majority of shares owned by Tanzanian;
- (b) shareholders of the Company have no previous records of conviction relating to fishing activities under the Act or these Regulations;
- (c) has no record of association with illegal, unreported or unregulated fishing activities that take place within or beyond areas under the national jurisdiction of the United Republic; and

(d) carries out duties as required pursuant to the relevant laws in the United Republic.

(3) An accredited agent shall comply with the terms and conditions of an accredited agent as may be determined by the Director General.

(4) A person who contravenes any requirement prescribed under sub regulation (1) or (2) commits an offence and upon conviction shall be liable to a fine not exceeding Two Hundred Thousands USD and the accreditation may be cancelled.

Proof of
engagement
of accredited
agent

46. An operator of foreign fishing vessel shall be required to provide to the Director General document showing proof of engagement of an accredited agent.

Application
for incentives

47.-(1) A company in which all shareholders are Tanzanian or more than fifty percent of shares owned by Tanzanians intends to invest in the Exclusive Economic Zone fishery industry may apply to the Director General for incentive.

(2) The application made under subregulation (1) shall be accompanied with the followings-

- (a) three years' feasibility study of the investment;
- (b) business expectance or existence annual income;
- (c) the prove of the existence of business; and
- (d) any other information as may be required by Director General.

(3) The Director General shall, upon receipt the application under sub regulation (1), if satisfied with the application, write to the relevant authority requesting the incentives made by the applicant.

(4) The Director General shall, if satisfies that the granted incentives sought was used contrary to the intended purpose, inform the relevant authority on the contrary usage of such incentives.

PART FIVE MONITORING CONTROL AND SURVEILLANCE

Identification

48. A fishery inspector, authorized officer, licensing

of fishery inspectors, authorized officers, licensing officers or observers

officer or observer shall, when exercising the powers and performing the functions under the Act and these Regulations, have an identity card issued by the Authority and, upon request, produce the identity card.

Mechanism for coordination and corporation

49. The Authority shall, in consultation with other agencies or ministries in Mainland Tanzania and Tanzania Zanzibar as appropriate, establish a mechanism for coordination and cooperation on operations and procedures in matters within the scope of these Regulations in relation to authorized officers who are designated and empowered by such other Government agencies or ministries.

Powers of authorized officers

50.-(1) An authorized officer may do such acts and things and give such directives as are reasonably necessary for the purposes of performing or exercising his functions, powers and duties under these Regulations.

(2) An authorized officer may use such force as is reasonably necessary to exercise powers and duties under these Regulations.

(3) An authorized officer may, except for the power of arrest, require any person to assist to bring a vessel to a place in the United Republic in accordance with the Act and these Regulations.

(4) Where an authorized officer is required to undertake duties in areas beyond the Exclusive Economic Zone, except in the territorial waters of another State or as provided otherwise in an international agreement, the provisions of this regulation shall be applicable as if the duties were performed within areas under national jurisdiction of the United Republic.

(5) An authorized officer, while discharging his duties and responsibilities under these Regulations, shall report to, and be subject to the overall direction of the Director General.

Power of entry and search

51.-(1) An authorized officer may, for purposes and activities falling within the scope of the Act and these Regulations, without a warrant-

(a) stop, board, stay on board, enter and search any vessel, vehicle or aircraft, including-

(i) any vessel which the authorized officer has

- reason to believe has been used, is being used or is intended to be used for fishing or a related activity;
- (ii) any Tanzanian fishing vessel beyond the Exclusive Economic Zone; and
 - (iii) any other vessel to which these Regulations and any international law, international agreement or applicable regional or international conservation management measures, and such search may include the breaking open of any hold or compartment, container or other receptacle upon a boarded vessel that the authorized officer has reasonable grounds to believe may contain evidence of an offence under these Regulations;
- (b) enter, examine and search any premises or place, other than premises used exclusively as a dwelling house, including premises that are part of or attached to a dwelling house which the authorized officer reasonably suspects that evidence of an offence under the Act or these Regulations may be found;
- (c) stop any person and examine any record, article, container, gear, apparatus, device or fish in the possession of that person;
- (d) monitor landing and transshipment operations and take samples, photographs and relevant documentation;
- (e) require a person engaged or apparently engaged in any activity for which a license, authorization or permission is required under these Regulations or an applicable international agreement or ICMMs to-
- (i) give information about the relevant activity;
 - (ii) state whether that person holds a license, endorsement or other authorization under these Regulations and, if so, to produce the license, authorization or permission;
 - (iii) state that person's name, date of birth and place of abode;
- (f) make an entry dated and signed by the authorized

officer in a vessel's log, and require the master to sign the entry, or to indicate on a chart or other document the position of the vessel at that time and initial such chart or other document accordingly;

- (g) require any person associated or apparently associated with a vessel, vehicle, aircraft, premises, facility, or other place or activity falling within the scope of the Act, to provide such information as may be reasonably required for the enforcement of these Regulations;
- (h) examine any gear, equipment, record or other document that is found in or on any vessel, vehicle, aircraft, premises, facility or place, that he has reason to believe has been used, is being used or is intended to be used for or in relation to any activity requiring a license, authorization or permission under these Regulations;
- (i) examine or test or cause to be examined or tested any electronic equipment required to be on board or used for any purpose that falls within the scope of the Act; and
- (j) examine and search any document, record, article, gear, equipment, apparatus, device, container, fish and contents of any kind found therein or thereon.

(2) An authorized officer may, with warrant of search in respect of premises used exclusively as a dwelling house, conduct searches and seizures in accordance with these Regulations and the provisions of this regulation shall apply mutatis mutandis.

Power to
take, detain,
remove and
secure
information
and evidence

52.-(1) An authorized officer may, for purposes and activities falling within the scope of the Act-

- (a) inspect, take, retrieve, detain and secure samples, documents, logbooks, electronic information or other information, or copies thereof, from any vessel, premises, facilities or other place, other than premises used exclusively as a dwelling house, but including premises that are part of or attached to a dwelling house used for activities falling within the scope of the Act;
- (b) make or take copies of any record, and for this

purpose may take possession of and remove any records from the place where they are kept, for such period of time as reasonable in the circumstances;

- (c) where necessary, require a person to reproduce, or assist the authorized officer to produce in a useable form, information recorded or stored in a document; and
- (d) require any person associated or apparently associated with a vessel, premises, facilities or other place or activity falling within the scope of the Act to provide such information as may be reasonably required for the monitoring or enforcement of these Regulations.

(2) Where a person is questioned for the purposes of subregulation (1)(d), the authorized officer may:

- (a) require the person being questioned to provide answers including any explanation or information concerning any vessel or any place or thing or fishing method, gear, apparatus, record, document, article, device, or thing relating to the taking, sale, purchase, or possession of any fish; or
- (b) require that person or any other person to produce any permit, authority, approval, permission, license, certificate or other document issued in respect of any vessel or person.

Power to
detain
persons, or
seizure
vessels or
gear

53.-(1) An authorized officer may detain any person, or seizure vessel, vehicle, parcel, package, record, document, article, gear, equipment, apparatus, device, container, fish or thing for such period as is reasonably necessary to enable an examination or search under these Regulations.

(2) Where a vessel or vehicle is seized, including any of its gear and equipment, a Notice of Seizure as prescribed in the form 4 of the First Schedule to these Regulation shall be provided to the operator and a copy of such notice shall be promptly transmitted to any relevant government Authorities of Mainland Tanzania and Tanzania Zanzibar.

(3) Where a vessel or vehicle is detained, including any of its gear and equipment, the Director General shall ensure the detained object is secured adequately and provided with a security guard until the responsibility for the detained object is handed over

to another relevant organisation.

(4) Where a foreign fishing vessel is detained, the Director General shall notify or arrange to notify the flag State.

Power to
arrest

54. An authorized officer may, if he believes on reasonable grounds that a person is committing or has committed an offence under the Act or these Regulations-

- (a) order that person to immediately cease and desist;
- (b) request that person to supply to the authorized officer his name, date of birth, residential address and occupation and request such verification of those details as it is reasonable in the circumstances; and
- (c) arrest that person without warrant.

Removal of
parts from
seized vessels

55.-(1) An authorized officer may remove any part from the vessel seized pursuant to the provisions of the Act or these Regulations for the purpose of immobilising that vessel.

(2) Any part removed under subregulation (1) shall be kept safely and returned to the vessel upon its release.

(3) A person shall not, otherwise than acting in accordance with a written directive from the Director General-

- (a) possess or arrange to obtain any part removed under subregulation (1);
- (b) possess or arrange to obtain or make any replacement or substitute part for those removed under subregulation (1); or
- (c) fit or attempt to fit any part or any replacement or substitute part to a vessel immobilised pursuant to the provisions of the Act or these Regulations.

(4) A person who contravenes subregulation (3) commits an offence and upon conviction shall be liable to a fine not exceeding one million USD and to any other penalty provided under the Act.

Fishery
observer

56.-(1) The fishery observer appointed under section 16(1)(n) of the Act, shall:

- (a) collect, record and report reliable and accurate information for scientific, conservation, management and compliance purposes including-
 - (i) observe and record the harvesting,

- handling and processing of fish and fish products and related operations;
 - (ii) collect and record scientific, fisheries, biological and other information related to activities within the scope of the Act;
 - (iii) the species, quantity, size, age and condition of fish taken;
 - (iv) the methods, areas and the depths at which fish are taken;
 - (v) the effects of fishing methods on fish and the environment;
 - (vi) all aspects of the operation of any vessel;
 - (vii) transportation, transshipment, storage or disposal of any fish or fish products; and
 - (viii) take samples or photographs of fish harvested or anything on board of a fishing vessel;
- (b) monitor the implementation of conservation and management measures taken pursuant to the Act, applicable international conservation and management measures and international agreements; and
- (c) discharge such other duties as may be assigned by the Director General.

(2) The fishery observers may be deployed, as may be directed by the Director General in accordance with the provisions of these Regulations, any international agreement or applicable regional or international conservation and management measure, on any fishing vessel used for fishing, transshipment, transportation or landing of fish within and beyond the Exclusive Economic Zone or any other activity as may fall within the scope of the Act.

(3) Where fishery observers exercise functions beyond areas of national jurisdiction pursuant to sub regulation (2), the requirements of these Regulations are applicable as if the duties were performed in areas under national jurisdiction and all responsibilities and duties under the provisions of the Act and these Regulations, of operators, crew members or other relevant persons to such observer shall be fully applicable.

Costs for
Observer

57. The costs for fishery observers discharging duties pursuant to the provisions of the Act or these Regulations shall be charged as a separate “observers fee” in addition to the fee for all license, authorizations or permission issued to fishing vessels, in such amount and manner as prescribed in the Second Schedule to these Regulations.

Duty of
operator to
assist fishery
observers

58.-(1) The operator and crew of a fishing vessel shall be responsible for the placed fishery observer’s safety allow and assist the fishery observer in discharging his duties, to-

- (a) board such fishing vessel at the designated port or any other port outside the United Republic approved by the Director General;
- (b) provide the fishery observer with appropriate working space, access to all spaces and communication equipment;
- (c) receive and transmit messages and communicate with the shore and other vessels by means of the vessel’s communications equipment;
- (d) ensure that accommodation, meals and treatment of the fishery observer is at the same standard as officers on board the vessel;
- (e) take photographs of the fishing operations, including fish, gear, equipment, documents, GPS plotter, charts and records, and remove from the vessel such photographs or film as the fishery observer may have taken or used on board the vessel;
- (f) gather such other information relating to fisheries as may be required for purposes of carrying out the objectives of the Act, these Regulations and any applicable conservation and management measure; and
- (g) disembark at such time and place as the Director General may require, provided that such disembarkation is in accordance with the safe operation of the vessel.

(2) The requirements of subregulation (1)-

- (a) shall be when the fishing vessel is in the Exclusive Economic Zone or at any place where fish taken from the Exclusive Economic Zone is:
 - (i) offloaded; or
 - (ii) transshipped as required by or authorized under the applicable license, authorization, permission or any applicable regional or international conservation and management measures; and
- (b) in the case of a Tanzanian fishing vessel operating on the high seas under an authorization to fish in the high seas in any area subject to applicable regional or international conservation and management measures shall apply ;
 - (i) in any area subject to such measures; or
 - (ii) otherwise in accordance with such measures or the applicable license.

(3) An operator of any vessel on which a fishery observer is placed in accordance with this regulation, commits an offence if such operator contravenes any part of subregulation (1), and each part shall be considered as a separate offence, and upon conviction shall be liable to a fine not exceeding one million. USD.

Notice of intention to place fishery observer

59.-(1) Before placing any fishery observer on a vessel, the Director General shall give the operator a notice of the intention to place a fishery observer on the vessel and shall agree with the operator the point and time of deploy the fishery observers.

(2) Any operator who fails to act on Director General notification required under subregulation (1) commits an offence and upon conviction shall be liable to a fine not exceeding two hundred thousands USD.

Obstruction of failure to comply with authorized persons

60. An operator or other person who obstructs or hinders fishery inspectors, authorized officers, licensing officers or observers to perform functions or exercise powers under the provisions of the Act or these Regulations or subject to international conservation and management measures, commits an offence and upon conviction shall be liable to a fine not exceeding

Seven Hundred Thousands and Fifty USD.

Duties of
fishery
inspector

61.-(1) The fishery inspector shall have such authorities and duties as provided in regulations 62, 63 and 64.

(2) The fishery inspector in performing his function or exercising powers under these Regulations, shall carry out such procedures and apply such standards that may be prescribed or required by applicable RFMO and ICMMs, or international agreement.

Procedures
for pre-
licensing
inspection.

62.-(1) The fishery inspector shall be required, for the purpose of pre-licensing inspection do the following-

- (a) verify a vessel identification documentation onboard and information relating to ownership;
- (b) verify the vessel's flag and markings such as name, external registration number, International Maritime Organization ship identification number, international radio call sign and other markings;
- (c) inspect all gear onboard, including any gear stowed out of sight and to the extent possible verify that it is in conformity with the conditions of the license;
- (d) evaluate whether there is reasonable evidence for believing that a vessel has engaged in, or supported illegal, unreported and unregulated fishing;
- (e) provide the report containing the result of the inspection to the captain of the vessel, to be signed by the inspector and the captain;
- (f) provide an opportunity to the captain to add any document to the report;
- (g) where necessary, arrange for an official translation of relevant documentation; and
- (h) do any other act as may be assigned by the Director General subject to the provisions of the Act, these Regulations or international conservation and management measures.

(2) In the course of implementing subregulation (1), fishery inspector shall carry out such inspections and implement

applicable standards adopted by United Republic, under international agreements and fisheries instruments, RFMO and submit a report to the Director General in the form prescribed.

Landing or
off-loading
inspection
procedures

63. The fishery inspector shall be required, for the purpose of landing or off-loading inspection do the following-

- (a) verify the license, authorizations or permissions for fishing and related activities;
- (b) review and verify all relevant documentation and records, including documents in electronic format and vessel monitoring system data;
- (c) examine whether the fish on board was harvested in accordance with the applicable license, authorizations or permissions;
- (d) examine the catch in the hold during or after the landing to determine the quantity and composition of all onboard, including by sampling;
- (e) evaluate whether there is reasonable evidence for believing that a vessel has engaged in, or supported illegal, unreported and unregulated fishing;
- (f) provide the report containing the result of the inspection to the master of the vessel, to be signed by the inspector and the captain;
- (g) where necessary, arrange for an official translation of relevant documentation; and
- (h) perform any other act as may be assigned by the Director General subject to the provisions of the Act, these Regulations or applicable regional or international conservation and management measures.

Sea
inspection
procedures

64.-(1) The fishery inspector shall, for the purpose of at-sea inspection-

- (a) board the fishing vessel after prior notification by radio or appropriate signal using the International Code of Signals sent to the vessel;
- (b) not require a fishing vessel to stop or maneuver while fishing, shooting or hauling;

(c) notwithstanding paragraph (b), order the interruption or delay in the hauling of the fishing gear if he has boarded the fishing vessel and that process cannot take more than thirty minutes after receiving the signal.

(2) In the course of implementing subregulation (1), fishery inspector shall carry out such inspections and implement applicable standards adopted by United Republic, under international agreements and fisheries instruments, RFMO, and submit a report the Director General in the form prescribed.

Vessel
Monitoring
Operation
Center.

65. The Director General shall establish a Vessel Monitoring Operation Center for the purposes of monitoring the activities of fishing vessels by receiving and recording information through Mobile Transceiver Units and Automatic Identification System.

Technical
requirements
for Mobile
Transceiver
Units

66.-(1) In determining the technical requirements for Mobile Transceiver Units, the Director General shall implement requirements in applicable ICMMS, including requirements which relates to-

- (a) the frequency at which mobile transceiver unit shall transmit;
- (b) the manner in which the data shall be modulated on the frequency concerned;
- (c) the duty to transmit the data through a specified third party, which may use any system and further relaying the signal, including the use of satellite;
- (d) the format of the data that shall be transmitted by the mobile transceiver unit; and
- (e) the encoding, encryption, transformation or addition of checksums that must be applied or added to data in order to ensure the accuracy, validity and integrity of the transmitted data.

(2) An operator who fails to comply with the technical requirements prescribed under subregulation (1) shall not be issued with the license, authorization or permission.

Mobile

67.-(1) The operator of a fishing vessel holding a license,

Transceiver
Unit,
requirements
for operators

authorization or permission pursuant to these Regulations shall, unless otherwise prescribed by Director General-

- (a) install and maintain a mobile transceiver unit, registered in accordance with these Regulations on board the fishing vessel and ensure it is fully operational at all times;
- (b) ensure that the mobile transceiver unit is tamper resistant and of a type and configuration that prevent the input or output of false positions, and not capable of being over-ridden, whether manually, electronically or otherwise, and is-
 - (i) located within a sealed unit; and
 - (ii) protected by official seals or mechanisms of a type that will indicate whether the unit has been accessed or tampered with;
- (c) transmit to the Vessel Monitoring Operation Center at least once every hour, or such other time as may be prescribed the following information the following information-
 - (i) the vessel identification;
 - (ii) the current geographical position of the vessel; and
 - (iii) the date and time expressed in Universal Time Coordinated of the fixing of the said position of the vessel.

(2) In the event of technical failure or non-functioning of the Mobile Transceiver Unit, the operator shall cause the vessel to come to a port approved by the Director General within twenty-four hours and during that period shall report every half hour, and shall otherwise comply with the requirements in the guideline for Mobile Transceiver Unit, requirement for operator.

(3) The operator shall comply with any conditions that may be prescribed or required by the Director General or any applicable ICMMs, including-

- (a) the type of Mobile Transceiver Unit, equipment to be used;
- (b) installation procedures;
- (c) operational requirements;
- (d) information requirements;

- (e) confidentiality; and
- (f) declaration reports.

(4) Where the power supply to the Mobile Transceiver Unit, in the Vessel Monitoring Operations Center is interrupted, or the Mobile Transceiver Unit fails to operate, the requirements of subregulation (2) shall apply except that the Director General may allow the vessel to continue fishing under special arrangements that shall include the following-

- (a) reporting by any means of communication every three hours of the information required under subregulation (1)(c);
- (b) estimated time and port of arrival;
- (c) inspection at port of the vessel and catch by an authorized officer;
- (d) the operator shall provide a copy of the fishing vessel's track for verification:

Provided that such special arrangements may only be made once in respect of each fishing vessel, and the Director General shall maintain a record of the frequency of breakdown of Mobile Transceiver Units to ensure that there are no repeated uses or abuses of such arrangements.

(5) An operator who fails to comply with the requirements of subregulations (1), (2), (3) or (4) commits an offence and upon conviction shall be liable to a fine provided for under section 55(3) of the Act.

(6) An operator who, without lawful excuse, renders inoperative or otherwise interferes or tampers with a Mobile Transceiver Unit so that it fails to operate automatically or accurately or in accordance with any license conditions or otherwise in accordance with these Regulations, commits an offence and upon conviction shall be liable to a fine provided for under section 36 (2) of the Act.

Automatic
Identification
System

68.-(1) The operator of a fishing vessel shall be required to maintain an Automatic Identification System on board in accordance with the specifications in Chapter V, Regulation 19 of the International Convention for the Safety of Life at Sea, and that the vessel continually reports to the Authority's Vessel Monitoring Operation Center.

(2) In the event of technical failure or non-functioning of the Automatic Identification System, the operator shall notify Director General within twenty-four hours.

(3) An operator who contravenes subregulations (1) and

(2) commits an offence and upon conviction shall be liable to the fine not exceeding two hundred and fifty thousands USD.

Application and implementation of Port State Measures.

69.-(1) The operator of a foreign fishing vessel shall, pursuant to section 62 of the Act, at least forty-eight hours prior to the proposed time of entry into port, provide to the Director General all information as prescribed by the Director General together with a request to enter port.

(2) The Director General shall ensure that an electronic Port State Measures system of a relevant RFMO is used to the greatest extent possible in implementing these Regulations.

(3) The provisions in regulations 70 to 77 shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.

Port State measures applied by other States to Tanzanian fishing vessels.

70.-(1) Where there are clear grounds to believe that a Tanzanian fishing vessel has engaged in illegal unreported and unregulated fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, the Director General shall, as appropriate request such State to inspect the vessel or take other measures consistent with applicable regional or international instruments.

(2) Where, following port State inspection in another State, there are clear grounds to believe that a Tanzanian fishing vessel has engaged in illegal unreported and unregulated fishing or fishing related activities in support of such fishing, the Director General shall cause the matter to be immediately and fully investigated and, upon sufficient evidence enforcement action to be taken without delay in accordance with the Act and these Regulations.

Prerequisites for entry or use of port.

71. The operator of a foreign fishing vessel shall not enter or use a port in the United Republic unless-

- (a) ports have been designated and publicised in accordance with section 63 of the Act;
- (b) the operator has requested entry into port and provided such information as may be prescribed or required by the Director General at least forty-eight hours in advance of port entry, including for

purposes of landing or transshipment of any fish or fish product;

(c) the Director General has authorized entry of such vessel into port and communicated such authorization to the master of the vessel and any agent of the vessel in Tanzania; and

(d) upon the vessel's arrival at port, the master or agent of the vessel has presented the authorization for entry into the port to a person authorized to receive it on behalf of the Authority.

Denial of entry into port and use of port

72.-(1) The Director General shall, where there is sufficient proof that a fishing vessel seeking entry into a port of the United Republic has engaged in illegal unreported and unregulated fishing or fishing related activities in support of such fishing, in particular where it is an illegal unreported and unregulated listed vessel-

(a) not authorize such vessel to enter port; or

(b) notwithstanding paragraph (a), allow such vessel to enter a port exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law; and

(c) communicate any decision taken pursuant to paragraphs (a) or (b) to-

(i) the vessel or its agent; and

(ii) to the relevant authority in United Republic, which shall implement the Director General's decision taken under these Regulations.

(2) Where entry or use of port is denied under subsection (1)(a) or (b), the Director General shall notify the decision to the operator, flag State of the vessel and, as appropriate, to each relevant coastal State, relevant fisheries management organization and other international organization.

Force majeure or distress

73.-(1) Nothing in these Regulations affects the entry of a fishing vessel to port in accordance with the laws of the United Republic for reasons of *force majeure* or distress, provided that a claim of force majeure or distress shall not apply where-

(a) it is contrived, untrue or otherwise intentionally created; or

(b) its objective is to avoid liability.

(2) The burden of proof that a claim of force majeure or distress is valid and does not fall within prohibitions in sub regulation (1) shall be on the vessel operator.

(3) The fishery inspector may board and inspect the fishing vessel at any time for the purpose of verifying the claim of force majeure or distress.

(4) The Director General may grant a fishing vessel that falls within the scope of these Regulations entry into port for reasons of *force majeure* or distress, provided that:

(a) the vessel may enter port under its claim of force majeure or distress for such period of time necessary to remedy such claim; and

(b) the vessel is permitted entry exclusively for the purpose of rendering assistance to persons or vessels in danger or distress.

(5) The operator of a foreign fishing vessel that is authorized to enter port pursuant to subregulation (2) (a) or (b) shall not allow or cause such vessel to engage in the use of port.

(6) The operator of a fishing vessel in respect of which an inapplicable claim described in sub regulation (1) was made, commits an offence and upon conviction shall be liable to a fine not exceeding seven hundred and fifty thousands USD.

Denial of use
of port after
entry

74.-(1) Where a fishing vessel that has been authorized to enter port pursuant to regulation 71(c) has entered a port, the Director General shall deny such vessel the use of port if-

(a) the vessel does not have a valid and applicable authorization or license to engage in fishing or fishing related activities required by-

(i) its flag state; or

(ii) a coastal state in respect of areas under its national jurisdiction;

(b) there is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal state in respect of areas under the national jurisdiction of that state;

(c) the flag State does not confirm within a reasonable period of time, on the request of the Director General, that the fish on board was taken in

accordance with applicable requirements of a relevant RFMO; or

- (d) there are reasonable grounds to believe that the vessel was otherwise engaged in illegal unreported unregulated fishing or fishing related activities in support of illegal unreported unregulated fishing unless the operator or charterer of the vessel can establish-
 - (i) that it was acting in a manner consistent with relevant conservation and management measures, including ICMMs; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel that had engaged in IUU fishing.

(2) Notwithstanding subregulations (1), the Director General shall:

- (a) not deny a fishing vessel the use of port services-
 - (i) where such services are essential to the safety and health of the crew or the safety of the vessel, provided these needs are duly proven; or
 - (ii) as appropriate, for the scrapping of the vessel; and
- (b) where the use of port has been denied, notify the decision to the flag State of the fishing vessel and, as appropriate, to each relevant coastal State, any relevant RFMO and other international organization.

(3) Where the use of port has been denied pursuant to this regulation, the Director General, as appropriate, taking into account any relevant legal advice from the Attorney General responsible for Mainland Tanzania or Tanzania Zanzibar shall-

- (a) withdraw such denial in respect of a fishing vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply; and
- (b) promptly notify the withdrawal to each person that was notified pursuant to this regulation.

Inspections of
vessels in port

75.-(1) The Director General shall ensure that fishing vessel inspections are conducted as necessary to achieve the objectives of these Regulations and at a level that may be agreed pursuant to applicable national, regional or ICMMs.

(2) The Director General shall prioritize fishing vessel inspections based on-

- (a) vessels that have been denied entry or use of a port in accordance with an applicable conservation and management measure;
- (b) a request from another State or RFMO to inspect a vessel, particularly where the request is supported by evidence of illegal unreported unregulated fishing or fishing-related activities in support of illegal unreported unregulated fishing by the vessel in question; and
- (c) whether there are clear grounds for suspecting that a vessel has engaged in illegal unreported unregulated fishing or fishing related activities in support of such fishing.

(3) The Director General shall transmit the results of an inspection under this regulation to-

- (a) the flag State of the inspected fishing vessel;
- (b) as appropriate, parties to a relevant international agreement;
- (c) relevant coastal State and the State of which the vessel master is a national; and
- (d) any relevant national institutions, RFMO or international organizations.

Denial of use
of port after
inspection

76.-(1) Where, following an inspection, there are clear grounds for believing that a fishing vessel has been used for engaging in illegal unreported unregulated fishing or fishing related activities in support of such fishing, the Director General shall deny the vessel the use of port, if these actions have not already been taken in respect of the vessel.

(2) Notwithstanding subregulation (1), the Director General shall not deny a vessel the use of port services, where such services are essential to the safety and health of the crew or the safety of the vessel, provided these needs are duly proven.

Prohibition to use or assist in the use of port in absence of authorization or after denial

- 77.-(1) Where a fishing vessel-
- (a) is in port in contravention of-
 - (i) requirements for entry specified in regulation 71; or
 - (ii) an applicable denial of authorization to enter port pursuant to regulation 72 (1)(a) or (2);
 - (b) has been permitted to enter port exclusively for the purpose of:
 - (i) inspection pursuant to regulation 72 (1)(b); or
 - (ii) rendering assistance to persons or vessels in danger or distress pursuant to regulation 73; or
 - (c) has been denied the use of port pursuant to regulations 71, 72 (2), 74 or 76 (1), a person shall not:
 - (i) cause or allow the fishing vessel to enter such port;
 - (ii) engage in the use of such port or cause such port to be used; or
 - (iii) allow or assist, directly or indirectly, the use of port by such vessel,

unless the Director General permits in writing port services to be used for the safety or health of the crew or the safety of the vessel in accordance with this regulation and port is used exclusively for such purposes.

(2) A person who contravenes sub regulation (1) (d), (e) or (f) commits an offence and upon conviction shall be liable to a fine not exceed one million USD.

PART SIX INFORMATION, DATA AND STATISTICS

Collection of information

78.-(1) The Director General may, in implementing the function and power under section 16 of the Act, require any person to provide information in relation to activities under these Regulations.

(2) A person carrying out activities under the scope of the Act and these Regulations shall keep such records and furnish such information in such form and manner as the Authority may require.

(3) The Director General may, for the purposes of verifying accounts, records, documents and other information required to be kept, furnished or communicated under subregulation (2)-

- (a) audit or inspect any accounts, records, documents, data and other information or place where such information may be kept;
- (b) audit or inspect any vessel, processing plant or other facility to which these Regulations applies; and
- (c) require from any person further information regarding any accounts, records, documents, data and other information kept, furnished or communicated under these Regulations in accordance with such time limits as may be prescribed.

(4) A person who-

- (a) fails to keep, furnish or communicate any accounts, records, documents, data and other information as required under sub regulation (3); or
- (b) does not facilitate, assist or comply with the requirements for an audit or inspection undertaken under subregulation (4),

commits an offence and upon conviction shall be liable to a fine not exceeding two hundred and fifty thousands USD.

Tuna and tuna
like -species
neritic data

79. The Director General may, in collaboration with ministries responsible for fisheries for Tanzania Zanzibar and Mainland Tanzania, and for the purposes of implementing conservation and management measures, collect data on neritic tuna and tuna-like species according to national, regional and international requirements and shall-

- (a) ensure any information and data to be stored under the Authority's fisheries information system; and
- (b) ensure all neritic data be collected, stored, processing and analyzing according to national, regional and international requirements;

Record keeping

80.-(1) A person shall keep records and provide information, data or statistics as required pursuant to these Regulations and such records, information, data and statistics shall at all times be true, complete, correct and accurate and shall not be false, misleading or inaccurate.

(2) A person shall not alter, destroy, erase or obliterate any-

- (a) declaration, certificate, or other documents, information, data or statistics made or required to be made or issued under these Regulations;
- (b) label subject to these Regulations; or
- (c) required markings on fishing vessels or gear.

(3) A person shall not submit to the Authority any information or documents that are fraudulent or, in the case of written information or documents, forged.

(4) A person who Contravenes any requirement in subsection (1), (2) or (3) commits an offence and upon conviction shall be liable to a fine not exceeding one million USD and any other penalty provided under the Act.

Confidential
Information

81.-(1) The Director General may by written notice-

- (a) declare any information to be confidential information; and
- (b) declare that certain general summaries of such information are not confidential information.

(2) The Director General may in writing authorize any person to-

- (a) receive or access confidential information;
- (b) access such premises holding confidential information as the Director General may designate or restrict access to such premises.

(3) The following information is confidential information unless the Director General otherwise directs by notice-

- (a) any information or data of a commercial nature provided in records, returns, or other documents required to be kept, furnished or communicated under regulation 78;

- (b) any information or other data supplied by a Mobile Transceiver Unit in accordance with these Regulations; and
- (c) raw data from scientific research.
- (4) Confidential information may be disclosed-
 - (a) to the extent-
 - (i) that disclosure is authorized or required under these Regulations or any other law; or
 - (ii) that the person providing the confidential information authorized its disclosure; or
 - (b) as may be necessary to-
 - (i) enable the Director General to publish statistical information relating to the fisheries sector;
 - (ii) enable other agencies of the Government to enforce laws of Mainland Tanzania and Tanzania Zanzibar;
 - (iii) promote regional and international cooperation or coordination in monitoring, control and surveillance of fisheries-related and other relevant activities; or
 - (iv) enable advice to be given to the Minister consistent with the objective of the Act.
- (5) The Director General may authorize the release of confidential information-
 - (a) relating to the real time or other position of any vessel, upon request, to any authority for the purposes of assisting with surveillance, search and rescue and other emergency responses; and
 - (b) for purposes the Director General believes are supportive of the objective and enforcement of the Act and these Regulations, including reasonable transparency in decision-making.
- (6) Any confidential information shall maintain its classification for a period of three years from the date that it is declared to be confidential information under sub regulation (3)(a).
- (7) The Director General may extend the classification of confidential information at the expiry of the three year period referred to in sub regulation (8);

(8) The extension of the classification of confidential information under subsection (9) may be effected for one or more periods of up to three years, as the Director General may deem necessary to achieve the objectives of these Regulations and assist with its enforcement.

(9) A person who receives confidential information pursuant to these Regulations shall not use or disclose such information except for the purposes of these Regulations and in accordance with any international conservation and management measure.

(10) A person who does not comply with any requirement in sub regulation (2) or (9) commits an offence and upon conviction shall be liable to a fine provided in section 54(3) of the Act.

Information
system of
Authority

82.-(1) The information system shall be available on the website of the Authority and subject to designated confidentiality requirements.

(2) The information system of the Authority shall include-

- (a) applications for and issuance of licenses, authorizations and other permissions;
- (b) particulars of fishing vessels issued with licenses, authorizations or other permissions under these Regulations and their owners, operators and masters;
- (c) activities in relation to monitoring, control, surveillance and enforcement;
- (d) transshipment activities;
- (e) catch data;
- (f) neritic tuna tuna-like species data;
- (g) data submitted by observers;
- (h) information on projects and their implementation;
- (i) legal or administrative actions taken under these Regulations, including appeals lodged and decisions made by the Minister, and
- (j) any other information that the Director General reasonably requires consistent with the objective and principles of the Act for the purposes of an

information management system.

(3) The Director General shall ensure that the information on each license, authorization and permission in the database is sufficient for purposes of fisheries management and monitoring, control and surveillance, and for the implementation of applicable ICMMs.

(4) The Director General shall ensure that, as appropriate, information is released from the database and communicated to other national agencies, states and regional and international organizations in a timely manner to ensure the discharge of national, regional and international obligations of United Republic, including as a flag state and as a member of any relevant RFMO.

(5) The Director General shall make publicly available a record of the outcome of any legal or administrative action taken in respect of any violation against these Regulations those results in a determination or administrative action.

Documentation
for tuna import
and export or re-
export

83.-(1) Any fishing vessels equipped with purse seine or pole line gears which are destined principally for the canneries in the area of competence or of relevant RFMO, shall not apply for statistical documentation requirements for tuna and other species caught.

(2) A person who intends to import tuna into Tanzania shall submit to the Director General and with the shipment a complete and valid Tuna Statistical Document as prescribed by the Director General.

(3) The Tuna Statistical Document shall be validated by a government official or other authorized individual or institution of the flag state of the vessel that harvested the tuna, or, if the vessel is operating under a charter arrangement, by a government official or other authorized individual of the exporting state.

(4) The Tuna Re-export Certificate of a relevant RFMO shall be validated by the relevant competent authority.

(5) The entry into Tanzania of any illegitimate shipment of tuna shall be-

(a) suspended pending receipt of a properly completed document; or

(b) subject to the fines and penalties or administrative or other sanctions as may be determined pursuant to the provisions of the Act.

(6) The operator of any fishing vessel or any person who imports or causes to be imported an illegitimate shipment of tuna described in sub regulation (5) commits an offence and upon conviction shall be liable to the fine provided under section 60(2) of the Act.

Sharing of information

84.-(1) Subject to section 57 of the Act, the Director General shall share information in the form and manner as may be required pursuant to applicable ICMMs.

(2) The Director General shall, on annual basis, share appropriate information collected pursuant to regulation 78 with the relevant RFMOs.

PART SEVEN

APPEALS AND THE MANNER OF LODGING APPEAL

Appeals

85.-(1) A person aggrieved by the decision of the Director General may, within seven days from the date of receiving the decision of the Director General, appeal to the Minister.

(2) An appeal lodged under these Regulations shall be in writing and the appellant shall-

- (a) prepare the appeal in triplicate;
- (b) adequately describe the manner to which the appeal relates;
- (c) set forth concisely the grounds of objection; and
- (d) sign the appeal.

(3) The appellant shall serve the copy of the appeal to the Director General.

(4) The Director General shall, on receipt of the copy referred to under subregulation (3), forward to the Minister a written statement setting out particulars relating to the subject matter of the appeal together with his own comments as in his opinion useful towards a just determination of appeal.

Decision of
Minister

86.-(1) The Minister shall, after consultation with the Minister responsible for fisheries in Tanzania Zanzibar, make decision on the appeal and shall communicate the decision in writing to the Director General and appellant within fourteen days from the date of receiving the appeal.

(2) An appeal to the Minister shall not be entertained unless the petitioner has paid fee prescribed as prescribed by the Director General.

Register of appeal
and decision
made by the
Minister.

87. The Director General shall keep the register of appeals lodged and the decisions made by the Minister.

PART EIGHT
FORM, MANNER AND PROCEDURES FOR COMPOUNDING OF
OFFENCE

Notification of
offence

88.-(1) Where a person has committed an offence under Regulations, the Director General shall notify such person in the the Notification Form 1 set out in the Third Schedule.

(2) The notification referred to under this regulation shall-

- (a) specify the offence committed or the relevant provision;
- (b) specify the relevant penalty for the offence committed amount for the offence; and
- (c) be dated and signed by the Director General.

Procedures after
offence
notification

89.-(1) A person who receives a notification under regulation seven days from the date of receipt of such notification, either state his intention to answer charge against an offence, except that on reasonable grounds, accept admission of commission of an offence of seven days.

(2) A person who admits the offence shall be required to fill in Form 2 as set out in the Third Schedule.

Procedures upon
disputes of
offences

90.-(1) Where the person intends to answer charge against an offence, a person shall be required to fill in the Intention to Answer Charge Form set out in the Third Schedule.

(2) Where a person intends to answer a charge against the Authority shall submit the Notification Form together with the Charge Form 3 to the Director of Public Prosecution together with information for further action.

(3) A person who fails or refuses to sign a Notification Form to have disputed commission of an offence, and the Authority shall of Public Prosecution and submit any other relevant information for

Payment and
Default

91.- (1) A person who admits the commission of an offence shall pay a compounded amount to the Authority in such manner as the Director shall direct, and within the time to be specified in the Admission Form.

(2) Pursuant to sub regulation (1), payment of the compounded amount shall be deposited into the Authority's account within the time stated in the conditions of the offer.

(3) On payment of the compounding amount, the proceedings under proceedings in connection with the commission of the offence shall be noted as compounded and the offender shall absolutely be deemed to be liable. If any vessel or article seized be released.

(4) Where a person fails to pay the compounded amount within the commitment period, the person shall be liable to pay an interest on the amount at the rate of 12 per cent per annum from the date of default and the Authority shall proceed with the court proceedings.

(5) Subject to the provisions of section 95 (3) of the Act, the offender shall be required to pay the amount stated in the notification not more than

Issue of official
receipt

92. The Authority shall issue an official receipt for any payment received under these Regulations.

Compounding
order not
appealable

93. Any compounding order made by the Authority under the Act or these Regulations and signed by an offender shall not be appealable.

Report to
Director of Public
Prosecutions

94 Subject to the provisions of section 95 (4) of the Act, the report to the respective authorities responsible for public prosecution in the Republic shall contain the following information-

- (a) name and particulars of the offender;
- (b) offence committed and the relevant provision;
- (c) date and place in which the offence was committed;

- (d) compounded amount; and
- (e) any other relevant information.

PART NINE
GENERAL PROVISIONS

General penalties

95.-(1) Where a regulation refers to a provision of the Act under which it is made, the applicable fines and other penalties for that provision in the Second Schedule of the Act shall apply, as indicated in each regulation.

(2) A person who commits any offence under these Regulations other than those described in subregulation (1) and where no specific fine has been provided in these Regulations, the fine for a general offence stated under section 89 of the Act shall apply.

(3) All other relevant penalties as provided under the Act shall be applicable to offences under these Regulations.

FIRST SCHEDULE

Form No. 1



THE UNITED REPUBLIC OF TANZANIA
DEEP SEA FISHING AUTHORITY

APPLICATION FORM FOR FISHING LICENSE IN THE EXCLUSIVE
ECONOMIC ZONE OF THE UNITED REPUBLIC OF TANZANIA

(Made under regulation 23(1) and 39(2))

- A. APPLICANT: Name of applicant, Postal address, Telephone, Facsimile, email, Business or residential address, Occupation, Name and address of an accredited agent, Name of Captain, Postal address, Business or residential address, Telephone number, Facsimile, email, Number of crew.
B. VESSEL: Type of vessel, Name of vessel, Registration number, IMO number, Date and place of construction, Current port and country of registry, Previous registration, Flag, State, Length of vessel, Gross tonnage, Net tonnage, Beam.

Engine HP / Number of engines (specify).....
Engine make engine model.....
Speed of vessel (max)..... Propeller: fixed [] , variable [] or
ducted [] International Call Sign..... Call
frequency.....

C. SOUNDING, NAVIGATIONAL AND TRANSMISSION INSTRUMENTS

Radar [] , Sonar [] , Net sounder [] , VHF [] , SSB [] , Net
sounder satellite navigation []
Others:

D. MOBILE TRANSCEIVER UNIT REGISTRATION DETAILS

Manufacture: Model:
Serial Number: Date purchased:

E. AUTOMATIC IDENTIFICATION SYSTEM DETAILS

Manufacture: Model:
Serial Number:..... Date purchased:

F. FISHING INFORMATION

Type or method of fishing
Type and number of gears.....
Size (length and depth) of each gear.....
Number and size of hooks (if applicable).....
Mesh size (if fishing net will be used).....
Any other specifications of gear to be used:.....
Any other specifications of gear carried and stowed on board not to be used:
.....
Targeted area of fishing: surface [] , mid-water [] or bottom []
Targeted fish species.....
Tonnage of fish applied to catch.....
Expected market and price.....

G. FISHING AGGREGATING DEVICES

Number of FADs: Anchored [] or Drifting []

H. PRESERVATIONS

Number of wet fish holds/total capacity M³
Number of freezer holds/ total capacity M³
Packed in ice [] , ice and refrigeration [] , freezing in brine [] , dry [] or refrigerated
sea water []

Total refrigeration power.....
Freezing capacity.....

Total fish hold capacity.....kg

I. SHORE BASED FISH PROCESSING FACILITY

Form No.2



THE UNITED REPUBLIC OF TANZANIA
DEEP SEA FISHING AUTHORITY

APPLICATION FORM FOR AUTHORISATION TO FISH BEYOND THE
EXCLUSIVE ECONOMIC ZONE OF TANZANIA

(Made under Regulation 23(1) and(39(2))

A. APPLICANT DETAILS

Name of the Applicant:
Postal Address: Telephone number:
Facsimile.....
Email:
Nationality:
Business or residential address:
Occupation.....
Vessel owner or chartering entity if different from above:
.....

B. CAPTAIN DETAILS:

Name of Captain.....
Postal address:
Business or residential Address.....
Telephone numbers Fax
Number of crew.....

C. VESSEL IDENTIFICATION DETAILS:

Name of vessel
Vessel type.....
External Marks.....
MMSI.....
International Radio Call Sign (IRCS).....
IMO No.....
RFMO No.....
Country and port registry.....
Registration number.....
Date and place of construction.....
Previous registration (if any):
Call frequency.....

D. MOBILE TRANSCEIVER UNIT REGISTRATION DETAILS:

Manufacture:..... Model:
Serial Number: Date purchased:

E. AUTOMATIC IDENTIFICATION SYSTEM DETAILS:

Manufacture:..... Model:.....
Serial Number: Date purchased:.....

F. VESSEL TECHNICAL DETAILS:

Length of vessel..... Gross tonnage.....
Net Tonnage.....
Beam.....
Engine Type:
Engine HP.....
Engine Manufacture.....
Speed of vessel (max)..... Propeller: fixed [], variable [] or ducted
[Sounding, navigational and transmission instruments:
Radar [], Sonar [], Net sounder [], VHF [], SSB [], Net sounder satellite
navigation [] others.....

G. FISHING INFORMATION

Fishing Area.....
Type Fishing Gear to be Used:
Number of Gears.....
Size (length and depth) of each gear.....
Number and size of hooks (if applicable).....
Mesh size (if fishing net will be used).....
Any other specifications of gear to be used:
Any other specifications of gear carried and stowed on board not to be used:
.....
.....
Targeted fish Species.....
.....
.....

H. FISHING AGGREGATING DEVICES

Number of FADs: Anchored [] or Drifting []

I. PRESERVATIONS:

Number of wet fish holds/total capacity M³
Number of freezer holds/ total capacity M³
Packed in ice [], ice and refrigeration [], freezing in brine [], dry [] or refrigerated
sea water [].
Total refrigeration
power.....
Freezing capacity.....
Total fish hold capacity.....Kg

The undersigned, here certify that the information provided in this application is true and correct

Signature

Place

Date

ATTACHMENTS:

An application shall be accompanied with the following documents

1. Copy of the vessel certificate of registration
2. Copy of ship surveyor's Certificate,
3. Copy of certificate of Seaworthiness,
4. List of names of crew showing Citizenship,
5. Colored photograph, A6 format, showing vessel from starboard or portside,
6. Proof of insurance for a vessel and crew, and
7. Fishing plan.

Form No.3



THE UNITED REPUBLIC OF TANZANIA
DEEP SEA FISHING AUTHORITY

APPLICATION FORM FOR ACCREDITATION OF AN AGENT FOR
FISHING VESSEL

(Made under regulation 45(1))

Affix
recent
photo

Name of Applicant.....
Physical address:
P.O. Box: Telephone number: facsimile Email:
Date: / /

To
The Director General
P.O. Box 56
Fumba - Zanzibar
TANZANIA

- 1. I,..... Apply for accreditation as an Agent for foreign fishing vessel(s) that intend to fish in the Tanzania Exclusive Economic Zone.
- 2. The registered office of the Company is located.....
.....
- 3. The head office of the Company is located at.....
.....

4. List of shareholders, of the company

	Name	Nationality	Number of shares
a)		

b)		

c)		

d)		

e)		

5. Name(s) and address of persons managing the Company business

.....
.....
.....
.....

Yours faithfully,

.....
(Authorized Signature)

Please attach the following documents:

- a) Certified Certificate of Incorporation;
- b) Certified Copy of Memorandum and Article of Association of the Company;
- c) Copy of valid business license issued by a relevant authority;
- d) Audited financial statements for the previous 3 years (if applicable) and
- e) Any other relevant information.



Form 4

**THE UNITED REPUBLIC OF TANZANIA
DEEP SEA FISHING AUTHORITY NOTICE OF SEIZURE**

(Made under regulation 53 (2))

(To be filled in triplicate)

1. Place of commission of Offence
- a) Position (latitude and longitude).....
- b) Region (RFMO).....
- c) Date..... Time.....
2. Full name and address: of person(s) found in illegal possession of fish,
fishery product(s), vessel/vehicle/ gear or other article(s) or thing(s) which
was/were used in commission of
Offence.....
.....
.....

Deep Sea Fisheries Management and Development

GN No. 334 (Contd.)

3. Description of fish and fishery products:

4. Common/Commercial/Scientific name of fish

5. Weight/number of fish.....

6. Description of vessel/vehicle/receptacle

a) Name.....

b) Registration number.....

c) Dimensions/tonnage.....

7. Description in case of fishing gear

a) Type.....

b) Number.....

c) Size (hook or net)

8. Declaration of person whose item is being seized:

(A) I (threenames) of.....nationality.....Age(years).....sex.....
witness the seizure ofwhich belong to me. Signature.....
Date.....

Full name and Designation of Authorised/Enforcement

Officer.....

Signature.....Date.....

.....

Official Stamp

Full name(s) of Witness (es) (if any):

a) Signature..... Date

Deep Sea Fisheries Management and Development

GN No. 334 (Contd.)

b) Signature.....Date.....

c) Signature.....Date.....

Delete which ever is not applicable

Deep Sea Fisheries Management and Development

GN No. 334 (Contd.)

SECOND SCHEDULE
FEES PAYABLE UNDER THESE REGULATIONS

(Made under regulation 27(1))

	Description of fishing method	Duration of fishing license	Size of the Vessel (m)	Tanzania Fishing Vessel (USD)	Foreign Fishing Vessel (USD)
1	Purse seining	Three months	Below 50	6,000	
			Above 50	7,500	
		Six months	Below 50	10,500	35,000
			Above 50	13,500	45,000
		One year	Below 50	16,500	64,000
Above 50	21,000		70,000		
2	Long lining	Three months	Below 24	3,000	
			Above 24	3,000	
		Six months	Below 24	4,000	25,000
			Above 24	5,000	31,000
		One year	Below 24	6,500	40,000
Above 24	8,000		50,000		

Deep Sea Fisheries Management and Development

GN No. 334 (Contd.)

3	Pole and lines	Three months	Below 24	1,000	-
			Above 24	1,500	-
		Six months	Below 24	2,000	10,000
			Above 24	2,500	10,000
		One year	Below 24	3,000	15,000
			Above 24	4,000	20,000
4	Trolling	Three months	Below 24	1,000	-
			Above 24	1,500	-
		Six months	Below 24	2,000	6,000
			Above 24	2,500	8,000
		One year	Below 24	3,000	12,000
			Above 24	4,000	15,000
5	Gill netting	Three months	Below 24	1,500	-
			Above 24	1,500	-
		Six months	Below 24	2,400	15,000
			Above 24	3,000	19,000
		One year	Below 24	3,800	24,000
			Above 24	4,800	30,000
6	Trawling (Pelagic and Mid-water)	Three months	Below 24	3,000	-
			Above 24	3,000	-

Deep Sea Fisheries Management and Development

GN No. 334 (Contd.)

		Six months	Below 24	4,000	-
			Above 24	4,000	-
		One year	Below 24	7,000	-
			Above 24	12,000	-
7	Sport fishing permit fees	One month	below	200	300
			Above 24	300	500
		Three months	Below 24	400	1,000
			Above 24	600	1,500
		Six months	Below 24	800	2,000
			Above 24	1,200	2,500
		One year	Below 24	1,600	3,000
			Above 24	2,400	4,000
8	Authorization to Fish (ATF) for Tanzania fishing vessel operating beyond EEZ	Three months	Below 24	600	
			Above 24	800	
		Six months	Below 24	700	
			below	1,000	
		One year	Above 24	800	
			Below 24	1,100	

Deep Sea Fisheries Management and Development

GN No. 334 (Contd.)

OTHER FEES AND CHARGES	
	A. Fee for application form:
(i) Foreign	Fishing Vessel USD 100
(ii) Tanzania	Fishing Vessel USD 20
	B. Fee for one Observer per vessel: USD 350 per month
	C. Fishing related activities administrative fee for Foreign Fishing Vessel USD 1,000
	D. Fee for clearance for registration of fishing vessel in the United Republic USD 500
	E. Fee for Agent Accreditation USD 1,000 per year
	F. Fee for lodging appeals: USD 500
	G. Fee to access information USD 500
	H. Monitoring services fee USD 1,000
	I. Fee for Supporting Vessel:
(i) Tanzania	fishing vessel USD 2,000 per year;
(ii) Foreign	fishing vessel USD 5,000 per year.
	J. Fee for Transshipment/ Landing
	• Ship to ship transshipment at port
	(i) Less than 30 tons fee is USD 3/ton
	(ii) 30 – 60 tons, fees is USD 2/ton
	(iii) More than 60 tons, fee is USD 1/ton

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	K. Fee for Fish Aggregating Devices (FADs):
	(i) Number FADs from 1 to 100 USD 500 per vessel
	(ii) Number FADs from 101 to 200 USD 1,000 per vessel
	(iii) Number FADs above 201 to 300 USD 1,500 per vessel

THIRD SCHEDULE

Form 1

NOTIFICATION OF OFFENCE

(Made under regulation 88(1))

To.....

Address.....

1. You are charged with the following offence (s):
 - a)contrary to..... of
 - b)contrary to.....of.....
 - c)contrary to.....of.....
2. If you WISH to admit commission of the offence (s) you should complete "ADMISSION FORM" attached hereto and return it together with this notification to the Director General within seven (7) days from the date of service of this notification.
3. If you DO NOT WISH to admit to have committed the offence (s) you are required to complete "INTENTION TO ANSWER CHARGE FORM" attached hereto and return it together with this notification to the Director General together with answers, in writing, to the charges mentioned above, within seven (7) days from the date of service of this notification.
4. In the event you admit to the offence(s) listed under paragraph 1 you shall be liable to pay a compoundable amount as follows:

S/ N	Offence	Prescribed Fine under the Law (USD)	Compounded Amount (USD)

*In case of delay to pay the stated amount, the person shall be liable to pay an interest of three percent in each day of delay accrued from the principal amount agreed.

.....
Director General

Signature

Date:

Received by:.....Signature:.....Date:.....

Form 2

ADMISSION FORM

(Made under regulation 89(2))

I..... of.....
(residential or business address) being the
(owner/director/manager/representative) of.....
(name of company/firm, etc) plead guilty to the charge (s) Nos.....set
out in the Notification Form.

I request that the offence(s) be compounded as per regulation/section.....of
theRegulations/Act

I undertake to pay the requisite compoundable amount of USD
within a period ofdays from the date hereof.

I understand that an interest at a commercial rate will be charged upon failure to
pay the compounded amount within the period specified above.

Signature:

Date:

Signature of the Director General

Form 3

INTENTION TO ANSWER CHARGE FORM
(Made under Regulation 90 (1))

I of.....
(residential or business address) being the
(owner/director/manager/representative)
of..... (name of
company/firm, etc) intend to answer charge (s) Nos.....set
out in the Notification Form.

I further provide my explanation attached hereto in writing in response to the charges.

Signature:

Date:

Dodoma
9th April, 2021

MASHIMBA MASHAURI NDAKI
Minister for Livestock and Fisheries