

Trout Protection Act 1936

Cap:

199

In force:

Yes

CHAPTER 199

THE TROUT PROTECTION ACT.

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CHAPTER 199

THE TROUT PROTECTION ACT.

Commencement: 15 December, 1936.

An Act to make provision for the protection of trout.

1. Interpretation.

In this Act, unless the context otherwise requires—

1. “authorised officer” means a person declared by the Minister by statutory order to be an authorised officer for the purposes of this Act;
2. “licence” means a trout fishing licence as provided by this Act;
3. “rod and line” means a single rod and line;
4. “trout” means any fish of the salmon family commonly known as trout and includes eggs and young of trout;
5. “trout warden” means a game warden and includes an honorary trout warden.

2. Honorary trout wardens.

The Minister may appoint any person to be an honorary trout warden and every person so appointed shall before assuming his or her duties take an oath before a magistrate in the following form—

“I, , do sincerely promise and swear

that I will be faithful and bear true allegiance to the Republic of Uganda and that I will faithfully serve the Government of Uganda in the office of a trout warden in Uganda according to the laws in that behalf made and provided.”

3. Protection of trout against unauthorised killing.

Except as provided by this Act, it shall be unlawful for any person—

1. to fish for, capture or kill any trout in any water unless he or she is authorised by a licence in that behalf in accordance with the provisions of this Act;
2. to be in possession of any trout captured or killed in contravention of any of the provisions of this Act;

3. to fish for, capture or kill any trout in any water unless that water has been declared open for the purposes of trout fishing by the Minister as provided by this Act;
4. to introduce trout into any waters of Uganda without the prior consent of the chief fisheries officer.

4. Minister may declare open any water for trout fishing.

1. The Minister may by statutory instrument declare any water in Uganda to be open for the purposes of trout fishing under the provisions of this Act.
2. The Minister may by such instrument declare any such water to be open for trout fishing in respect of a particular individual, club or association only and in that case it shall be unlawful for any person other than that individual or a member of that club or association to fish for, capture or kill trout in such water, except with the written consent of that individual, club or association.

5. Method of capture.

Except as provided in this Act, it shall be unlawful for any person to fish for, capture or kill any trout otherwise than with a rod and line held in the hand; but nothing in this section shall be deemed to prohibit the use of a landing net to remove from the water any trout lawfully taken in accordance with this Act.

6. Special authority.

Notwithstanding anything in this Act, the Minister may, in the interests of trout fishing, authorise any person to fish for, kill or capture trout in any manner, in any water and at any time.

7. Grant of licences.

Trout fishing licences may be granted, at his or her discretion, by any administrative officer (hereafter referred to as a "licensing officer"), and shall be in the form set out in the Schedule to this Act.

8. Licence fees and conditions of issue.

(1) The following trout fishing licences may be granted by any licensing officer, and the following fees shall be paid for the licence—

1. yearly licence, 25 shillings;
2. fortnightly licence, 10 shillings;
3. twenty-four hourly licence, 3 shillings.

2. A yearly licence shall be in force for one year from and inclusive of the date of issue.
3. A fortnightly licence shall be in force for fourteen consecutive days from and including the day on which it is dated by the licensing officer to commence.
4. A twenty-four hourly licence shall be in force for twenty-four consecutive hours from and including the hour of the day on which it is dated by the licensing officer to commence.
5. A fortnightly licence may be converted during the year of its issue into a yearly licence on payment of the difference between the fees for fortnightly and yearly licences.
6. The Minister shall have power to remit the fee payable in respect of any licence under this Act.
7. If any licensee loses his or her licence, he or she may apply to the licensing officer who issued the licence for the issue of a duplicate licence, and a fee of two shillings shall be charged by the licensing officer for the issue of the duplicate licence.

9. Power to prescribe conditions.

The Minister may by statutory instrument—

1. set a limit to the number of trout that may be taken from any water by any person during any specified period;
2. fix the minimum size below which a trout taken from any water shall be returned to the water with as little delay and with as little damage to the trout as possible;
3. prescribe the number, form and size of hooks, baits and lures that may be used on any water;

(d) prescribe conditions for the better protection of trout, the improvement of trout fishing and the management of any waters in which trout may be found.

10. Power to call for licence.

1. Any authorised officer or honorary trout warden may require any person found fishing for, capturing, killing or possessing trout or suspected of fishing for, capturing, killing or possessing trout to give his or her name and address and to produce for inspection his or her licence and any trout in his or her possession.
2. Any person who, being required under subsection (1) to give his or her name and address or to produce his or her licence or to produce any trout in his or her possession, without any reasonable excuse refuses or neglects to comply with the request commits an offence against this Act.

11. Power to arrest.

When any person is seen or found committing an offence or is reasonably suspected of having committed an offence against this Act and that person fails or refuses on demand to give his or her name and address, or there is reason to believe that the name and address he or she gives is incorrect, or there is reason to believe that he or she will abscond, an authorised officer may without warrant arrest him or her.

12. Power of seizure.

1. Any authorised officer or honorary trout warden may seize any rod, tackle, net, machine, instrument or other appliance which he or she may have reason to believe is being or has been used in contravention of this Act.
2. Any rod, tackle, net, machine, instrument or other appliance so seized shall be sent without undue delay to the magistrate having jurisdiction to try the person suspected.
3. If the person is convicted of that offence, the rod, tackle, net, machine, instrument or other appliance may, at the discretion of the magistrate, be forfeited to the Government, and shall be disposed of as the magistrate shall direct.

13. Power to enter.

Any authorised officer or honorary trout warden may enter upon any land for the purpose of preventing or detecting offences against this Act.

14. Onus of proof.

Whenever any person is charged with being in possession of any trout in contravention of this Act, the onus of proving that the trout have not been obtained in contravention of this Act shall lie upon that person.

15. Offences and penalties.

1. Any person who commits or attempts to commit or abets the commission of any offence against this Act or contravenes or attempts to contravene or abets the contravention of any provisions of this Act commits an offence and is liable on conviction to a fine not exceeding one thousand shillings and in default of payment to imprisonment for a period not exceeding three months.
2. A conviction of a licensee for any offence against this Act shall have the effect of cancelling any licence held by him or her under this Act as from the date of the conviction unless the magistrate shall otherwise direct.

16. Disability after conviction.

1. Any person who is convicted of any offence against this Act may be disqualified for holding any licence under this Act for a period not exceeding three years from the date of that conviction by order of the magistrate.
2. Any person who for any reason is unqualified to hold any licence or any particular licence or who has been refused any licence under this Act and who obtains or attempts to obtain such licence without disclosing to the licensing officer that disability or refusal commits an offence against this Act.

17. Rewards to informers.

Where on any conviction for an offence against this Act a fine is imposed, the court may award any sum not exceeding half the amount of the fine

recovered as a reward to any person, not being a person whose duty it is to detect or assist in the detection of offences against this Act, who gave information leading to the conviction.

18. Rules.

The Minister may make rules generally, for better carrying out the provisions of this Act.

Schedule.

s. 7.

Form.

Republic of Uganda

Trout Fishing Licence. *The Trout Protection Act.*

Original

No. (*To be given to licensee*)

A ¹ trout licence is granted to

² of

³ to fish for, capture,

or kill trout within Uganda, subject to the provisions of the Trout Protection Act and all the rules and instruments made under that Act.

This licence commences on , 20____,

at ⁴ and expires on ,

20____ , at .

Date of issue .

Fee paid: shs. .

Licensing Officer

Signature of Licensee Station

¹ Kind of licence, e.g. yearly, fortnightly or twenty-four hourly.

² Name of licensee in block letters.

³ Address of licensee.

⁴Time need only be stated on twenty-four hourly licences.

History: Cap 229.