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THE LAWS OF
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MINISTRY OF JUSTICE
ABIA STATE

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CHAPTER 103

INLAND FISHERIES LAW

ABSN No.
3 of 1999

A Law to provide for the operation and regulation of fishing crafts within the inland waters of Abia State and matters incidental or connected thereto.

Commence-
ment

[27th January 1999]

PART 1 - PRELIMINARY

Citation.

1. This Law may be cited as the Inland Fisheries Law.

Interpre-
tation

2. In this Law –

“barrier” means an obstruction constructed in the course of a river or lake;

“closed season” means a specified period during which fishing is prohibited;

“Commissioner” means Commissioner charged with responsibility for Agriculture and Natural Resources in the State;

“dam” means a permanent structure constructed across a river for the conservation of water;

“fish” means all living aquatic animals, vertebrate and invertebrate other than plants, which are harvestable for food and other economic purposes;

“fishing” means the catching, taking or harvesting of fish, attempting to catch, taking or harvesting of fish and any other activity which can reasonably result in the catching, taking or harvesting of fish;

“fishing craft” means a fishing craft required to be licensed under this Law;

“fishing gear” means a fishing apparatus used for taking out fish from a body of water;

“fish ladder” means a mechanism for allowing fish movements upstream and downstream through barriers and dams;

“fish pond” means any receptacle where fish and other aquatic lives are bred;

“licence” means a permit to operate motor fishing craft for the purpose of fishing;

“Ministry” means the Ministry charged with responsibility for matters relating to fishery;

“motor fishing craft” means a vessel which is used for or equipped to be used for fishing;

“poaching” means the stealing or illegal removal of fish from another person’s fish pond(s), flood pond or reservoir;

“spawning ground” means area where fish lay or deposit their eggs; and

“State” means Abia State of Nigeria.

PART 2 – LICENSING OF FISHING CRAFT

3. (1) As from the commencement of this Law, no person shall operate a fishing craft in the State unless a licence in respect of that fishing craft has been issued to the owner or operator of the fishing craft under this Law; Licensing of fishing crafts.
- (2) Any person who operates or causes to be operated a fishing craft in contravention of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine not exceeding ₦500.00 or to imprisonment.
4. (1) An application for a licence under this Law shall be made in writing to the Commissioner in such form and manner as may be prescribed by the Commissioner and shall – Application for a licence.
 - (a) contain the particulars and description of fishing craft in respect of which the application is made;

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- (b) state sufficient details as to –
- (i) the method to be employed in fishing;
 - (ii) the area within which it is proposed that the fishing craft is to be operated; and
- (c) be accompanied by such fee as prescribed by the Commissioner.
- (2) The Commissioner may, before considering an application, require the applicant;
- (a) to satisfy him:-
 - (i) that the fishing craft is properly constructed and equipped; and
 - (ii) that the form and construction of the fishing nets, fishing gear and other equipment intended for use in fishing are adequate for the purpose of fishing operation;
 - (b) to supply such other information as he may require to enable him reach a decision on the application.
5. (1) The Commissioner shall issue to a successful applicant a licence for the fishing craft subject to such conditions as he may deem necessary.
- (2) A licence issued under this Law shall be valid for one year and shall expire on 31st December every year.
- (3) Where the fishing craft is to be operated in body of water shared by the State and any other State, the owner or operator of the craft shall not be required to obtain more than one licence in a particular year.
- (4) The holder of a licence under this Law shall, not later than one month before its expiration, apply to the Commissioner for a licence to take effect from the expiration of the current licence.

Issuance
of licence*Inland Fisheries Law*

6. (1) The owner or operator of a fishing craft shall exhibit the registration number of the fishing craft on both sides of the fishing craft in bold letters with a prefix reflecting that it was registered in this State.
- (2) A person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of ₦250.00 or imprisonment for a term of three months or to both such fine and imprisonment.

Identification
mark.

PART 3 – PROHIBITION AND PENALTIES

7. (1) No person shall fish with a fishing gear constructed with net webbing of less than 76 millimeters except where the fishing gear consists of
- (a) pelagic trawl nets used for fresh water sardines, that is clupeids, which are used with outboard engines of not more than 25 horse power capable of operating trawl net with 3 millimeters cod-end; or
 - (b) lift nets used for freshwater sardines constructed with 3-5 millimeters stretched mesh webbing.
- (2) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of ₦500.00 or imprisonment for a term of six months or to both such fine and imprisonment and, in addition, such net and catch shall be forfeited to the State.
8. (1) No single fishing unit shall operate with a single net or a combination of nets exceeding 500 meters long of 3 millimeters mesh size and above.
- (2) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of

Registration
on use of
fishing gear.Restriction
on the
single net,
etc.

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- Restriction on the use of explosive substance, etc.
9. (1) Except for electro-fishing and the use of chemicals for the purpose of research, no person shall take or destroy or attempt to take or destroy any fish within the inland waters of the State by any of the following methods, that is the use of
- (a) explosive substance;
 - (b) noxious or poisonous matter; or
 - (c) electricity.
- (2) Any person who contravenes the provision of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of =N=5,000.00 or imprisonment for a term of two years or to both such fine and imprisonment.
- Prohibition on the use of noxious chemicals and the sale of contaminated fish.
10. (1) No person shall spray noxious chemicals on fish or fish products and no contaminated, infected or spoiled fish shall be sold or offered for sale.
- (2) Any person who contravenes any provision of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of =N=200.00 or imprisonment for a term of two months or to both such fine and imprisonment and, in addition, the contaminated, infected or spoiled fish or fish product shall be destroyed.
- Offences by body corporate etc.
11. Where an offence under this Law is committed by a body corporate or firm or other association of individuals -
- (a) every director, manager, secretary or other similar officer of the body corporate; or
 - (b) every partner or officer of the firm; or
 - (c) every trustee of the body concerned; or
 - (d) every person concerned in the management of the affairs of the association; or

=N=500.00 or imprisonment for a term of six months or to both such fine and imprisonment and, in addition, the net and catch shall be forfeited to the State.

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- (c) every person who is purporting to act in a capacity referred to in paragraphs (a) to (d) of this section is severally guilty of that offence and liable to be proceeded against and punished for that offence in the same manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

PART 4 - MISCELLANEOUS

12. (1) The operator of fishing craft in respect of which a licence had been issued under this Law shall -
- Declaration of catch etc.
- (a) declare his catch to an agent nominated by the State Government when required to do so by the said agent;
 - (b) permit the Commissioner or a person authorized by him or the State Government agent to inspect the catch either before or after it has been landed; and
 - (c) give the Commissioner or the State Government agent, as the case may be, all reasonable facilities in respect of the inspection of the catch
- (2) Any person who contravenes any provision of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of =N=500.00 or imprisonment for a term of three months or to both such fine and imprisonment.
13. (1) No person shall export or import a live fish or any other aquatic animal without permission of the Minister.
- Export or Import of live fish etc.
- (2) A person who contravenes a provision of subsection (1) of this section is guilty of an offence and liable on conviction to a fine of =N=25,000.00 or imprisonment for a term of five years or to both fine

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- and imprisonment and in addition, the fish or aquatic animal shall be forfeited to the Federal Government.
- (3) Notwithstanding the provisions of subsection (1) of this section, the Minister may, from time to time, export or import a specialized specie of fish or other aquatic animal for the purpose of exchange of fishery information or for research.
- Closed areas and seasons
14. (1) The Commissioner may at his discretion declare as closed, for the purpose of fishing within the jurisdiction of the State, such area or season as he may deem fit.
- (2) Any person who fishes in a closed area or during a closed season in contravention of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of ₦=3,000.00 or imprisonment for a term of two years or to both such fine and imprisonment.
- Construction of dams, etc
15. (1) The appropriate authority shall regulate and control the building of dams, weirs or other fixed barriers or obstructions to ensure a free movement of fish, and where permission is granted to a person to build a dam, weirs or other fixed barrier or obstruction, fish ladders shall be built to ensure free movement of fish.
- (2) Any person who contravenes any provision of section (1) of this section shall be guilty of an offence and liable on conviction to a fine of ₦=50,000.00 or imprisonment for a term of ten years or to both such fine and imprisonment and, in addition, the dam, weir or other fixed barrier or obstruction, if any, shall be destroyed.
- (3) In this section, "appropriate authority" means the body charged with the responsibility for matters relating to the construction of dams and other fixed barriers.

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16. (1) The provision of this Law shall be enforced by such officers as may be authorized by the Commissioner. Enforcement
- (2) An authorized officer may for the purpose of enforcing a provision of this Law –
- (a) require the owner or operator of a fishing craft in respect of which a licence has been issued to exhibit his licence, fishing apparatus and catch;
- (b) go on board a fishing craft to search and examine the fishing craft and any fishing apparatus that may be there and collect statistical information; and
- (c) where there is reason to suspect that an offence under this Law has been committed, take the alleged offender and the fishing craft, fishing apparatus and catch to the most convenient post or police station.
- (3) The power vested in an authorized officer under subsection (2) of this section may be exercised by him without warrant, summons or other legal process.
- (4) A fishing craft or fishing apparatus taken from an alleged offender under paragraph (c) of subsection (2) of this section may be detained pending the sale of the catch, and the proceeds of the sale shall be retained pending the trial.
17. Any fishing craft, fishing apparatus or money detained or retained under subsection (4) of section 16 of this Law shall, unless forfeited under the provisions of this Law, be returned to the person from whom it was taken or to its lawful owner. Return of craft apparatus.
18. (1) Subject to the provisions of this Law, the Commissioner may make regulations. Regulations

- (a) to provide guidelines aimed at encouraging persons engaged in the fishing industry to make voluntary arrangements on a comparative or other basis or the selling of fish or the buying of equipment, supplies and other requisites for the fishing industry and to provide for financial or other assistance for bringing the arrangements into operation;
 - (b) for the handling, processing and storage of fish or fish products on crafts or on-shore;
 - (c) for the registration of distributors and retailers of fish or fish products and of any premises used for the distribution or retailing and for the accounting and the records to be kept and the information to be furnished by them in relation to their business;
 - (d) for the maintenance of good order among the persons engaged in fishing and in the fishing industry and the regulation of any other matter or thing relating to the protection of fish and the administration of the fish industry; and
 - (e) generally for carrying into effect the provisions of this Law.
- (2) The Commissioner shall determine whether enclosures including pens and cages used for fish shall attract a licence fee or not.

CHAPTER 104

INN-KEEPERS AND HOTEL PROPRIETORS LAW

Arrangement of Sections

Section	
1.	Citation.
2.	Interpretation.
3.	Inn-keepers' liability to receive guests.
4.	Inn-keepers' liability for safety of guests person.
5.	Liability of Inn-keeper other than hotel proprietors for safety of guest's goods.
6.	Liability of hotel proprietor.
7.	Modification of liability of hotel proprietor.
8.	Limit of hotel proprietor's liability.
9.	Right of hotel proprietor as to deposit of goods.
10.	Effect of unjustified refusal to accept or prevention of deposit of property of guests for safe custody.
11.	Notice to be conspicuously exhibited; Schedule.
12.	Hotel proprietor's lien on guest's goods or chattels.
13.	Hotel proprietor may dispose of goods left with him after twelve weeks

SCHEDULE

Notice to be given by the hotel proprietor.

NOTICE

Loss of or damage to guest's property.