

# FISHERIES CONSERVATION AND MANAGEMENT REGULATIONS

under s. 61

PART I

PRELIMINARY

G.N. 32/2000

8/2003

1. Short title

These Regulations may be cited as the Fisheries Conservation and Management Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“area” means any expanse or any part of the course of any fishing waters, as the case may be, which is specified and delineated for the purposes of these Regulations in accordance with directions in that behalf contained in the First Schedule;

“beach seine net” means a fishing net partly or wholly operated from a beach or shore;

“bottom trawl net” means a trawl net which when in operation has a part of it touching the bed of a lake or river;

“Chambo” means any fish of the genus *Oreochromis* of the sub genus *Nyasalapia* and of the species *squamipinnis*, *saka lidole* and *karongae*;

“chirimila net” means a partially encircling fishing net used in Lake Malawi to catch *Utaka* (*Copadichromis* species) or *Usipa* (*Engraulicypris sardella*);

“cod end” means the end part of a fishing net which is usually closed during fishing and is capable of holding fish while in the water;

“gill net” means any static or drifting fishing net which is used to catch fish by enmeshing or entangling them;

“headline” means any rope or line which when a fishing net is in use or lies normally in the water is attached to the upper part of the net and, in the case of a moving net, the leading edge of that upper part;

“headline length” means the length of the upper part of any fishing net as mounted or attached to the foot ropes;

“kauni” means a chilimira net which has been modified to fish for Chambo (*Oreochromis*) at night;

“licensee” means a person to whom a fishing licence or a permit has been granted under these Regulations;

“licensed foreign fishing vessel” means a foreign fishing vessel specified in a commercial fishing licence granted to a non-resident of Malawi;

“Lower Shire Area” means that part of the Shire River below Kapichira Falls to the Mozambique border and its associated waters;

“midwater trawl net” means a trawl fishing net which when in use does not touch the bed of a lake or river;

“mile” means an international nautical mile or 1,852 metres;

“net” means a fabric of rope, cord, twine or any other material knotted or woven into meshes and designed or fitted to catch fish;

“nkacha net” means an open water seine net with a foot rope that is weighted to the bottom when in operation;

“Register” shall mean the Register of local fishing vessels kept by the Director pursuant to regulation 11;

“registered fishing vessel” means a local fishing vessel registered under regulation 11;

“registration certificate” means a certificate of registration of a fishing vessel issued under regulation 11;

“ring net” means a seine fishing net used for offshore fishing;

“seine net” means a net used for catching fish by surrounding them;

“trawl net” means any fishing net or part thereof that is used by being drawn over the bed of any waters or through any waters by one or more vessels or mechanical devices;

“Upper Shire River” means that part of the Shire River between Lake Malawi and Lake Malombe.

## PART II

### ADMINISTRATION

#### 3. Identity cards for fisheries protection officers

(1) The Director shall cause each fisheries protection officer to be issued with an identity card in a form approved by the Director.

(2) Where a person in possession of an identity card issued to him under subregulation (1) ceases to be a fisheries protection officer, he shall forthwith surrender the identity card to the Director.

(3) A fisheries protection officer shall, when practicable and if so requested produce his identity card when exercising any powers under sections 30, 31, or 32 of the Act. Cap. 66:05

## PART III

### GENERAL PROVISIONS RELATING TO REGISTRATIONS, LICENCES AND PERMITS

#### 4. Application for registration, licence or permit

(1) An application for registration of a local registrable fishing vessel or a renewal thereof shall be made to the Director not less than thirty days before the registration or renewal is required to come into effect or at such later time as the Director shall allow.

(2) An application for a local fishing licence or a renewal thereof shall be made to the Director not less than thirty days before the licence or renewal is required to come into effect or at such later time as the Director shall allow.

(3) Subject to regulation 5, an application—

(a) shall be signed;

(b) shall contain or be accompanied by all the information, including documents, required under the Act;

(c) shall contain any other information required by the Director; and

(d) may be made by the applicant or his duly authorized agent.

(4) An application for registration of a local registrable fishing vessel or a renewal thereof shall be in the form set out in the Second Schedule.

(5) An application for a local fishing licence or a renewal thereof shall be in the form set out in the Third Schedule.

#### 5. Assistance in completing applications

(1) A person who has difficulty with reading or writing or in understanding a form provided for under regulation 4(1) shall, on request, be entitled to receive assistance from a fisheries officer in the completion of such form.

(2) A fisheries officer who gives assistance pursuant to subregulation (1) shall ensure that the applicant to whom he gives such assistance is fully aware of the statements made on his behalf in the application.

(3) Where an application has been completed pursuant to this regulation, the applicant shall sign or place his mark or thumbprint where provision is made for the signature of the applicant and the assisting fisheries officer shall countersign the document and clearly state his name and office and give the date of the counter signature.

(4) Where an application has been completed pursuant to this regulation, the applicant shall sign a statement to the effect that—

(a) the application was translated for him; and

(b) he understood the effect of the information on the application and the interpretation.

(5) Statements made in an application completed pursuant to this regulation shall, unless the contrary is proved, be statements made by the applicant, for the purposes of the Act.

#### 6. Conditions applicable to all registrations, licences and permits

(1) No registration shall be made or licence or permit granted or any registration, licence or permit renewed under these Regulations unless—

(a) an application has been made in accordance with these Regulations; and

(b) any information requested by the Director relevant to the operation of the relevant fishing vessel or to fishing by the applicant has been provided in the manner requested.

(2) The registration of a vessel or the grant of a licence or permit pursuant to these Regulations shall be within the discretion of the Director.

7. Registration certificates and licences and permits to be produced for inspection

The owner named in registration certificate and a licensee shall keep the certificate licence or permit in a legible condition and shall produce it for inspection within a reasonable time of a request from a fisheries protection officer or, if the conditions of a licence or permit so provide, shall produce the licence or permit immediately on such request.

8. Transfer of registration of local fishing vessel and commercial fishing licence

(1) Except as provided under subregulation (2), a commercial fishing licence or registration of a local fishing vessel shall not be transferable.

(2) Where the Director is satisfied that the owner of a registered fishing vessel or the licensee of a commercial fishing licence, being an individual, has—

(a) died; or

(b) become incapacitated from carrying on using his vessel or fishing,

he shall transfer the registration of the vessel or the fishing licence to the member of the family of the owner of the vessel or the licensee either notified in the application under regulation 4 and endorsed on the registration certificate or the fishing licence or named, in the case of paragraph (a), by the surviving spouse or, in the case of paragraph (b), by the owner of the vessel or the holder of the licence.

(3) “A member of the family” for the purposes of this regulation means a spouse, child or spouse of a child of the owner of the vessel or licensee or next of kin identified in accordance with the customs of the community of the owner of the registered vessel or licensee.

#### PART IV

#### REGISTRATION OF LOCAL FISHING VESSELS

9. Registrable fishing vessels

A local fishing vessel that is used for commercial fishing or is intended to be used for such fishing shall be a registrable vessel.

10. Specific conditions for registration of local fishing vessels

(1) No local fishing vessel shall be registered or have its registration renewed unless—

(a) in circumstances where the Inland Waters Shipping Act requires that the vessel be issued with a certificate of survey, an appropriate certificate has been issued; and Cap. 71:01

(b) the Director is satisfied that the vessel is a local fishing vessel as defined in section 2 of the Fisheries Conservation and Management Act. Cap. 66:05

(2) For the purpose of deciding whether a vessel is a local fishing vessel as defined in the Fisheries Conservation and Management Act— Cap. 66:05

(a) a person shall be considered to be ordinarily resident if he has resided in Malawi for a period of not less than eighteen months during the period of two years preceding the application for registration and the Director is satisfied that he is likely to continue to reside in Malawi; and

(b) a company or any other incorporated body shall be considered to be controlled by one or more persons if, in the opinion of the Director, not less than seventy-five per cent of the votes are controlled by that person or persons at meetings of the company or incorporated body.

#### 11. Registration of local fishing vessels

(1) The Director on receipt of an application for registration of a local fishing vessel and on being satisfied that the Act has been complied with and having decided in his discretion to register such vessel shall enter in the register kept for that purpose—

(a) the name, if any, of the vessel;

(b) the number assigned to the vessel pursuant to subregulation(3);

(c) the name and address of the owner;

(d) the name and address of a person nominated by the applicant as the successor of the applicant to registration for the purposes of regulation 18; and

(e) such other particulars as the form of application shall require to be given for the purpose of registration.

(2) Notwithstanding subregulation (1), no entry in the register of fishing vessels shall confer, take away or in any way affect any title to or any interest in the fishing vessel.

(3) The Director shall, when he registers a vessel, assign to it a registered number which shall be recorded in the register and shall issue to the owner of the vessel a certificate of registration of the vessel.

(4) The number referred to in subregulation (3) shall be placed on the vessel in such place and in such manner as the Director shall notify the owner of the vessel.

(5) A registration of a fishing vessel shall be subject to such conditions as may be endorsed on the register and the registration certificate.

(6) There shall be issued in respect of a fishing vessel entered in a register under subregulation (1) a registration certificate which shall be in the form set out in the Forth Schedule.

#### 12. Change of name of a local fishing vessel

(1) After the registration of a local fishing vessel, no change of the name, if any, of the registered fishing vessel shall be made without the authority in writing of the Director given after application by the owner and upon the Director being satisfied that the application is made on reasonable grounds.

(2) An application for change of name of a vessel under subregulation (1) shall be in a form set out in the Fifth Schedule.

13. Notification of charter, lease or demise, loss or irreparable damage to a registered local fishing vessel

(1) Where any registered fishing vessel is chartered, leased or demised to any person, the person recorded in the register as the owner of the vessel shall within seven days of such charter, lease, or demise notify the Director in writing of the name and address of the person to whom the vessel has been chartered, leased or demised and shall deposit a copy of the charter, lease or demise document and the registration certificate with the Director.

(2) The owner of a registered fishing vessel shall inform the Director of the loss or destruction of or irreparable damage to a registered fishing vessel within seven days of such loss, destruction or damage.

(3) Upon notification under subregulation (1), the Director shall enter in the Register the name and address of the person to whom the vessel has been chartered, leased or demised.

(4) If the registration of the registered fishing vessel has not been revoked under regulation 16, the owner shall within seven days of the expiry or termination of the charter, lease or demise referred to in subregulation (1) notify the Director in writing of such expiry or termination.

14. Termination and revocation of registration of a local fishing vessel

(1) Subject to subregulation (2) and regulation 10, the registration of a registered fishing vessel shall terminate on the death of the person registered as the owner of the vessel or on the liquidation of a corporate body registered as the owner.

(2) The Director may revoke the registration of any registered fishing vessel where he is satisfied that—

- (a) the registration was granted in error or based on misleading information;
- (b) the vessel has ceased to be a local fishing vessel; or
- (c) the vessel has been lost, destroyed or damaged beyond repair.

15. Notification of change of address and other matters

Within thirty days of any change of address or change on any other matter or particular contained in the form of application for registration or renewal of registration of a local fishing vessel

and entered in the register under regulation 11(1), the registered owner shall give notification in writing thereof to the Director.

16. No alterations to registration certificates and replacements

(1) No person, other than the Director, shall alter, make illegible or deface a registration certificate or a replacement registration certificate.

(2) Where a registration certificate is lost, destroyed or so damaged as to make it illegible, the owner of the certificate shall apply to the Director for a replacement certificate.

(3) An application for a replacement certificate under subregulation (2) shall be in a form set out in the Sixth Schedule.

PART V

LOCAL FISHING LICENCES

17. Categories of local fishing licences

There shall be the following local fishing licences—

- (a) commercial fishing licence;
- (b) sport fishing licence; and
- (c) subsistence fishing licence.

18. Commercial fishing licences

(1) A commercial fishing licence shall authorize the person named therein to undertake commercial fishing personally.

(2) A commercial fishing licence shall be in the form set out in the Seventh Schedule.

(3) There shall be the following sub-categories of commercial fishing licence—

- (a) large-scale commercial fishing licence;
- (b) small-scale commercial fishing licence; and
- (c) live fish collection commercial fishing licence.

(4) A large-scale commercial fishing licence shall be required by a commercial fisherman who intends to use a fishing vessel powered by an engine or engines with a total capacity of not less than 20 horsepower and a person to whom such a licence is granted shall be a large-scale fisherman for the purposes of the Act.

(5) A small-scale commercial fishing licence shall be required by a commercial fisherman who intends to use a fishing vessel powered by an engine or engines with a total capacity of less than 20 horsepower or intends to use a fishing vessel with no engine power and a person to whom such a licence is granted shall be a small-scale fisherman for the purposes of the Act.

(6) A person who intends to fish for live fish for sale or for the purposes of aquaculture shall require a live fish collection commercial fishing licence.

(7) Notwithstanding regulation 4 (1), an application for a licence under subregulation (5) shall be made not less than sixty days before the licence is required.

19. Specific conditions on issue or renewal of commercial fishing licence

No commercial fishing licence shall be granted or renewed unless—

- (a) any vessel intended for use by the applicant has been registered under regulation 11;
- (b) the Director is satisfied that the applicant is a commercial fisherman; and
- (c) the Director is satisfied that the applicant, being a natural person, is ordinarily resident or, being a body established or incorporated under the laws of Malawi is controlled by one or more persons ordinarily resident within Malawi within the meaning of regulation 10 (2).

20. Period of validity of commercial fishing licence and conditions

(1) Every commercial fishing licence shall, unless therein otherwise provided, expire one year next following the date of its being issued.

(2) A commercial fishing licence shall stipulate—

- (a) the fishing gear that may be used by the licensee;
- (b) the number of units of fishing gear that the licensee may use at any one time whether in one area or a number of areas; and
- (c) the number of fishing vessels that may be used by the licensee.

(3) A commercial fishing licence shall be subject to further conditions relating to quantities of species of fish that may be caught, by-catches, fishing gears and fishing methods, areas of fishing, times of fishing and such other conditions as may be attached to or endorsed on the licence.

21. Sport or subsistence fishing licences

(1) A person who fishes for sport or subsistence shall require a licence to fish if that person fishes—

- (a) for a species of fish declared under these Regulations, or by the Director by notice published in the Gazette, to be a controlled species of fish; or

(b) using fishing gear declared by the Director by notice published in the Gazette to be controlled fishing gear.

(2) An applicant for a sport fishing licence need not be a resident of Malawi but he shall specify any vessel not registered or based in Malawi intended for use under the authority of the licence.

(3) A person who fishes for subsistence fishes in order to provide, without payment therefor, food for himself and persons dependent on him including members of his community.

(4) No sport or subsistence fishing licence shall be granted or renewed unless the Director is satisfied that the applicant is not intending to engage in commercial fishing under the licence.

(5) No subsistence fishing licence shall be granted or renewed unless the Director is satisfied that the applicant is ordinarily resident in Malawi within the meaning of regulation 10 (2).

(6) Regulation 20 shall apply to sport and subsistence licences except that shorter licence periods may be applied to fishing for specific species of fish.

(7) Sport and subsistence fishing licences shall not be transferable.

(8) A sport and subsistence fishing licence shall be in the form set out in the Eighth Schedule.

## 22. Trout fishing

(1) Rainbow trout is declared to be a controlled species of fish for the purposes of these Regulations.

(2) The conditions contained in the Ninth Schedule shall apply to sport licences in respect of trout fishing.

## PART VI

### FOREIGN FISHING LICENCES

## 23. Categories of foreign fishing licences

Foreign fishing licences shall be limited to commercial licences of which there shall be the following categories—

(a) large-scale foreign fishing licence; and

(b) small-scale foreign fishing licence.

## 24. Application for a foreign fishing licence

(1) An application for a foreign fishing licence shall be made to the Director in respect of a specified foreign fishing vessel in the form set out in the Tenth Schedule not less than sixty days before the licence is required to come into effect.

(2) An application under subregulation (1) may be limited to persons using vessels registered in or coming from a flag state which has been accorded fishing rights under an agreement between the Government and the government of that state or a competent regional organization in accordance with section 52 of the Act.

(3) An application under subregulation (1)—

- (a) shall be signed;
- (b) shall contain or be accompanied by all the information, including documents, required under the Act;
- (c) shall contain any other information required by the Director; and
- (d) may be made by applicant or his duly authorized agent.

(4) The Director may, if he considers that an application made under this regulation contains false or misleading information, refuse to grant a licence to the applicant.

(5) A foreign fishing licence shall be in the form set out in the Eleventh Schedule.

#### 25. Non-transferability of foreign fishing licence and conditions

Subject to regulation 27, a foreign fishing licence granted in respect of a foreign fishing vessel shall not be transferable and shall be subject to conditions relating to the quantities of species of fish that may be caught, by-catches, fishing gears and fishing methods, areas of fishing, times of fishing and such other matters as the Director shall consider appropriate and as may be attached to or endorsed on the licence.

#### 26. Period of validity of foreign fishing licence

Every foreign fishing licence shall, unless therein otherwise provided, expire one year next following the date of its being issued.

#### 27. Exchange of foreign fishing licences

A licence of a foreign fishing licence may, at the discretion of the Director, surrender a foreign fishing licence in exchange for another fishing licence specifying another foreign fishing vessel of no greater size and of similar characteristics to those of the vessel specified in the original licence valid for the balance of the period for which the licence being surrendered is valid.

### PART VII

#### COOPERATION BY FISHING VESSELS WITH GOVERNMENT AUTHORITIES

#### 28. Assistance to and provision of accommodation and facilities for observers and fisheries protection officers

(1) The master of a fishing vessel shall, when in the fishing waters and when requested to do so by the Director, permit and assist observers to board and remain on board the vessel for the purpose of recording scientific data and other observations and permit them to retain and remove any samples and records that they may have been taken.

(2) When an observer is on board a fishing vessel and he remains on board for a period of more than four hours, the master of the vessel shall, if the vessel has the requisite facilities, provide the observer with suitable food and accommodation at no cost to the observer or to the Government.

(3) The master of a fishing vessel shall, if the vessel has the requisite facilities, provide suitable food and accommodation to any fisheries protection officer forced by circumstances to stay on his vessel for a period of more than four hours.

(4) The master shall—

(a) if his vessel has such equipment, at the request of a fisheries protection officer or observer allow him to send or receive messages by means of the communications equipment of his vessel;

(b) at the request of a fisheries protection officer or an observer proceed to the nearest and most convenient place for the purpose of embarking or disembarking the officer or observer; and

(c) provide all other reasonable protection assistance within his power to enable a fisheries protection officer or observer to carry out his duties and functions.

(5) No person shall forcibly remove, assault, oppose, impede, intimidate or interfere with a fisheries protection officer or observer when on board a fishing vessel.

29. Licence to be carried on foreign fishing vessel and to be available for inspection

The master of a licensed foreign fishing vessel shall, when in the fishing waters, carry and make available for inspection by any fisheries protection officer the licence to fish specifying that fishing vessel.

30. Compliance with instructions from patrol vessels

(1) The master of a fishing vessel within the fishing waters shall comply with any instruction or order given from a Government patrol vessel.

(2) A fishing vessel intended for inspection shall be informed of the intention by a Government patrol vessel normally by voice communication or, where such voice communication is not practicable, by a series of flashing white lights directed towards the vessel whereupon the master of the fishing vessel shall stop carrying out his present activity and cause his vessel to follow the patrol vessel or allow boarding, as the case may be.

PART VIII

## STOWAGE OF GEAR, IDENTIFICATION MARKS AND PROTECTION OF FIXED GEAR

### 31. Requirements to display identification markings, lights and shapes

(1) Each registered local fishing vessel and each licensed foreign fishing vessel shall at all times when in the fishing waters display identification markings in accordance with the conditions of registration or of the licence, as the case may be.

(2) Every vessel engaged in fishing in the fishing waters shall display such lights and shapes for the activity in which the vessel is engaged as are stipulated in notices issued by the Director and published in the Gazette.

(3) In the fishing waters, all fishing gear which is not physically attached to a fishing vessel shall be marked permanently with the identification markings of the vessel to which it belongs or if it does not so belong the fishing licence number of the owner of the gear and its position shall be reported by the person using it to the Director.

(4) All static fishing gear, including fixed long lines, left unattended in the fishing waters shall be adequately marked by bouys, lights or other effective devices so as to indicate its presence by day or night in accordance with notices issued by the Director and published in the Gazette.

(5) Fishing vessels engaged in line shooting or trawling, including pair trawling, shall display or use such shapes, signals or markers as shall be stipulated in notices issued by the Director and published in the Gazette.

### 32. Protection of fixed gear

(1) The master of any vessel in the fishing waters shall take all reasonable measures to avoid causing damage to static fishing gear marked in accordance with regulation 31, pot marks, floating gear and traditional fishing devices.

(2) In the event that a vessel becomes entangled with or damages any of the gear referred to in subregulation (1), the master shall—

- (a) attempt to restore the gear;
- (b) where practicable, return the gear to the water and log its position; and
- (c) make a full report of the incident and steps taken by him in accordance with paragraphs (a) and (b) to a fisheries officer at the earlier opportunity.

## PART IX

### CONSERVATION MEASURES

### 33. Restrictions on net mesh, mouth sizes, headline lengths, depths and fishing times

(1) No trawl net or other net along a lake bed shall be carried or used for fishing in the areas set out in the First Column of Part 1 of the Twelfth Schedule unless—

- (a) the meshes forming the cod end of the net have the size; and
- (b) the net mouth size has the maximum circumference, set out in the Second and Third Columns of Part 1 of the Ninth Schedule.

(2) No beach seine net shall be carried or used for fishing in the areas set out in the First Column of Part 2 of the Twelfth Schedule unless—

- (a) the meshes forming the cod end of the net have the minimum size;
- (b) the headline does not exceed the length; and
- (c) the net does not exceed the depth,

set out in the Second, Third and Fourth columns of Part 2 of the Twelfth Schedule.

(3) No gill net shall be carried or used for fishing in the areas set out in the First Column of Part 3 of the Twelfth Schedule unless—

- (a) the meshes forming the cod end of the net have the minimum size; and
- (b) the net does not exceed the depth,

set out in the Second and Third Columns of Part 3 of the Twelfth Schedule.

(4) No chirimila net may be used in the fishing waters with a headline length that exceeds 70 m (231 ft).

(5) No attachment shall be made to any net except to the underside of the net for the purpose of preventing or reducing damage to the net:

Provided that the attachment shall only be secured at its forward and lateral sides and if made of netting shall have a mesh size of not less than 75 millimetres.

(6) No cod end shall measure more than half the size of a trawl net or other net towed along the bed of a lake or river.

(7) The following rules shall apply to the measurement of the meshes of nets—

- (a) the net shall be wet when measured unless made from man-made fibre;
- (b) the opening of the mesh shall be measured by means of a graduated flat wedged gauge 2 millimetres thick and having a taper of 2 centimetres in 8 centimetres inserted into the mesh and, in cases of doubt, a weight of not more than 1 kilogram shall be attached to the gauge; and

(c) the mesh size shall be taken as the average of the measurements of any twenty consecutive meshes along the longitudinal axis of the upper side of the net starting from ten meshes from the after end and clear of the selvages, strengthening ropes and lacings.

34. Restrictions on use of fishing gear

(1) No trawl net or ring net shall be used—

(a) within one mile of any of the shoreline of Lake Malawi;

(b) in waters of a depth of less than 18 metres; or

(c) between the hours of 1700 hours and 0700 hours.

(2) No bottom trawl net pulled by a vessel powered by an engine or engines above one hundred horsepower shall be used in waters of less than a depth of forty metres in Lake Malawi and no midwater trawl net may be used in Area A.

(3) The fishing gear referred to in Part 4 of the Twelfth Schedule shall not be used in the area or areas specified in that Part during the periods or times specified therein.

(4) No beach seine net may be used at any time on the Upper Shire River.

(5) The fishing gear set out in Part 5 of the Twelfth Schedule shall not be used for fishing in corresponding entries in the Areas Column.

(6) The types and sizes for Nkacha and Usipa rig rift net which may be used and the conditions, areas and times of their operation shall be those set out in Parts 6 and 7 of Twelfth Schedule.

35. Control of use of underwater breathing apparatus for fishing

(1) No person shall without a permit in writing granted by the Director and subject to such conditions as may be specified in such permit use in the fishing waters an aqualung or other underwater breathing apparatus when fishing with a spear, spear gun, harpoon or net commercially or for sport purposes.

(2) An application for a permit referred to in subregulation (1) shall be in the form set out in the Thirteenth Schedule and the permit shall be in the form set out in the Fourteenth Schedule.

36. Size limits of fish

No person shall kill, take, sell or offer or expose for sale any fish listed in the First Column of the Fifteenth Schedule of less than the lengths set out in the second column measured, in each case, from the point of the snout to the end of the tail fin when the fish is laid out.

37. Close seasons

(1) The Director may, by notice published in the Gazette, declare that during such period and within such area of the fishing waters as may be specified in the notice, fishing for such species of fish as shall be specified in the notice shall be unlawful notwithstanding the issue of any licences or permits for the catching of such species of fish.

(2) No person shall fish for rainbow trout between the 1st May and the 31st August in any year.

## PART X

### AQUACULTURE

#### 38. Requirement for aquaculture permit and application

(1) Any person who operates an aquaculture establishment and—

- (a) the establishment occupies an area of not less than four hectares; or
- (b) fish bred, reared or kept at the establishment are intended for export,

shall require an aquaculture permit.

(2) An application for an aquaculture permit shall be made not less than sixty days before the licence is required to come into effect unless the Director shall allow a lesser period.

(3) An application for an aquaculture permit shall be in the form set out in the Sixteenth Schedule and an aquaculture permit shall be in the form set out in the Seventeenth Schedule.

#### 39. Specific condition on issue or renewal of aquaculture permit

No aquaculture permit shall be issued or renewed unless the Director is satisfied that the aquaculture establishment satisfies or will satisfy, when established, the conditions applicable to it that the Director proposes to attach to the grant of the permit in accordance with section 19.

#### 40. Period of validity of aquaculture permits

Every aquaculture permit issued under this Part shall, unless earlier cancelled by the Director or under any other written law, be valid for such period being not less than five years as shall be stipulated in the permit.

#### 41. Conditions applicable to aquaculture permits

Every permit issued under this Part shall be subject to the following conditions—

(a) the aquaculture establishment shall be so operated as to minimize the risk of the development of diseases in the fish stocks of the establishment and the spread of such diseases and in particular shall be maintained and operated in accordance with such code of practice for the maintenance and operation of aquaculture establishments as the Director may publish from time to time in the Gazette;

(b) fish harvested from the establishment shall be handled in a sanitary manner and shall be transported in containers approved by the Director;

(c) notification shall be given to the Director of any diseases affecting the stock of the aquaculture establishment as the Director shall declare by notice given, from time to time, in the Gazette to be a notifiable disease,

(d) accurate records shall be maintained relating to the operations of the establishment which shall be open to inspection by the Director;

(e) returns concerning the operation of the establishment shall be made to the Director as he shall from time to time require;

(f) the applicant shall insure with an insurer approved by the Director against loss to the applicant occasioned by measures taken in accordance with regulation 42 and shall maintain such insurance; and

(g) such other conditions as may be attached or endorsed on the permit.

#### 42. Measures for dealing with outbreaks of diseases

(1) The holder of an aquaculture permit shall take such measures as shall be advised to him by the Director for the prevention of the spread of disease to or from the stock of his establishment.

(2) Measures taken under subregulation (1) may include the destruction and disposal of the stock or part of the stock of the aquaculture establishment by the permit holder under the supervision of the Director or, with the assent of the permit holder to such destruction and disposal, by the Director.

#### 43. Compensation for destruction of stock

Where the stock or part of the stock of an aquaculture establishment has been destroyed pursuant to regulation 42 and the Director is satisfied that the stock was not diseased, the Government may pay the permit holder compensation for the stock so destroyed in an amount decided by the Government in its absolute discretion.

### PART XI

#### LANDING AND SAMPLING OF FISH AND FISHING RETURNS

#### 44. Landing and sampling of fish

(1) Fish caught by licensees shall be landed at such places as the Director shall stipulate by notice in the Gazette.

(2) A licensee shall permit a fisheries officer to remove a reasonable quantity of fish landed at a place stipulated under subsection (1) for purposes of research.

45. Fishing information and fishing returns

(1) Both large-scale and small-scale commercial fishermen shall furnish any fisheries officer, when so requested by the officer, with details concerning catches made by them including the areas in which and times when such fish have been caught.

(2) The giving of information pursuant to subregulation (1) shall not relieve a large-scale commercial fisherman from a requirement to keep records or make returns in accordance with the conditions of his licence.

PART XII

ENFORCEMENT

46. Inspection and seizure of fish

(1) A fisheries protection officer may inspect—

- (a) any store holding fish;
- (b) any fish when landed in accordance with regulation 44;
- (c) any fish prior to export, whether in store, on land or on board ship; and
- (d) any imported fish when landed or, prior to landing, on board ship.

(2) A fisheries protection officer may, on an inspection under subregulation (1), seize fish which in his opinion—

- (a) does not conform with these regulations; or
- (b) is not fit for human consumption.

(3) Fish seized under subregulation (2) shall be dealt with in accordance with the Act and, in the case of fish referred to in paragraph (b), a report shall be made by the fisheries protection officer without delay to the health authorities.

47. Bonds

For the purpose of section 38 (2) of the Act, every bond shall be in the form set out in the Eighteenth Schedule.

48. Administrative penalties

For the purpose of section 50 of the Act—

(a) a notice under subsection (1) of the section shall be in the form set out in the Nineteenth Schedule;

(b) a notice under subsection (3) of the section shall be in the form set out in the Twentieth Schedule;

(c) a notice under subsection (7) of the section shall be in the form set out in the Twenty-First Schedule.

## PART XIII

### MISCELLANEOUS

#### 49. Offences and penalties

(1) Any person who fails to comply with any requirement of these Regulations, any condition of any permit issued under these Regulations or any order, requisition, or direction lawfully issued by any fisheries protection officer under these Regulations shall be guilty of an offence.

(2) Any person who is guilty of an offence under these Regulations shall, where no other penalty is provided, be liable to a fine of K5,000 and to imprisonment for one year.

#### 50. Sport and other non-commercial fishing

(1) Subject to subregulation (3), these Regulations shall not, unless specifically provided or the context so requires, apply to fishing for sport, subsistence or any other non-commercial reason.

(2) A non-commercial fisherman shall not sell by wholesale or by retail fish caught by him.

(3) All non-commercial fishermen shall be subject to regulations 33, 34, 35, 36 and 37.

#### 51. Fees

The fees prescribed in the Twenty-Second Schedule shall be payable in respect of the matters specified therein in relation to such fees.

## FIRST SCHEDULE (reg. 2)

### DESCRIPTION OF AREAS REFERRED TO IN REGULATIONS AND CONDITIONS OF LICENCES AND PERMITS

Bearings are true bearings to nearest degree. Grid references of trigonometrical stations are to nearest ten metres and those of other points to nearest hundred metres. Co-ordinates are to nearest second of an arc.

## PART I

### REFERENCE POINTS

1. A point at Cape Ngombo at latitude 13° 43' 18" south, longitude 34° 51' 29" east (Grid Reference YV. 009.824).

2. Trigonometrical Station 348/MWS on Lipangala Hill near the village of Saidi Mwazungu at latitude  $13^{\circ} 59' 15''$  south, longitude  $35^{\circ} 09' 10''$  east (Grid Reference YV. 3257.5269).

3. The northern most point of Boadzulu Island at latitude  $14^{\circ} 14' 42''$  south, longitude  $35^{\circ} 08' 37''$  east (Grid Reference YV. 313.243).

4. Trigonometrical Station 375/MWS on Ulande Hill at latitude  $14^{\circ} 14' 19''$  south, longitude  $35^{\circ} 04' 42''$  east (Grid Reference YV. 2419.2507).

5. Trigonometrical Station 261/MWT at Monkey Bay at latitude  $14^{\circ} 04' 05''$  south, longitude  $34^{\circ} 55' 26''$  east (Grid Reference YV. 0783.4404).

6. The western extremity of Domwe Island at Cape Maclear at latitude  $13^{\circ} 58' 03''$  south, longitude  $34^{\circ} 49' 02''$  east (Grid Reference YV. 962.552).

7. Trigonometrical Station 381/MWS on Manga Hill near Mtakataka at latitude  $14^{\circ} 12' 27''$  south, longitude  $32^{\circ} 29' 24''$  east (Grid Reference XV. 6080.2900).

8. Trigonometrical Station 383/MWS on Maleri Island at latitude  $13^{\circ} 53' 44''$  south, longitude  $34^{\circ} 37' 26''$  (Grid Reference XY 7553.6334).

9. Trigonometrical Station 26/NYP on Senga Hills at latitude  $13^{\circ} 42' 44''$  south longitude  $34^{\circ} 36' 18''$  (Grid Reference XV. 7357.8367).

10. Trigonometrical Station 22/NYS on Ntunthama Hill at latitude  $13^{\circ} 51' 16''$  south, longitude  $34^{\circ} 23' 43''$  east (Grid Reference XV. 5072.6804).

11. Sungu point at latitude  $13^{\circ} 34' 47''$  south, longitude  $34^{\circ} 31' 34''$  east (Grid Reference XV. 652.986).

12. Kirambu point at latitude  $13^{\circ} 16' 55''$  south, longitude  $34^{\circ} 20' 33''$  east (Grid Reference XA. 454.314).

13. Cape Gilambo, latitude  $13^{\circ} 19' 29''$  south, longitude  $34^{\circ} 47' 25''$  east (Grid Reference XA. 935.265).

## PART II

### AREAS

1. The south-east arm is that portion of Lake Malawi south-east of a straight line on a bearing of  $9^{\circ}$  from Point 6 to Point 1.

Area A is that portion of south-east arm south of a line on a bearing of  $96^{\circ}$  from Point 4 through Point 3.

Area B is that portion of the south-east arm north of a line on a bearing of 96° from Point 4 through Point 3 but south of a line on a bearing of 70° from Point 5 to Point 2.

Area C is that portion of the south-east arm north of a line on a bearing of 70° from Point 5 to Point 2.

2. The south-west arm is that portion of Lake Malawi lying west of the Nankhumba Peninsula and Domwe Island and of a line on a bearing of 9° from Point 6 to Point 1 and south of a line on a bearing of 93° from Point 9 to Point 1.

Area D is that part of the south-west arm lying south of a line bearing 53° from Point 7 to Point 6.

Area E is that part of the south-west arm lying north of a line bearing 53° from Point 7 to Point 6 but south of a line bearing 291° from Point 6 through Point 8.

Area F is that part of the south-west arm lying north of a line bearing 291° from Point 6 through Point 8.

3. The Domira Area is that part of the Malawi waters of Lake Malawi lying north of a line bearing 93° from Point 9 to Point 1 and south of a line bearing 97° from Point 12 to Point 13.

Area G is that part of the Domira Area lying south and east of line bearing 25° from Point 10 through Point 11.

Area H is that part of the Domira Area lying north and west of a line bearing 25° from Point 10 through Point 11.

4. Area UN are those areas of the waters of Malawi not described in the foregoing.

SECOND SCHEDULE (reg. 4 (4))

APPLICATION FOR REGISTRATION/RENEWAL OF REGISTRATION OF A LOCAL REGISTRABLE FISHING VESSEL

To: The Director of Fisheries

1. I, .....

(Full Name)

of .....

(Business Address)

and .....

(Residential Address)

the owner(s) of the vessel described below do hereby apply for registration/renewal of registration of that vessel in accordance with regulations ..... of the Fisheries Conservation and Management Regulations, 2000.

2. Description of vessel—

(a) name of vessel: .....

(b) location of vessel: .....

(c) purpose of which it is intended to use vessel (e.g. large-scale commercial fishing, small-scale commercial fishing, etc.): .....

.....

(d) area in which it is intended to use vessel:.....

(e) registration number of the vessel, if application is for renewal of registration: .....

.....

3. Any other information: .....

Date: .....

.....

Signature/mark/thumb print

of the owner

FOR OFFICIAL USE ONLY

Application received by: .....

on .....

Fee paid MK ..... (in words)

Date: .....

.....

Signature Director of Fisheries

THIRD SCHEDULE (reg. 4 (5))

APPLICATION FOR A LOCAL FISHING LICENCE/RENEWAL OF A LOCAL FISHING LICENCE

To: The Director of Fisheries

1. I, .....

(Full Name)

of .....

(Full Address)

Delete as necessary\*(duly authorized in that behalf by the partnership or body corporate specified in paragraph (4) hereby apply (for and on behalf of the said society partnership/body corporate) for a local fishing licence/renewal of a local fishing licence.

2. State whether applicant is a resident of Malawi Delete as necessary\*YES/NO.

3. Description of applicant's present fishing activities, if any:

.....  
.....

4. State business name, if any: .....

5. Location of applicant's present or proposed fishing base:

.....  
.....

6. State whether vessel intended for use under the authority of the licence is registered or based in Malawi: .....

.....

7. State the subcategory of local fishing licence required (that is, commercial fishing licence, sport fishing licence or subsistence fishing licence:

.....  
.....

8. State capacity of engine or engines to power the fishing vessel, if any:

.....  
.....

9. Brief but precise description of the fishing gear that applicant proposes to use (that is, indicate size and type of net, whether two or single boat operation, etc.):

.....

.....

10. Location of base for the fishing gear listed under paragraph 9:

.....

11. Description of fishing waters in which applicant proposes to use the fishing gear listed under paragraph 9: .....

.....

12. List beaches or places it is proposed to land fish: .....

.....

13. Indicate whether or not provisional arrangements have been made to market the fish that would be caught under the licence if granted: Delete as necessary\*YES/NO.

14. If the answer to the question in paragraph 13 is yes, describe the arrangements:

.....

.....

.....

.....

15. Has any previous application for a fishing licence been made by the applicant, any member of the applicant's family or any person having an interest in the application: Delete as necessary\*YES/NO.

16. If the answer to the question in paragraph 15 is yes, please give full details:

.....

.....

.....

.....

.....

17. Licence number, if application is for renewal of licence:

.....

18. Any other information: .....

.....

.....  
19. I hereby state that this application was translated for me by a fisheries officer in accordance with regulation 5 and I understand the effect of the information on the application and the interpretation:

.....  
Signature of applicant who has requested and has been given assistance in completing this application

Date: .....

.....

Signature/mark/thumb print

of the owner

Where the application is made for and on behalf of a partnership or a body corporate, it must be signed by a partner or the secretary to the body corporate, as the case may be.

FOR OFFICIAL USE ONLY

Application received by: .....

on: .....

Fee paid MK ..... (in words)

Date: .....

.....

Signature Director of Fisheries

FOURTH SCHEDULE (reg. 11 (6))

REGISTRATION CERTIFICATE IN RESPECT OF A LOCAL REGISTRABLE FISHING VESSEL

I, ....., Director of Fisheries, hereby certify that the fishing vessel whose particulars are hereunder has been registered under the Fisheries Conservation and Management Act—

(1) Registration number of the vessel: .....

(2) Name of vessel: .....

(3) Identification marks: .....

(4) Port of registration: .....

(5) Owner(s): .....

(6) Owner(s) office and address: .....

(7) Boat size—

Overall length: .....

Breadth: .....

Draft: .....

Horse power: .....

(8) Gross tonnage: .....

(9) Fish held tonnage: .....

Dated:.....

.....

Signature Director of Fisheries

FIFTH SCHEDULE (reg. 12 (2))

APPLICATION FOR CHANGE OF A NAME OF A REGISTERED FISHING VESSEL

To: The Director of Fisheries

1. I, .....

(Full Name)

of .....

(Business Address)

and .....

(Residential Address)

the owner(s) of a registered fishing vessel described below do hereby apply for change of the name of the said vessel from its present name, namely:

.....

to .....

(proposed new name)

2. Registered number of the vessel: .....

3. Date of registration of the vessel: .....

4. Reason for the proposed change of name of the vessel:  
.....

.....

5. Any other information: .....

.....

.....

Date:.....

.....

Signature of the owner

FOR OFFICIAL USE ONLY

Application received by: .....

on: .....

Fee paid MK: ..... (in words)

Date: .....

.....

Signature Director of Fisheries

SIXTH SCHEDULE (reg. 16 (3))

APPLICATION TO REPLACE A REGISTRATION CERTIFICATE

To: The Director of Fisheries

1. I, .....

(Full Name)

of .....

(Business Address)

and .....

(Residential Address)

the owner(s) of the vessel described below do hereby apply for replacement of the registration certificate described below—

2. Description of vessel—

(a) name of the vessel: .....

(b) registered number of the vessel: .....

3. Description of the registration certificate—

(a) number of registration certificate: .....

(b) date of issue of the registration certificate: .....

4. State why you need the registration certificate to be replaced:

.....

.....

5. Full account of how the registration certificate got lost, destroyed or so damaged as to make it illegible: .....

.....

.....

6. Any other information: .....

.....

.....

.....

.....

Date: .....

.....

Signature/mark/thumb print

of the owner

FOR OFFICIAL USE ONLY

Application received by: .....

on: .....

Fee paid MK: ..... (in words)

Date: .....

.....

Signature Director of Fisheries

SEVENTH SCHEDULE (reg. 18 (2))

COMMERCIAL FISHING LICENCE

This is to certify that .....

of ..... being owner

of the fishing vessel described hereunder has been permitted the use of the said vessel for the purpose of fishing within the fishing waters from ..... to ..... according to the following stipulations—

(1) Large-scale/small-scale/live fish collection commercial fishing licence:

(2) Method(s) of fishing: .....

.....

(3) Fishing gear: .....

(4) Species of fish to be taken: .....

(5) By-catches: .....

(6) Area to be fished:

.....

.....

(7) Period limitation: .....

(8) Allowable catch: .....

(9) Storage of gear when not in use: .....

(10) Transfer, transshipment, landing and processing restriction:

.....

.....  
(11) Restriction on entry to any port or place: .....

(12) Vessel name: .....

(13) Registration number: .....

(14) Port of registration: .....

(15) Vessel marking: .....

(16) Engine capacity: .....

(17) Entry, exit and reporting procedure: .....

(18) Compliance with the Fisheries Conservation and Management Act:  
.....

(19) Name of the family member to whom the licence should be transferred in the event of death of the licensee:  
.....

(20) Special conditions detailed overleaf.

Date .....

.....  
Signature Director of Fisheries

\*Delete the inapplicable

FOR OFFICIAL USE ONLY

Fees paid MK ..... (in words)

EIGHTH SCHEDULE (reg. 21 (8))

SPORT/SUBSISTENCE FISHING LICENCE

This is to certify that .....

of .....

has been permitted to fish within the fishing waters for sport or subsistence

from ..... to .....

according to the following stipulations—

(1) Controlled species of fish to be taken: .....

.....

(2) Controlled fishing gear to be used: .....

(3) Method of fishing: .....

(4) Area to be fished: .....

(5) Allowable catch: .....

(6) Where a vessel is to be used, particulars thereof: .....

.....

(7) Special conditions detailed overleaf.

Date: .....

.....

Signature Director of Fisheries

FOR OFFICIAL USE ONLY

Fees paid MK: ..... (in words)

NINTH SCHEDULE (reg. 22 (2))

CONDITIONS TO ATTACH A SPORT LICENCE IN RESPECT OF TROUT FISHING

1. A sport licence in respect of trout fishing (hereinafter called “a licence”) shall entitle the person named therein to fish for trout in trout fishing waters only.

2. Trout fishing waters are—

(a) Zomba Mountain—Mulunguzi Stream from its source including all tributaries to the point six hundred yards below the Mulunguzi Dam where the stream goes down a precipice;

(b) Mulunguzi Dam;

(c) Chagwa Dam;

(d) Mulanje Mountain—Lichinga Stream from its source including all tributaries within the Mulanje Forest Reserve;

(e) Likubula Stream from its source including the Capeluka and Malembe Streams and all other tributaries within the Mulanje Forest Reserve;

(f) Nyika Plateau—Chelinde Stream from its source including all tributaries for a distance of twenty-five miles;

(g) North Rukuru Stream from its source including all tributaries for a distance of twenty-five miles; and

(h) Dembo Stream from its source including all tributaries for a distance of fifteen miles and Chelinde Dam, Little Mwenyenyezi Dam and Big Mwenyenyezi Dam.

3. A licence shall not authorize a person to fish for trout between the 1st May and the 31st August in any year.

4. Fishing under the licence is authorized only between the hours 0430 and 1930.

5. The maximum number of trout that may be killed shall be, irrespective of the length of validity of the licence—

(a)one day6(b)one week24(c)one month50(d)a season100

6. The licence shall be carried when fishing and produced in accordance with the Act.

7. The method of fishing permitted under the licence is fly fishing for all the trout waters.

8. The minimum size of trout that may be caught and retained at any dam shall be 25 cm (10 in).

9. All trout caught and retained shall be entered in a trout fishing return endorsed on the licence.

10. The person named in the licence shall cease fishing when the daily, weekly, monthly or seasonal quota has been caught.

11. A licence shall be returned by prepaid post to the Director within fourteen days of expiry.

#### TENTH SCHEDULE (reg. 26 (1))

#### APPLICATION FOR A FOREIGN FISHING LICENCE

To: The Director of Fisheries

1. I, .....

(Full Name)

of .....

(Full Address)

Delete as necessary\*(duly authorized in that behalf by the society, partnership or body corporate specified in paragraph (3) hereby apply (for and on behalf of the said partnership/body corporate) for a foreign fishing licence.

2. State the subcategory of the foreign fishing licence required (that is, large-scale or small-scale foreign fishing licence) .....

3. State business name, if any: .....

4. Description of the applicant's present fishing activities, if any:  
.....  
.....  
.....

5. State location of applicant's present fishing base, if any:  
.....  
.....

6. Name of the fishing vessel: .....

7. Identification marks: .....

8. Port of Registration: .....

9. Owner(s)/Charterer(s): .....

10. Fishing vessel size—

(a) overall length: .....

(b) breadth: .....

(c) draft: .....

11. Gross tonnage: ..... tonnes

12. Fish hold tonnage: .....

13. Number and nationality of crew: .....

.....

14. Previous fishing history in the fishing waters:

Year Total catch

15. Area within which fishing is now requested: .....

.....

16. Specific period for which fishing is requested: .....

.....

17. Species of fish to which licence is sought to apply: .....

.....

18. Specific methods to be used—

(a) Pole and line—Number of poles: .....

(b) Longlining—Number of hooks: .....

(c) Purse seining—Length and depth of net (m): .....

(d) Other methods (please specify): .....

19. Intended disposal of catch—

(a) within Malawi—

(i) for processing

(ii) for local sales

(iii) for transshipment and export (unprocessed)

(b) transshipment within fishing waters ultimate destination:

.....

(c) transportation on board the fishing vessel out of fishing waters ultimate destination:

.....

.....

(d) combination of (a)–(c) please specify: .....

20. Intended use of ports and related facilities within Malawi—

(a) for disposal of catch, state port: .....

(b) obtaining ice, fuel, fishing gear, provisions or recreation; state port:

.....

(c) repairs, outfitting or maintenance; state port:

.....

.....

21. Do you intend or would you be willing to train residents of Malawi in the methods of fishing employed by the fishing vessel: Delete as necessary\*YES/NO.

I/We, owner(s)/charteier(s)/certified legal representatives of the fishing vessel, certify that the above information is true and accurate:

Dated: .....

.....

Signature

Where the application is made on behalf of a partnership or a body corporate it must be signed by the partner or secretary to the body corporate, as the case may be.

FOR OFFICIAL USE ONLY

Application received by: .....

on: .....

Fee paid MK .....(in words)

Date: .....

.....

Signature Director of Fisheries

ELEVENTH SCHEDULE reg. 24 (5)

FOREIGN FISHING LICENCE

This is to certify that .....

of .....

being the owner of the fishing vessel described hereunder has been permitted the use of the said vessel for the purpose of fishing within the fishing water from ..... to ..... according to the following stipulations—

1. Large-scale/small-scale/live fish collection commercial fishing licenceDelete the inapplicable\*

2. Method(s) of fishing: .....

- .....
3. Fishing gear: .....
  4. Species of fish to be taken: .....
  5. By-catches: .....
  6. Area to be fished: .....
  7. Period limitation: .....
  8. Allowance catch: .....
  - .....
  9. Stowage of gear when not in use: .....
  - .....
  10. Transfer, transhipment, landing and processing restriction:  
.....
  11. Restriction on entry to any port or place: .....
  - .....
  12. Vessel name: .....
  13. Registration number: .....
  14. Port of registration: .....
  15. Vessel marking: .....
  16. Engine capacity: .....
  17. Entry, exit and reporting procedure: .....
  18. Compliance with the Act.
  19. Special conditions detailed overleaf.
- Date: .....

.....  
Signature Director of Fisheries

FOR OFFICIAL USE ONLY

Fee paid MK ..... (in words)

TWELFTH SCHEDULE (regs. 33 and 34), G.N. 8/2003

RESTRICTIONS ON SIZES OF FISHING GEAR AND PROHIBITED FISHING PERIODS AND TIMES

PART 1

TRAWL NETS

Fishing area Minimum cod end mesh size Maximum net mouth size Lake Chilwa Prohibited 25 m (82 ft)  
Lake Malawi 38 mm (1.5 in) 37 m (121.4 ft)

PART 2

BEACH SEINE NETS

Fishing area Minimum cod end mesh size Maximum head line length Maximum net depth  
1. All waters (Mosquito nets) No restriction 3 m (9.8 ft) 1.5 m (4.9 ft)  
2. Lake Malawi (Kambuzi seine) 19 mm (.75 in) 150 m (492 ft) 10 m (32.8 ft)  
3. Lake Malawi (Usipa net) No restriction 100 m (328 ft) 6 m (19.7 ft)  
4. Lake Malawi (Chambo seine) 95 mm (3.5 in) 19 mm (0.75 in) 18 m (59 ft)  
5. Lake Malombe (Nkacha) 19 mm (0.75 in) 100 m (328 ft) 10 m (32.8 ft)  
6. Lake Malombe (Kambuziseine) 19 mm (3.5 in) 500 m (3280) NA  
7. Lake Malombe (Chamboseine) 90 mm (3.5 in) 1,000 mm (3280) NA  
8. Lake Chirwa 25 mm (½ in) 300 mm (984 ft) 5 m (16.4 ft)  
9. Lower Shire River 19 mm (¾ in) 200 m (656 ft) 15 m (49.5 ft)  
10. Lake Chiuta Prohibited  
11. Chia-Lagoon Prohibited

PART 3

GILL NETS

Fishing area Minimum mesh size Maximum net depth  
South-East Arm Lake Malawi 95 mm (3.75 in) No Restriction  
Remainder of Lake Malawi south of Latitude 12° 15' 95 mm (3.75 in) No restriction  
Upper Shire River 76 mm (3.0 in) NA  
Lower Shire River 64 mm (2.5 in) 3 m (9.8 ft)  
Lake Malombe 90 mm (3.5 in) NA  
Lake Chilwa 70 mm (2.75 in) 3 m (9.8 ft)  
Lower Shire River 63 mm (2.5 in) 3 m (9.8 ft)

PART 4

PROHIBITED FISHING PERIODS AND TIMES

Lake Malawi

(1) The beach seine nets numbered 2, 3 and 4 in Part 2 of this Schedule and permitted for use in Lake Malawi shall not be used between the 1st November and the 31st December (inclusive).

(2) The usipa beach seine net numbered 3 in Part 2 of this Schedule and permitted for use in Lake Malombe shall not be used between the hours of 6 a.m. and 6 p.m. in any day.

(3) The beach seine net numbered 5 in Part 2 of this Schedule and permitted for use in Lake Malombe shall not be used between the 1st January and the 31st March (inclusive).

(4) The beach seine net numbered 6 in Part 2 of this Schedule and permitted for use in Lake Malombe shall not be used between the 1st November and the 31st December.

(5) The beach seine net numbered 5 in Part 2 of this Schedule shall not be used between the hours of 6 p.m. and 6 a.m. in any period of 24 hours.

(6) The beach seine net numbered 8 in Part 2 of this Schedule and permitted for use in Lake Chiuta shall not be used between 1st December and 31st January (inclusive).

(7) Beach seine nets permitted for use in Lake Chilwa and Mpoto Lagoon shall not be used between 1st November and 30th April.

(8) Beach seine nets permitted for use in Lake Chilwa and Mpoto Lagoon shall not be used between the hours of 6 p.m. and 6 a.m.

#### PART 5

##### PROHIBITED FISHING GEARS

Areas	Fishing Gear	All waters	Chalira	Lake Chiuta	Nkacha nets and beach seine nets	Lake Chilwa and Mpoto Lagoon	Nkacha nets and scoop netting	Lake Malawi—shallow waters	Bottom trawls pulled by more than 100 hp	Lake Chilwa and Mpoto Lagoon	Fishing while staying on floating island (Chimbowela)	Lake Malawi—Areas A, D, and E	Kambuzi beach seine	Lake Malawi	Kauni for Chambo	Lake Malawi—Area A	Mid-water Trawls	Lake Malombe	Mosquito nets	Upper Shire River	Nkacha nets	Lower Shire	Mosquito nets	Lake Malawi	Nkacha nets
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#### PART 6

##### NKACHA NETS

Where Used	Minimum Headline Length	Maximum Mesh Size	Prohibited Depth	Ext .....
------------	-------------------------	-------------------	------------------	-----------

Fishing Time	Lake Malombe	250 m (273 yds)	19 mm (¾ in)	No restriction	from 6 p.m. to 6 a.m., October, November and December
--------------	--------------	-----------------	--------------	----------------	---

#### PART 7

##### USIPA RIG RIFTS NETS

Where Used	Maximum Depth	Mesh Size	Lake Malawi	No restriction	13 mm (½ in)
------------	---------------	-----------	-------------	----------------	--------------

#### THIRTEENTH SCHEDULE (reg. 35 (2))

##### APPLICATION FOR A PERMIT TO USE UNDERWATER BREATHING APPARATUS FOR FISHING

1. Name of applicant: .....

2. Address: .....

.....

3. State purpose for catching the fish (i.e. commercial or sport):

.....

4. Brief but precise description of the underwater breathing apparatus that the applicant proposes to use: .....

5. Area of fishing waters within which the underwater breathing apparatus is to be used:

6. Fishing gear to be used: .....

Date: .....

.....

Signature of Applicant

FOR OFFICIAL USE ONLY

Application received by: .....

on: .....

Fee paid MK ..... (in words)

.....

Director of Fisheries

FOURTEENTH SCHEDULE reg. 35 (2)

UNDERWATER BREATHING APPARATUS PERMIT

.....

(Name of permit holder)

of .....

(Address of permit holder)

is hereby permitted to use underwater breathing apparatus when fishing commercially or for sport purposes according to the following stipulations—

1. Type of underwater breathing apparatus: .....
  2. State fishing gear (e.g. spear, harpoon, etc.): .....
  3. Area to be fished: .....
  4. Period limitation: .....
  5. Allowable catch: .....
  - .....
  6. Species of fish to be taken: .....
  7. Special conditions detailed overleaf.
- Date: .....

.....

Signature, Director of Fisheries

FOR OFFICIAL USE ONLY

Fee paid MK ..... (in words)

FIFTEENTH SCHEDULE reg. 36

SIZE LIMITS OF FISH

Species of Fish Size limit  
 All species of Chambo 150 mm (6 in)  
 All species of Opsaridium microlepis (mpasa) 300 mm (12 in)  
 All species of the genera Tilapia Oreochromis 100 mm (4 in)  
 Kasawala 100 mm (4 in)

SIXTEENTH SCHEDULE reg. 38 (3)

APPLICATION FOR AN AQUACULTURE PERMIT

To: The Director of Fisheries

1. I, .....

of .....

hereby apply for an aquaculture permit.

2. Location of the proposed aquaculture establishment:

.....

.....

3. Size of the proposed aquaculture establishment: .....

4. Purpose for which the fish is to be bred (e.g. export, commercial, subsistence, etc.):

.....

.....

5. Results of an environmental impact assessment: .....

.....

.....

6. Any other information: .....

.....

Date: .....

.....

Signature of Applicant

FOR OFFICIAL USE ONLY

Application received by: ..... on: .....

Fee paid MK ..... (in words)

Date:.....

.....

Signature

Director of Fisheries

SEVENTEENTH SCHEDULE (reg. 38 (3))

AQUACULTURE PERMIT

.....

(Name of permit holder)

of .....

(Address of permit holder)

is hereby permitted to operate an aquaculture establishment at .....

.....

according to the following stipulations—

- 1. Size of the establishment: .....
- 2. Purpose for which the fish is to be bred: .....
- 3. Compliance with the Fisheries Conservation and Management Act
- 4. Special conditions detailed overleaf
- 5. Valid until: .....

Date: .....

.....

Director of Fisheries

FOR OFFICIAL USE ONLY

Fee paid MK ..... (in words)

EIGHTEENTH SCHEDULE (reg. 47)

BOND TO SECURE RELEASE OF A FISHING VESSEL FROM FORFEITURE

..... know all men by these presents that  
 ..... of ..... is/are held and firmly  
 bound to the Republic of Malawi in the sum of K ..... for  
 the  
 payment of which sum to the Republic the said ..... does/do  
 jointly and severally bind himself/themselves/itself executors and administrators/successors firmly by  
 these presents.

WHEREAS ..... (hereinafter called the defendant), is the licensee named  
 in Licence No. .... issued under the Fisheries Conservation and Management Act,  
 1997, Complete or delete as applicable\*in respect of the vessel referred to in the said licence/and is the  
 owner of a vessel registered pursuant to the said Act under number: .....

AND WHEREAS an information/charge has been laid against the Defendant in the (Magistrate)  
 Court at ..... under No. .... (specify number of information charge); or

NOW THE CONDITION OF THE ABOVE WRITTEN BOND is such that if:

(a) the Defendant is found not guilty of the information/charge; or

(b) the Defendant on being convicted of the information/charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court and the amount of all costs due from him to the Republic under section ..... of the Act Complete or delete as applicable\*and the fishing vessel is within that time surrendered to the Republic for forfeiture,

then the above written obligation shall be of no effect but that otherwise it shall remain in full force and effect.

Dated this ..... day of ....., 20 .....

Signed by the above named .....

in the presence of .....

(or as the case may require in the case of a body corporate)

NINETEENTH SCHEDULE (reg. 48 (a))

NOTICE OF ALLEGED OFFENCE

Notice No. ....

IN THE MATTER of section 50 of the Fisheries Conservation and Management Act (Cap. 66:05)

To: .....

.....

.....

1. TAKE NOTICE that I have reasonable cause to believe that on the ..... day of ..... at ..... you committed/your fishing vessel was involved in an offence against (specify section or regulation applicable) in that you/your vessel (specify details of offence) being an offence relating to fishing within the fishing waters/within an area where a licence/permit to fish is required which I consider appropriate to be dealt with under section 46 of the Act.

2. The following is a summary of the facts on which this allegation is based (specify a sufficient summary to fully and fairly inform the recipient of the allegations against him: .....

3. I consider the following matters to be relevant to the imposition of a penalty in this case: .....

4. This notice is served on you pursuant to section 50 of the Fisheries Conservation and Management Act (Cap. 66:05). The provisions of the whole of that section are set out in full as indicated below.

Dated this ..... day of ..... 20 .....

.....

Director of Fisheries

Delete as applicable

50.—(1) Where the Director has reasonable grounds to believe that—

- (a) an offence under this Act has been committed by any person;
- (b) the offence is of a minor nature; and

(c) having regard to the previous conduct of the person concerned and of the vessel, if a vessel is involved, it would be appropriate to impose a penalty under this section,

he may cause a notice in writing, in accordance with subsection (2) to be served on that person.

(2) A notice under subsection (1) shall be in the prescribed form and shall specify—

- (a) the nature of the offence and the date of its commission;
- (b) a summary of the facts upon which the allegation that an offence has been committed is based; and

(c) any other matter that the Director considers relevant to the imposition of a penalty,

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) is served may, within thirty days after such service, by notice in writing to the Director require that the proceedings in respect of the alleged offence be dealt with by the Court or admit the offence.

(4) Where pursuant to subsection (3) a person opts to have the alleged offence dealt with by a court—

- (a) no further proceedings shall be taken under this section by the Director; and
- (b) nothing in this section shall be construed to prevent proceedings in respect of the alleged offence to be dealt by the Court or the imposition by the Court of any penalty or forfeiture under this Act upon such conviction in such proceedings.

(5) Where pursuant to subsection (3), a person opts to admit the offence he may, by notice in writing to the Director—

(a) admit the offence; and

(b) make submissions to the Director as to the matters he wishes the Director to take into account in imposing any penalty under this section.

(6) Where a person on whom a notice under subsection (1) is served does not, within thirty days after the notice is served on him—

(a) require that proceedings in respect of the alleged offence be dealt with by the Court; or

(b) admit the offence,

he shall, on the expiration of that period, be presumed to have admitted the offence.

(7) Where pursuant to this section a person admits or is presumed to have admitted an offence, the Director may, after taking into account any submissions by the person under subsection (5), impose a monetary penalty on the person in respect of the offence not exceeding one half of the maximum, penalty to which the person would be liable if he were convicted of the offence by the Court.

(8) Where the Director imposes a penalty on a person under this section in respect of an offence, the Director shall serve that person with a notice in writing in the prescribed form of the particulars of the penalty and place where the penalty should be paid.

(9) A person on whom a penalty is imposed under this section shall pay the penalty within thirty days after the notice of the penalty is served on him in accordance with subsection (8) and the penalty shall be paid into the Fund.

(10) Without prejudice to the requirement of subsection (9), a penalty imposed under this section shall be recoverable by the Government from the person on whom it has been imposed in the same manner as a fine is recoverable on conviction of an offence.

(11) Where an offence has been admitted or is presumed to have been admitted under this section no further charge may be laid in respect of the offence against the person who has admitted or is presumed to have admitted the offence.

(12) This section shall not apply—

(a) in respect of any offence under section 11 or 12; or

(b) to any offence or alleged offence in respect of which a charge has already been preferred.

TWENTIETH SCHEDULE (reg. 48 (b))

NOTICE REQUIRING PROCEEDINGS TO BE DEALT WITH IN COURT

To: The Director of Fisheries

.....

.....

TAKE NOTICE that I require that any proceedings in respect of the alleged offence referred to in your notice number ..... served on me under section 48 (a) of the Fisheries Conservation and Management Act (Cap. 66:05), be dealt with before the Court.

Dated this ..... day of ....., 2000.

.....

Signature and Name

TWENTY-FIRST SCHEDULE (reg. 48 (c))

NOTICE OF IMPOSITION OF ADMINISTRATIVE PENALTIES

To: .....

.....

.....

1. TAKE NOTICE that I have on the ..... day of ....., imposed on you a monetary penalty of MK ..... in respect of the offence committed by you on the ..... day of ....., against ..... (specify section or regulation applicable).

2. This penalty must be paid to the Government within 30 days after the notice is served on you.

3. Payment shall be made to the office of the Fisheries Officer at .....

Dated this ..... day of ..... 20 .....

.....

Director of Fisheries

TWENTY-SECOND SCHEDULE (reg. 51)

FEES

ANNUAL FEES FOR REGISTRATION OF COMMERCIAL FISHING UNITS

The total licence fee is calculated by the following formula—

$$\text{TOTAL LICENCE FEE} = (\text{ACR} * \text{UCR} * \text{BF}) + \text{Registration fee}$$

where:

ACR = area catch rate;

UCR = unit catch rate; and

BF = basic fee.

The area catch rate is the ratio of the catch in one area of any water body in relation to that which would be realized from Lake Chilwa ceteris paribus (all other factors being equal).

The unit catch rate is a catch of any mechanized gear in relation to that of the trawler unit of up to 37 kW operating at Lake Chilwa which is equal to one unit.

The basic fee sensu stricto is the minimum fees to be paid, net of registration fees by a trawler unit of up to 37 kW operating on Lake Chirwa.

The registration fee depends on the power of the engine.

Registration fee for various engine category—

Water body	Engine size	Fee
Lake Chilwa	0-37 kW	K300.00
Lake Malawi	38-74 kW	K600.00
Lake Malawi	over 74 kW	K900.00

#### CRITERIA FOR CALCULATING FEES IN RESPECT OF COMMERCIAL FISHING

##### Area Catch Rate

Lake	Commercial Fishing Areas	Shallow	Deep	Chilwa	Entire Lake	11Malombe	Entire Lake	11Malawi	A3.3NA
B2.72	7.7	C1.81	4.4	D1.71	1.0	E1.71	1.0	F1.71	1.0
G1.71	1.0	H1.71	1.0	N0.50	5.5				

Area	Area Catch Rate	Unit Catch Rate	Basic fee per year	Registration fee	Licence fee per year
A3.34	K100.00	K600.00	K13,800.00	B2.74	K100.00
C1.81	K100.00	K600.00	K7,400.00	E1.74	K100.00
D1.71	K100.00	K600.00	K7,400.00	F1.74	K100.00
G1.71	K100.00	K600.00	K7,400.00	N0.54	K100.00
H1.71	K100.00	K600.00	K7,400.00		K2,600.00

For the deep water stocks the licence and registration fee shall be K27,900.00 per year.

#### ANNUAL BASIC FEES IN RESPECT OF FISHING GEAR

Gear	Basic Fee	Qualification
Gillnets	K15.00	per 100 m
Nkacha nets	K150.00	per 50 m
Kambuzi seines	K100.00	per 50 m
Usipa beach seines	K100.00	per 50 m
Matemba beach seines	K100.00	per 50 m
Chambo seines	K150.00	per 50 m
Chirimila	K250.00	per unit
Chambo ring net	K1,000.00	basic fee
Chambo midwater trawl	K1,000.00	basic fee
Chisawasawa bottom trawl	K1,000.00	basic fee
Utaka midwater trawl		

K1,000.00 basic fee  
Usipa lift net K3,000.00 per unit  
Aquarist licence K50,000.00 per enterprise  
Fish farm licence K100.00 farm pond > 2 ha