

INLAND FISHERIES RESOURCES Act 2003

Act No1 of 2003

INLAND FISHERIES RESOURCES REGULATIONS

The Minister of Fisheries and Marine Resources has under section 29 of the Inland Fisheries Resources Act, 2003 (Act 1 of 2003) made the regulations set out in the Schedule.

SCHEDULE

1 Definitions

In these Regulations any expression to which a meaning has been assigned in the Inland Fisheries Resources Act, 2003 bears that meaning, unless the context otherwise indicates, and-

"bashing" means using any device to hit the surface of the water in order to move or chase fish into a net or a fishing gear;

"dragging" means the moving of any net or gear other than the traditional fishing gear, through the inland waters;

"gill net" means a type of a gear in which the fish are gilled, entangled or enmeshed in netting;

"hook and line" means a single line to which not more than two hooks are attached;

"recreational fishing charter boat" means a boat or a vessel chartered for the purposes of leisure related fishing activities;

"small water body" means, ponds, flood plains, including man made impoundment on communal lands;

"the Act" means the Inland Fisheries Resources Act, 2003 (Act 1 of 2003);

"Zambezi River System" means the Zambezi, Kwando, Linyanti, Chobe Rivers, Lake Liambezi, and other inland water systems covering all rivers in the Caprivi.

2 Registration

(1) Only Namibian Citizens and Permanent Residents who are of the age 18 and above can register nets within Namibia.

(2) The regional council charged with the registration of nets shall register-

- (a) the name and address of the owner;
- (b) the length, strand diameter, height and mesh size of the net;
- (c) registration number; and
- (d) any other particulars deemed necessary by the regional council.

3 Application for registration of nets

(1) An applicant must make an application for the registration of a net on a form which corresponds substantially with Annexure A.

(2) Every application submitted in terms of subregulation (1) of regulation (2) must be signed by the applicant.

(3) Where the owner of a net wishes to use his or her net in more than one region, he or she shall apply to the regional council of each region in which he or she intends to use the net, and the relevant fees will be payable in each of the regions in which the net will be registered for use.

4 Documents to be furnished by the applicant

All the application forms for the purposes of registration of a net must be accompanied by a copy of the applicant's National Identification document or valid national passport.

5 Register of nets

Information relating to the registration of nets shall be contained in a register which is kept in the office of each regional council and such register shall lie open to inspection during office hours.

6 Fees payable for the registration of nets

An applicant who applies for the registration of a net shall pay the amount of N\$50,00 per year on approval to the regional council of the region in which the applicant intends to use his or her net.

7 Form of certificate of registration

A certificate of registration must substantially correspond with Annexure B.

8 Duration of certificate of registration

The certificate of registration is valid for a period of twelve months starting from the date of issue.

9 Renewal of the certificate of registration

The certificate of registration shall, 30 days prior to its expiration, be submitted to the regional council which shall renew it within 30 days.

10 Cancellation or refusal to grant or renew a certificate of registration

(1) The regional council may at anytime cancel, refuse to grant or renew a certificate of registration if-

(a) the applicant or the owner of the registered net is convicted of an offence in terms of the

Act or the provisions of these Regulations;

(b) the inland fisheries resources are threatened; or

(c) the fisheries management deems such measures of significance and warranted.

(2) If the regional council exercises its powers in terms of regulation 10, the applicants shall be informed of the reasons for decision by the regional council and such decision shall be made known to the applicant by means of a registered mail.

(3) If the regional council cancels a certificate of registration or refuses to grant a certificate of registration or refuses to renew a certificate of registration, the aggrieved applicant or the owner may appeal in writing to the Minister, within 30 days from the date of notification of the decision, for redress by the Minister who shall after close examination of the Regional Council's decision decide to reverse or uphold the decision.

11 Transfer of certificate of registration

A certificate of registration issued under these Regulations authorises fishing only by the holder of that certificate and is not transferable.

12 Loss or destruction of registered net

If a registered net is lost or destroyed, the owner shall for the purposes of cancellation of the relevant net inform the regional council within seven days from the date of such destruction or loss.

13 Restriction on number of gill nets to be registered

A person is not allowed to register more than four gill nets.

14 Tagging of gill nets

(1) The holder of a certificate of registration shall attach to the float line of the gill net a metal tag furnished by the Ministry bearing the registration number of the net.

(2) The holder of the certificate or registration shall obtain the prescribed metal tag of the gill net from the Ministry.

(3) Failure to comply with the requirement under subregulation (2) shall warrant the confiscation of the relevant net, in terms of the provisions of the Act.

(4) Subregulation (2) shall come into effect after six months from the date of the publication of these Regulations.

15 Method of fishing

A person shall not use-

(a) bashing as a fishing method;

(b) a cluster of fish hooks designed to hook the body of a fish;

(c) any net in the Orange River.

16 Dragging of nets

A person is not allowed to use the method of dragging of nets or any other fishing device through the water to catch fish, except in the flood plains in consultation with the relevant traditional authority.

17 Netting

Only gill nets are to be used in Namibian inland waters and such nets shall not be-

- (a) more than four in number;
- (b) more than 100 metres in length;
- (c) more than 3 metres in height.

18 Mesh size of gill nets

(1) A gill net shall not be set within 100 metres of another net and the mesh size thereof shall not be less than-

- (a) 76 mm in the Zambezi River system;
- (b) 76 mm in the Kunene River;
- (c) 45 mm in the Kavango River.

(2) A person may use any kind of a net for the purposes of removing fish from any floodplains in the regions of Omusati, Oshana, Ohangwena and Oshikoto.

19 Method of mesh measurement

(1) The measurement of a mesh shall be made while the net-

- (a) is still wet after it has been immersed in fresh water for at least 10 minutes; and
- (b) is stretched from inside of knot to inside of knot.

(2) Only a gauge shall be used for the measurement of the mesh size and such gauge shall-

- (a) be 2 mm thick, flat or durable or non-corrodible material and capable of retaining its shape;
- (b) have tapering edges with a taper of one to eight;
- (c) have a hole at the narrowest extremity; and
- (d) have the width inscribed at regular intervals.

(3) The measurements by means of a gauge shall be at least 10 meshes from any lacing or ropes and shall be taken by inserting the gauge by its narrowest extremity into the mesh opening in a direction perpendicular to the plan of the net.

(4) The millimeters in which the mesh size shall be expressed shall be deemed to be the average of one or more series of twenty consecutive meshes lengthwise of that net.

- (5) The meshes shall not be measured if-
- (a) mended; or
 - (b) broken; or
 - (c) have attachments of the net fixed to them.

20 Maintenance of mesh openings

No person shall use for fishing purposes any device of which-

- (a) the meshes are obstructed;
- (b) the meshes are drawn together while fishing;
- (c) the selectivity of the meshes are reduced.

21 Prohibited fishing areas

No person is allowed to fish in any canal used for the purposes of-

- (a) bulk water supply;
- (b) irrigation;
- (c) hydroelectricity.

22 Closed and open seasons in inland water bodies

A person is not allowed to fish in any small water body or on the shore of such small water body unless an open season sign is displayed by the relevant traditional authority or the regional council.

23 Signs for closed seasons

(1) A person is not allowed to catch fish where a prohibitory sign indicative of a closed season is displayed by the relevant traditional authority or the regional council.

(2) The prohibitory sign indicative of a closed season shall-

- (a) be circular in shape;
- (b) be 600 millimetres in diameter;
- (c) be a red border and diagonal;
- (d) be of blue background; and
- (e) be a black symbol.

24 Application for recreational licence

The Minister shall for the purposes of an application for recreational licence provide forms which substantially corresponds with Annexure C.

25 Form of recreational licence

The recreational licence issued by the regional council must substantially correspond with Annexure D.

26 Duration of recreational licence

A recreational licence shall be valid for the period of twelve months from the date on which it was issued.

27 Duty to possess and show recreational licence

A recreational licence holder shall at all times of engagement to recreational activities keep in possession the recreational licence for the purposes of presentation to an inland water fishery inspector.

28 Fees for recreational licences

The fees payable for a recreational licence are as follows-

(a) Namibians:	N\$ 20,00	- monthly licence
N\$ 240,00	- yearly licence; and	
(b) Non-Namibians	N\$ 240,00	- monthly licence
N\$2 500,00	- yearly licence.	

29 Fishing gear restrictions

A recreational licence holder is not allowed to use more than 2 rods and 2 lines with 2 hooks attached.

30 Bag limit

(1) A recreational licence holder is not allowed to fish more than 10 fish in the aggregate of any species in one day.

(2) A person is not allowed to catch more than 2 tiger fish in one day for recreational purposes.

31 Size limit

Any angler shall not possess-

- (a) a Tiger Fish or *Hydrocynus vittatus* less than 30 cm in length;
- (b) a Sharptooth Catfish or *Clarias gariepinus* less than 41 cm in length;
- (c) a Green Head or *Oreochromis macrochir* less than 22 cm in length;
- (d) a Three Spots or *Oreochromis andersonnii* less than 30 cm in length;
- (e) a Nembwe or *Serranochromis robustus* less than 34 cm in length;
- (f) a Silver Catfish or *Schilbe intermedius* less than 22 cm in length;
- (g) a Banded Tilapia or *Tilapia sparrmanii* less than 13 cm in length;
- (h) a Redbreast Tilapia or *Rilapia rendalli* less than 23 cm in length;
- (i) an African Pike or *Hepsetus odoe* less than 28 cm in length;
- (j) a Purpleface Largemouth or *Serranochromis macrocephalus* not less than 20 cm in length;
- (k) a humpback Largemouth or *Serranochromis macrocephalus* not less than 30 cm in length;

- (l) Thinface Largemouth or *Serranochromis angusticeps* not less than 33 cm in length;
- (m) a Bluntnose Catfish or *Gloria ngamensis* not less than 37 cm in length;
- (n) a Green Happy or *Sargochromis codringtonii* not less than 24 cm in length;
- (o) a Pink Happy or *Sargochromis giardi* not less than 36 cm in length;
- (p) a Longfin Largemouth or *Serranochromis longimanus* not less than 16 cm in length;
- (q) a Brownsnout Largemouth or *Serranochromis thumbergi* not less than 14 cm in length;
- (r) a Rainbow Happy or *Sargochromis cariottae* not less than 20 cm in length;
- (s) an Orange River Mudfish or *Labeo capensis* not less than 28 cm in length;
- (t) a Moggi or *Labeo capensis* not less than 28 cm in length;
- (u) a Smallmouth Yellowfish or *Barbus aeneus* not less than 21 cm in length;
- (v) a Largemouth Yellowfish or *Barbus kimberleyensis* not less than 30 cm in length.

32 Sale of fish

A recreational licence holder is not allowed to sell any fish which was caught under a recreational licence.

33 Form of licence for recreational fishing charter boat

A licence for a purpose of using the recreational fishing charter boat must substantially correspond with Annexure E.

34 Daily catch report for recreational fishing charter boat

The owner or operator of a recreational fishing charter boat shall submit daily catch report to the Ministry on or before the 15th day of the following month.

35 Fishing from a recreational charter boat

A person who is not in possession of a valid recreational fishing licence is not allowed to fish from a recreational charter boat.

36 False information

A person is not allowed to give false information in relation to any provision of the Regulations, which requires the revelation of facts known, only by him or her.

37 Competitions to be authorized by the Ministry

(1) The National Freshwater Angling Association shall in respect of the recreational fishing competition to be held in Namibia inland waters submit for approval by the Minister a calendar of recreational fishing competitions, at least three months in advance.

(2) A calendar of the recreational fishing competitions shall specify-

- (a) the date and place of each competition;
- (b) the number of participants to participate in each competition;
- (c) the name of the host of the competition.
- (d) the number of boats;
- (e) the rules governing the contemplated recreational fishing competition;
- (f) the number of rods;

- (g) the contemplated individual catch records;
- (h) the species which the participants contemplate to catch.

38 Hosts of angling competitions

- (1) A person who is not duly affiliated to the National Freshwater Angling Association shall not be allowed to host an angling competition in Namibian inland waters.
- (2) For the purpose of this regulation the term "person" means any angling club, a lodge or any other person that may be affiliated to the National Freshwater Angling Association.

39 Fees for hosting angling

The amount of N\$200,00 is payable to the Ministry within 30 days from the date of approval, for the hosting of an approved recreational fishing competition.

40 Rules governing recreational fishing competitions

Every person hosting recreational fishing competitions shall at least three months in advance submit the rules governing the contemplated recreational fishing competition to the Minister who shall consider such rules for approval.

41 Restrictions

- (1) A person is not allowed to participate in a recreational fishing competitions unless he or she is in possession of an appropriate licence.
- (2) The owner or operator of a recreational fishing charter boat shall not allow a person to fish from that boat unless that person has, in his or her possession a valid recreation licence.

42 Offences and Penalties

(1) Penalties, which an inspector or a designated officer can impose for breach of the provisions of the regulations stipulated in the table, are set out below:

REGULATION	OFFENCES	PENALTY
Regulation 3(3)	Failure to register in all regions in which the net is intended to be used	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 8	The use of expired certificate of registration	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 9	Failure to renew certificate of registration	N\$800,00 or imprisonment for a period not exceeding three months
Regulation 11	Transfer of certificate of registration	N\$800,00 or imprisonment for a period not exceeding three months
Regulation 14(1)	Failure to attach the metal tag to the float line of the gill net	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 14(2)	Failure to obtain or prescribed metal tag which is bearing the number of	N\$300,00 or imprisonment for a

	the gill net	period not exceeding three months
Regulation 15	Fishing contrary to permissible method of fishing	N\$450,00 or imprisonment for a period not exceeding three months
Regulation 17	Failure to use a gillnet which complies with prescribed requirements	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 18	Failure to comply with the prescribed requirements of mesh size measurement	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 19	Failure to comply with the prescribed requirements of mesh size measurement	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 20	Failure to maintain required mesh openings	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 21	Fishing in prohibited fishing areas	N\$300,00 or imprisonment for a period not exceeding three months
REGULATION	OFFENCES	PENALTY
Regulation 23	Failure to comply with the prohibitory sign indicative of a closed season	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 25	Being in possession of a recreational licence which does not comply with the prescribed form	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 27	Failure to be in possession of a recreational licence	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 29	Contravention of fishing gear restrictions relating to the recreational licence holder	N\$100,00 per any non complying fishing gear or imprisonment for a period not exceeding three months
Regulation 30(1)	Fishing of more than 10 fish in the aggregate of any species in one day	N\$50,00 per fish or imprisonment for a period not exceeding three months
Regulation 30(2)	Catching of more than two tiger fish in one day	N\$150,00 or imprisonment for a period not exceeding three months
Regulation 31	Being in possession of fish which is of the size less than the prescribed length	N\$100,00 per fish or imprisonment for a period not exceeding three months
Regulation 32	Selling of fish which was caught under a recreational fishing licence	N\$100,00 per fish sold or imprisonment for a period not exceeding three months
Regulation 33	Failure by a owner to sign his or her recreational charter boat licence	N\$900,00 or imprisonment for a period not exceeding three months
Regulation 34	Failure to provide a daily catch report	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 35	Fishing without a valid recreational fishing licence from a recreational charter boat	N\$900,00 or imprisonment for a period not exceeding three months

Regulation 36	Provision of false information	N\$900,00 or imprisonment for a period not exceeding three months
Regulation 39	Failure to pay fee for hosting an approved recreational angling competition	N\$900,00 or imprisonment for a period not exceeding three months
Regulation 40	Failure to submit rules governing the recreational fishing competition	N\$900,00 or imprisonment for a period not exceeding three months

(2) A person who commits an offence for which no penalty is provided for is on conviction liable to a fine not exceeding N\$800,00 or imprisonment for a period not exceeding 2 months.

ANNEXURE A

APPLICATION FORM FOR THE REGISTRATION OF NETS

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

INLAND FISHERIES RESOURCES REGULATIONS, 2003

APPLICATION FORM FOR THE REGISTRATION OF NETS

New application:				Renewal:			
		(Please mark with X in the correct box)					
Year:				Date:		/	/
Name of the applicant:							
Postal address:.....							
.....							
..							
Nationality or Citizenship:							
Residential address:.....							
.....							
..							
Telephone number:Facsimile:							
Business address:.....							
.....							
..							
Telephone number:.....Facsimile:							
Area of licence:							
.....							
.							

Length of the net:.....		
Strand Diameter of stretched mesh:		
Height of the net: Number of net:		
Mesh size of the net:		
Signature of the traditional authority:		
<u>Declaration by the applicant</u>		
<i>I, the undersigned declare that the information supplied in this application is to the best of my knowledge and belief.</i>		
Signature	Place	Date

ANNEXURE B
CERTIFICATE OF REGISTRATION

REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
INLAND FISHERIES RESOURCES REGULATIONS, 2003
CERTIFICATE OF REGISTRATION

Name of the owner:
(Indicate the name of the licence holder)
Full address of the owner:
Registration number of the net:.....
Licence valid from: to:
Length of the net:..... mt.
Strand diameter of stretched mesh:.....
Height of the net:
Mesh size of the net:
Particulars of issuing authority:

Name:
Postal address:.....
Telephone numbers: Facsimile:
Date of issue: Place of issue:
Stamp and signature:

ANNEXURE C
APPLICATION FORM FOR A RECREATIONAL LICENCE

REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
INLAND FISHERIES RESOURCES REGULATIONS, 2003
APPLICATION FORM FOR A RECREATIONAL LICENCE

New application:		Renewal:	
<i>(Please mark with X in the correct box)</i>			
Name of the applicant:			
Residential address of the applicant:.....			
Telephone number of the applicant:.....			
Citizenship:			
Business address of the applicant:			
Telephone number of the applicant:			
Date of application:			
Name of angling club of affiliation:			
Passport or identification number of the applicant:			
<u>Declaration by the applicant</u>			
<i>I, the undersigned declare that the information supplied in this application is to the best of my knowledge and belief.</i>			

Signature _____	Place _____	Date _____
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ANNEXURE D
RECREATIONAL LICENCE

REPUBLIC OF NAMIBIA

FISHERIES AND MARINE RESOURCES

INLAND FISHERIES RESOURCES REGULATIONS, 2003

RECREATIONAL LICENCE

Name of the angler:
Residential address of the angler:
..... .
Licence number:.....
The name of the issuing authority:
..... .
The address of the issuing authority:
..... .
Telephone number of the issuing authority:
..... .
Stamp and signature of the issuing authority:
Licence valid from:to: