

LAWS OF MALAWI

50	Cap. 66:05	Fisheries
[Subsidiary]	<i>Fisheries (Aquarist Trade Fishing Licence) Regulations</i>	
G.N. 10/1980 161/1981	FISHERIES (AQUARIST TRADE FISHING LICENCE) REGULATIONS <i>under s. 58</i>	
Citation	1. These Regulations may be cited as the Fisheries (Aquarist Trade Fishing Licence) Regulations.	
Aquarist trade fishing licence G.N. 161/1981	2. The Minister may, on application by any person and on payment by such person of a fee of K300, issue to such person an aquarist trade fishing licence.	
Form of application	3. Every application for an aquarist trade fishing licence shall be made in the form set out in the First Schedule and shall be accompanied with the fee specified in regulation 2.	
Form, duration and conditions of licence	4. Every aquarist trade fishing licence shall— (a) be in the form set out in the Second Schedule; (b) unless sooner terminated, remain in force from the date of issue to the 31st day of March next following the date of issue; (c) be subject to the general conditions, and to any special conditions, respectively specified therein.	
Method of handling, etc., of fish	5. (1) For the purpose of ensuring that only the minimum number of fish die in the process, the Chief Fisheries Officer may— (a) either generally or in relation to a particular licence or species of fish, prescribe the methods which may be used in the handling, keeping, transporting or despatching of any fish caught under an aquarist trade fishing licence; (b) by notice in writing to the licensee, object to any method used in the handling, transporting or despatching of fish caught under an aquarist trade fishing licence. (2) Where the Chief Fisheries Officer makes an objection under subregulation 1 (b), he shall allow the licensee reasonable time to abandon or modify the method objected to before taking any action against the licensee in relation to the use of such method.	
Levy	6. Where any fish caught under an aquarist trade fishing licence is exported from Malawi, the Chief Fisheries Officer shall levy fifty tambala on every box or other container of such fish.	
Acts deemed to be acts of the licensee	7. Any act done by any person working for or on behalf of or under any contract with any licensee, which if done by the licensee would constitute a breach of any condition of his licence, shall be deemed to constitute a breach of such condition by the licensee.	

LAWS OF MALAWI

Fisheries

Cap. 66:05

51

Fisheries (Aquarist Trade Fishing Licence) Regulations

[Subsidiary]

8. (1) Where the Minister is satisfied that any aquarist trade fishing licence has been lost, stolen, defaced or destroyed, he may cancel such licence and issue to the licensee thereunder a duplicate licence in its stead. Duplicate licences

(2) Every duplicate licence issued pursuant to subregulation (1) shall bear the words "Duplicate Licence" conspicuously printed or written thereon and shall be so issued upon payment of a fee of one Kwacha.

9. The Chief Fisheries Officer shall keep a register of all applications received under these Regulations and shall retain a true copy of each licence and duplicate licence issued and such register and copy licences may be inspected— Register

(a) by any public officer, acting in the course of his official duties;

(b) by any holder of an aquarist trade fishing licence, solely in respect of his licence;

(c) by any applicant for an aquarist trade fishing licence, solely in respect of his application.

FIRST SCHEDULE

reg. 3

FORM OF APPLICATION FOR AN AQUARIST TRADE FISHING LICENCE

FISHERIES ACT

(Cap. 66:05)

FISHERIES (AQUARIST TRADE FISHING LICENCE)
REGULATIONS

APPLICATION FOR A LICENCE

This application should be submitted in duplicate to the Chief Fisheries Officer, P.O. Box 593, Lilongwe.

1. Name of the applicant

2. Address of the applicant

3. Definition of the waters in which the applicant proposes to fish

4. Description of the fishing gear which the applicant proposes to use, including the type and size of such gear

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I certify that the above information is correct.

Date

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Signature of applicant

L.R.O. 1/1981

LAW OF MALAWI

Cap. 66:05

Fisheries

Fisheries (Aquarist Trade Fishing Licence) Regulations

SECOND SCHEDULE

FORM OF A4 AQUARIST TRADE FISHING LICENCE

FISHERIES ACT

(CAP. 66:05)

**FISHERIES (AQUARIST TRADE FISHING LICENCE)
REGULATIONS**

AQUARIST TRADE FISHING LICENCE

Licence Number
Fee paid General Receipt Number
and Date
..... (name of licensee, in full) is hereby
licensed to fish for supply to the aquarist trade in the following waters
.....
Date of Issue Date of Expiry

.....
*Minister of Forest and
Natural Resources*

CONDITIONS OF LICENCE

This licence is subject to the following conditions

PART A – GENERAL CONDITIONS

1. The licensee shall, immediately upon taking any fishing gear out of any water
 - (a) return to such water any fish caught in such fishing gear which belongs to any species of the genera *sarotherdon*, *tilapia*, *labeo*, *bairdii* or *clarias* or which is not appropriate to the aquarist trade;
 - (b) transfer, from such fishing gear into such container as will preserve it in its live condition, any fish which is appropriate to the aquarist trade and which does not belong to any of the species of any of the genera specified in subparagraph (a).
2. The licensee shall, whenever he has caught any fish belonging to a species previously unknown to the aquarist trade, immediately give notice thereof to the Chief Fisheries Officer and supply to him specimens of such fish for scientific examination.
3. The licensee shall, in handling, keeping, transporting or despatching any fish which he has caught under this licence
 - (a) use such methods as the Chief Fisheries Officer may from time to time prescribe;
 - (b) where the Chief Fisheries Officer has not prescribed any method, use such methods as will ensure that only the minimum number of fish die in the process.

LAWS OF MALAWI

Fisheries

Cap. 66:05

53

Fisheries (Forms of Notice) Regulations

[Subsidiary]

4. The licensee shall not sell any fish otherwise than in its live condition.
5. The licensee shall
 - (a) within seven days after the end of every month and in the form prescribed from time to time by the Chief Fisheries Officer, submit to the Chief Fisheries Officer returns of all catches of fish which he has made during such months;
 - (b) in the form prescribed from time to time by the Chief Fisheries Officer for the purpose of enabling him to submit accurate returns under paragraph (a), keep records of his catches of fish and the fishing gear he has used in every month;
 - (c) allow the Chief Fisheries Officer or any other fisheries officer, acting in their official duties, at all reasonable times to inspect the records kept pursuant to paragraph (b) and to examine his catches of fish
6. The licensee shall at all times keep and maintain such books of account as are proper and ordinary in his business and sufficient to show, for the purposes of this licence, his financial position attained from his business.

PART II SPECIAL CONDITIONS