

LAWS OF MALAWI

26 Cap. 66:05

Fisheries

[Subsidiary]

Fisheries (Trout) Rules

SUBSIDIARY LEGISLATION

G.N. 16/1973

FISHERIES (TROUT) RULES

under s. 20

- Citation 1. These Rules may be cited as the Fisheries (Trout) Rules.
- Interpretation 2. In these Rules, unless the context otherwise requires—
“angling” means fishing for pleasure with a single rod, reel and line;
“artificial bait” means any spoon, spinner, devon, plug or similar bait;
“artificial fly” means any fly or lure made from silk, fur, feather, hair, tinsel and any other accepted fly tying material, and includes ‘tandem’ lures and ‘tube’ flies;
“fly fishing” means fishing with fly tackle consisting of a fly rod, fly aid, fly line and artificial fly;
“honorary trout warden” means any person appointed in writing by the Minister to assist Authorized Officers in the enforcement of these Rules;
“licence” means a trout fishing licence issued under rule 5 (1);
“trout water” means any water listed in the First Schedule;
“undersized trout” means any trout which is below the prescribed minimum length for the water in which it is caught.
3. These Rules shall apply to all trout waters.
- Waters to which these rules apply 4. Unless otherwise sanctioned by the Minister, no person shall fish for trout between 1st May and 31st August:
Provided that the Minister may, at his discretion, by notice published in the *Gazette*, close any trout water to fishing for such period as he may deem necessary or desirable.
- Trout 5. (1) No person shall fish for trout unless he is in possession of a valid trout fishing licence. A licence shall be in the form set out in the Second Schedule to these Rules.
(2) The period of validity of a licence and the fees payable therefor shall be as specified in column 1 and 2 of the Third Schedule.
(3) The maximum number of trout which may be killed on each type of licence, and the maximum number of trout which may be killed in any one day, shall be as specified in columns 3 and 4 of the Third Schedule.
(4) A licence holder shall have his licence available at all times when he is fishing and he shall produce it for inspection upon demand by an Authorized Officer or an honorary trout warden.
(5) A licence shall not be transferable, neither may any alteration, deletion or addition be made thereon.

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6. Fishing in all trout waters not closed by the Minister under the proviso to rule 4 shall be permitted between the hours of 4.30 a.m. and 7.30 p.m. No person shall fish for trout outside of these hours, except under rule 16.

Hours of fishing

7. - (1) The method of fishing in any trout water shall be by fly fishing or angling with an artificial bait only and subject to rule 16 no person may fish for trout by any other method.

Methods of fishing

(2) Fly fishing only shall be permitted in the trout waters listed in Fifth the Schedule.

(3) Wading for the purpose of fishing shall be permitted.

8. - (1) The minimum size at which trout may be killed shall be as specified in the Fourth Schedule. The length of a trout shall be measured from the tip of the snout, with the mouth closed, to the fork of the tail.

Minimum size limit of trout which may be killed

(2) Undersized trout shall be handled with care and returned to the water:

Provided that damaged fish unlikely to survive shall be killed and entered on the angler's licence.

(3) Where an Authorized Officer or honorary trout warden is present, his decision as to whether a trout should be killed or returned shall be final.

(4) Any trout of whatever size showing signs of injury, distress or disease shall be killed and surrendered to an Authorized Officer or honorary trout warden for examination. Trout so killed and surrendered will not count against an angler's bag limit, neither need they be entered on his licence.

9. All trout caught which are over the minimum size limit shall be killed and entered on the angler's licence immediately after they are killed. An angler shall cease to fish when he has reached—

Takeable fish to be killed

(i) his limit for the day; or

(ii) the limit for his licence:

Provided that an angler who has so reached his limit may resume fishing upon taking out a further licence.

10. All licences shall be sent by post to the Chief Game Warden within fourteen days of their expiry. All expired licences are required to be so returned, whether trout have been killed or not.

Catch returns to be made

11. No boats other than those specifically authorized by the Chief Game Warden shall be permitted on any trout water.

Boats

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Appointment
of honorary
trout
wardens

12.-- (1) The Minister may, by notice published in the *Gazette*, appoint honorary trout wardens whose duties shall be to advise visiting anglers and to assist Authorized Officers in the enforcement of these Rules. An honorary trout warden shall be issued with a letter of authority enumerating his duties and responsibilities, which he shall have available for inspection when exercising his authority under these Rules.

(2) An honorary trout warden shall be deemed to be an Authorized Officer for the purposes of section 17 of the Act.

Obstruction

13. Any person who wilfully obstructs any Authorized Officer or honorary trout warden in the exercise of his powers under these Rules, or who wilfully gives any false information to such Officer or warden, shall be guilty of an offence.

Penalty

14. Any person who contravenes or fails to comply with any of the provisions of these Rules, or with the conditions of any trout fishing licence of which he is the holder, shall be guilty of an offence and any person guilty of an offence against these Rules shall be liable to a fine of K20 and to imprisonment for one month.

Forfeiture

15. When any person is convicted of an offence against these Rules the court may, in addition to any other penalty, order that anything produced before the court which it decides has been used in connexion with the offence shall be forfeited.

Minister may
authorize
catching of
trout at
any time

16. Nothing in these Rules shall preclude the Minister from authorizing any person to catch trout at any time from any trout water by any means, for the purposes of management control or research.

Suspension
of
licence etc.

17.-- (1) Where any Authorized Officer or honorary trout warden reasonably suspects that a person has contravened or failed to comply with, or is contravening or failing to comply with any of the provisions of these Rules, he may order the person to cease fishing and may suspend any trout fishing licence held by such person.

(2) Any person aggrieved by the action of an Authorized Officer or honorary trout warden under subrule (1) may appeal in writing to the Minister, and the Minister's decision thereon shall be final and shall not be subject to appeal to or question by any court.

Minister
may
revoke
licence
issued

18. The Minister may revoke the licence of, or refuse the issue of a further licence, to any person who fails or has failed to comply with these Rules or whose licence is or was suspended under rule 17, notwithstanding the fact that such person was not the subject of a prosecution.

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{ *Fisheries (Trout) Rules* }

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FIRST SCHEDULE

r.2

The following are designated as trout waters:-

Zomba Mountain

Mulunguzi Stream from its source, including all tributaries, to a point 600 yards below the Mulunguzi Dam, where it plunges down a precipice.

Mulunguzi Dam

Chagwa Dam

Mulanje Mountain

Lichenya Stream from its source, including all tributaries, within the Mulanje Forest Reserve.

Likabula Stream from its source, including all tributaries (including the Chapeluka and Malembe Streams), within the Mulanje Forest Reserve.

Nyika Plateau

Chelinda Stream-- from its source, including all tributaries, for a distance of 25 miles.

North Rukuru Stream --from its source, including all tributaries, for a distance of 25 miles.

Dembo Stream from its source, including all tributaries for a distance of 15 miles

No. 1 (Chelinda) Dam.

No. 2 (Little Mwenyenyezi) Dam.

No. 3 (Big Mwenyenyezi) Dam.

SECOND SCHEDULE

(r.5) (1)

MALAWI GOVERNMENT

No. 2468

TROUT FISHING LICENCE

under rule 5 (1) of the Fisheries (Trout) Rules

Type of licence **Fee Paid: K**
Mr./Mrs. of
(address) is hereby licensed
to fish for trout for a period of
commencing on subject to the rules
and conditions laid down in the Fisheries (Trout) Rules (a brief
summary of which appears overleaf). The Fishing Return must be
entered up when fish are caught, and returned to the Chief Game Warden
within 14 days of the expiry of the licence. *Nil returns are required.*

Date

.....
Issuing Officer

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NOTE: The officer issuing this licence has a copy of Fisheries (Trout) Rules; ask to see them.

FISHING RETURN

Date	Water fished	Details of trout killed				Remarks
		Length	Weight	Sex	Stock or Wild?	

(Continue on a separate sheet and enclose if insufficient space)
Any comments or suggestions:

Certified true statement of fish caught by me during the period of this licence.

Date:

Signed:

(r.5 (2) and (3))

THIRD SCHEDULE

Column 1	Column 2	Column 3	Column 4
Type of Licence	Cost of Licence	Total number of trout which may be killed	Total number of trout which may be killed per day
Daily	K 0.60	6	6
Weekly	K 2.50	24	6
Monthly	K 5.00	50	8
Full Season	K 10.00	100	8

Children below the age of 16 years may pay half the sum shown in column 2 for the relevant licence, but shall be limited to killing half the number of fish respectively specified in columns 3 and 4.

FOURTH SCHEDULE

(r.8)

Size of fish to be counted on licence:

Zomba Mountain

- Mulunguzi Stream ... all fish caught
- Mulunguzi Dam ... over 10 inches (smaller fish to be returned)
- Chagwa Dam ... all fish caught

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Fisheries (Prohibited Methods of Fishing) Order
Fisheries (Prohibition of Trawl Fishing) Order

[Subsidiary]

Mulanje Mountain

All streams all fish caught

Nyika Plateau

All streams and dams all fish caught

FIFTH SCHEDULE

Trout waters where only fly fishing is permitted.
All trout waters except Nyika Plateau Dam No. 3.