

**THE DEEP SEA FISHING AUTHORITY ACT
(CAP No. 388)**

REGULATIONS

(Made under Section 23)

ARRANGEMENT OF REGULATIONS

**PART I
PRELIMINARY PROVISIONS**

Regulation	Title
1.	Short title and commencement
2.	Application
3.	Interpretation

**PART II
LICENSING OF FISHING OPERATIONS**

4.	Licensing officers
5.	Duties of licensing officers
6.	Types of fishing licences
7.	Special licence
8.	Duration of licences
9.	Licence fees
10.	Licence conditions
11.	Application for fishing licence and registration of Automatic Location Communicator
12.	Grant or refusal to grant licence
13.	Surrender of licence
14.	Inspection of fishing vessel
15.	Register of licences
16.	Suspension and revocation of licences
17.	Replacement of lost or damaged licences

**PART III
MANAGEMENT OF FISHERY RESOURCES AND PROTECTION OF MARINE
ENVIRONMENT**

18.	Sovereignty over fishery resources
19.	Principles of sustainable fishery management
20.	Stock assessment
21.	Restoration of fish stock
22.	Restriction on fishing gears and methods
23.	Marking and protection of set fishing gears

- 24. Landing and transhipment
- 25. Prohibition on water pollution and degradation of marine environment
- 26. Information sharing.

PART IV QUALITY CONTROL

- 27. Quality management programme

PART V MONITORING CONTROL AND SURVEILLANCE

- 28. Vessel Monitoring System
- 29. Vessel monitoring operation centre
- 30. Confidentiality of Vessel Monitoring System information
- 31. Surveillance Unit
- 32. Powers and functions of the Unit
- 33. Fishery inspectors
- 34. Fishery observers
- 35. Authorised officers
- 36. Pre-licensing inspection procedures
- 37. Off-loading inspection procedures
- 38. Sea inspection procedures
- 39. Stowage of fishing gear
- 40. Logbooks maintained by captain
- 41. Radio call signs
- 42. Hot pursuit or long arm jurisdiction
- 43. Prohibition of fishery resources trade

PART VI ADMINISTRATION OF THE AUTHORITY

- 44. Structure of the Authority
- 45. Appointment of Director General and Deputy Director General
- 46. Employment of directors and other staff
- 47. Permanent and temporary employment
- 48. Disciplinary authority and measures
- 49. Conflict of interest
- 50. Director General to hold consultation
- 51. Government approval of fishing agreements

PART VII FINANCIAL PROVISIONS

- 52. Budgets of the Authority
- 53. Remittance
- 54. Borrowing by the Authority
- 55. Investment of funds for the Authority

- 56. Procurement and disposal of assets
- 57. Remunerations
- 58. Bank accounts
- 59. Audit

PART VIII
APPEALS AND MANNER OF LODGING APPEALS

- 60. Appeals
- 61. Register of appeals and decision made by the Minister

PART IX
CAPACITY BUILDING, AWARENESS AND RESEARCH

- 62. Research permits
- 63. Education and awareness creation
- 64. Support of training institutions and programs

PART X
OFFENCES AND PENALTIES

- 65. Falsification of documents
- 66. Possession of shark fins
- 67. Offences relating to fishing
- 68. Offences relating to licence conditions
- 69. Obstruction of inspectors and observers
- 70. Offences relating to pollution
- 71. General penalties

PART XI
GENERAL PROVISIONS

- 72. Guidelines
- 73. Powers to amend Schedules
- 74. Reports of the Authority
- 75. Access to information
- 76. Corporate social responsibility

SCHEDULES

PART I
PRELIMINARY PROVISIONS

Short title **1.** These Regulations may be cited as the Deep Sea Fishing Authority Regulations, 2009.

*Applica-
tion* **2.** These Regulations shall apply to fishing and related activities in the Exclusive
Economic Zone of the United Republic.

3. In these Regulations, unless the context otherwise requires:-

Cap. 388 “**Act**” means the Deep Sea Fishing Authority Act;

“**Automatic Location Communicator commonly known in its acronym as ALC**” means an electronic device that transmits information relating to the position and activities of a fishing vessel so that the information can be received at a vessel monitoring operation centre;

“**by-catch**” means any fishery resource harvested other than those authorised in the licence;

“**captain**” means in relation to a vessel, aircraft or any other craft a person having lawful command or charge of a fishing vessel or aircraft or any other craft and includes person who has principal responsibility for fishing on board, but does not include a pilot on board a fishing vessel solely for the purpose of providing navigational assistance;

“**enforcement officer**” means an officer referred to under regulation 31(2) of these Regulations;

“**fish**” means all forms of aquatic or amphibious marine life and includes finfish, shell fish, dugong, turtle, dolphins and whales and their spat, brood, fry, spawn, ova or young;

“**fishery inspector**” means a person appointed under regulation 33 of these Regulations;

“**fishery observer**” means a person appointed under regulation 34(1) of these Regulations;

“**fishery resources**” means all aquatic ecosystem, fish and fish stocks;

“**fish stock**” means a population of fish, including migratory species, which constitute coherent reproductive unit;

Cap.165

“**licensing officer**” means a person appointed under regulation 4(1) of these Regulations;

“**local fishing vessel**” means a vessel registered under the Merchant Shipping Act or any other written law and that flies the United Republic flag;

“**long arm jurisdiction**” means the process in which an enforcement officer or a fishery inspector is empowered to hot pursue a fishing vessel within and beyond the jurisdiction of the United Republic;

“**management measures**” means laws, decisions or guidelines set out to ensure the protection of marine environment and sustainable use of fishery resources;

“**Minister**” means the minister responsible for fisheries in the Government of the United Republic;

“Ministers” means the Minister responsible for fisheries in the Revolutionary Government of Zanzibar and the Minister responsible for fisheries in the Government of United Republic of Tanzania;

“President” means the President of the United Republic;

“purse seiner” means a fishing vessel which uses a huge net made of long walls of netting sometimes several kilometres long with lead-line of equal length or longer than the float line having rings hanging at the lower edge of the gear used for catching pelagic and surface fish by surrounding the fish both vertically and horizontally;

“senior management officer” means an officer in the managerial position of the Authority who by virtue of his position makes policy on behalf of the Authority or is authorised to conclude collective agreement on behalf of the Authority;

“shark fining” means the removing or cutting of one or more fins from a shark whereby the carcass is discarded at sea and the fins preserved on board;

“special licence” means a licence or permit issued by the Director General for special purpose such as research and other purposes provided under regulation 7(1);

“tampering” includes any modification, change or any other action that may cause the Automatic Location Communicator to function otherwise than in accordance with any requirements determined in terms of these Regulations;

“targeted species” means main fish species which a captain of a fishing vessel aims to harvest;

“transhipment” means the offloading of fish, fishing gear or provisions from one vessel to another or to shore based facilities;

“trawler” means a fishing vessel using a large net usually in the shape of a socks or bag drawn from the vessel;

“United Republic” means the United Republic of Tanzania;

“vessel monitoring operations centre” means a place established in terms of Regulation 29 for receiving information transmitted from licensed fishing vessel;

“vessel monitoring system” means a system of tracking movements of a fishing vessel through satellite transmission;

PART II
LICENSING OF FISHING OPERATIONS

- Licensing officers* **4.** (1) The Director General shall appoint in writing among the officers of the Authority, licensing officers.
(2) A licensing officer appointed under sub-regulation (1) of this regulation shall be a person with knowledge in fisheries and nautical sciences.
(3) The licensing officer shall, in the course of discharging his duties, carry identification card issued by the Authority as prescribed in the First Schedule.
- Duties of licensing officer* **5.** (1) A licensing officer shall –
(a) keep and maintain records for applications received, vessel inspected and licences issued; and
(b) process application forms.

(2) The Licensing officer shall report to the Director General on performance of his duties under sub-regulation (1).
- Types of fishing licences* **6.** (1) There shall be fishing licences in the form prescribed in the First Schedule to be issued by the Director General.
(2) The Director General may issue the following fishing licences –
(a) Licence for foreign fishing vessel,
(b) Licence for local fishing vessel, or
(c) Special licence.
- Special licence* **7.** (1) The Director General may grant to any person without fees, a special licence prescribed in the First Schedule which shall entitle the holder to engage in fishing and do such other things as may be specified therein for –
(a) scientific research and museums;
(b) educational purposes;
(c) the supply of food in case of an emergency where no other adequate food supply is available.
(2) A special licence may be used for fishing in the Exclusive Economic Zone of the United Republic and fishing of any kind of species of fish provided that a special licence issued for the supply of food shall not be used for fishing of any kind of fish declared to be protected under the Act or any other written law.
- Duration of licences* **8.** A fishing licence issued under these Regulations shall, unless cancelled, expire in one month, three months or one year depending on the request of the applicant.
- Licence fees* **9.** A licence shall be issued under these Regulations subject to payment of fees prescribed in the Second Schedule.
- Licence conditions* **10.**(1) A licensee under these Regulations shall ensure that –
(a) a licensed fishing vessel –
(i) is brought either to Dar-es-Salaam, Zanzibar, Mtwara or Tanga

- or any other port designated by the Minister for inspection and verification of fishery resources destined for export market;
 - (ii) is not discarding any by-catch at sea;
 - (iii) collects and transports by-catch to any of the ports for local market;
 - (iv) while in the jurisdiction of the United Republic fly the flag of the state she is registered;
 - (v) is linked to a Vessel Monitoring System installed in the office of the Authority to enable monitoring of vessels while in the United Republic;
 - (vi) is marked with the local identification mark in the manner prescribed in the Third Schedule upon payment of a fee prescribed in the Second Schedule.
- (b) rare fish and seabird species listed under Convention on International Trade on Endangered Species and any other Convention which the United Republic is a party are not caught and in case of incidental catch be returned to the sea as soon as possible;
- (c) a captain of a licensed fishing vessel while discharging his functions –
- (i) allows on board two officers of the Authority who shall oversee compliance with national and international laws all the time the vessel is in Economic Exclusive Zone of the United Republic;
 - (ii) has on board a map of the Exclusive Economic Zone of the United Republic;
 - (iii) reports to the Director General whenever the vessel enters and leaves the Exclusive Economic Zone of the United Republic;
 - (iv) prepares entry and exit to the Exclusive Economic Zone report containing information specifying position of the vessel by latitudes and longitudes, date and time, quantity and species of fish on board;
 - (v) gives information to the Director General on the last port of call and fishing area before the vessel enters the Exclusive Economic Zone;
 - (vi) gives information to the Director General on the last fishing area and weight by species of fish caught in the jurisdiction of the United Republic before the vessel leaves the Exclusive Economic Zone; and
 - (vii) reports on daily basis to the Director General by fax, vessel monitoring system or e-mail on weight and types of fish caught.

(2) The Director General may attach to any licence issued under these Regulations conditions which in his opinion are necessary or expedient the carrying into effect the objectives and purposes of the Act provided that the conditions are not inconsistent with the provision of the Act or these Regulations.

(3) A fishing vessel licensed under these Regulations shall not be allowed to fish in the internal waters of the United Republic.

(4) A licence issued under these Regulations shall not be transferred to another

person or vessel.

Application for fishing licences and registration of ALC

11.(1) A person who wishes to conduct fishing in the Exclusive Economic Zone of the United Republic shall apply for a licence and registration of Automatic Location Communicator to the Director General.

(2) A person applying for fishing licence and registration of Automatic Location Communicator shall lodge to the Director General an application in the form prescribed in the First Schedule dully filled and he shall –

(a) pay application fee prescribed in the Second Schedule;

(b) avail the vessel he intends to use for fishing for inspection either at Zanzibar or Dar-es-Salaam port; and

(c) fulfil pre-licensing criteria set by the Authority.

(3) Subject to paragraph (b) of sub-regulation (2) the person shall provide a twenty four hours notice of vessel's estimated time of arrival, weight by fish species catch onboard and port of call to the Director General, and shall ensure that the vessel only enters the exclusive economic zone of the United Republic once the notification has been acknowledged by the Director General.

Grant or refusal to grant a fishing licence

12. (1) The Director General may, within seven days from the date of receiving application, grant or refuse to grant a fishing licence.

(2) The Director General shall not grant fishing licence to the applicant –

(a) who fails to comply with the provisions of regulation 9 and 11;

(b) where the level of exploitation of any fishery resources is detrimental to the resource;

(c) who has been convicted of an offence involving dishonest or fraud;

(d) where the vessel to which a licence is applied for has been involved in illegal, unreported and unregulated fishing within the United Republic or any other state.

(3) The Director General shall, in writing notify the applicant of his refusal to grant a license and reasons for the refusal.

Surrender of licence

13. (1) A holder of a licence may surrender a licence issued under these Regulations to the Authority after ceasing fishing operations, suspension or revocation.

(2) A surrender of the licence shall be without prejudice to any liability or obligations which have accrued on the holder of the licence prior to the date of surrender.

(3) A person who finds a lost licence issued under these Regulations shall surrender it to the Authority or to the nearest Police station.

(4) The Authority shall not be bound to refund any payment in the event of surrender, revocation or suspension of a licence.

Inspection of fishing vessel

14. A licensing officer shall verify the inspection of a vessel in accordance with the criteria approved by the Executive Committee.

Register of licences

15. The Director General shall appoint a registrar and assistant registrar of fishing licences among licensing officers who shall keep and maintain a register in respect

of each type of licences issued and particulars of licensed fishing vessels.

*Suspension and
revocation of
licences*

16.(1) The Director General may, where the holder of any licence under these Regulations –

- (a) has furnished false or incomplete information in the application for licence;
- (b) contravenes or fails to comply with the conditions imposed in the licence;
- (c) contravenes the provisions of the Act;
- (d) contravenes the fisheries management measures set out by a regional organization, bilateral arrangement or international Conventions of which the United Republic is a party,

in writing require the licence holder within seven days to show cause why his licence should not be suspended or revoked.

(2) The Director General shall, after the expiry of the period referred in sub-regulation (1) suspend, revoke or allow the licensee to proceed under the terms and conditions of the licence.

*Replacement of
lost or damaged
licence*

17. (1) Where a licensee to whom a fishing licence has been issued under these Regulations satisfies the Director General that the licence has been lost, destroyed or defaced, the Director General may, on payment of a fee of thirty percent of the value of the licence, issue to him a duplicate licence including any particulars endorsed or entered upon the licence lost, destroyed or defaced and the duplicate so issued shall have the same effect as the original licence.

(2) A licence which has been altered without lawful authority or has been defaced or mutilated shall not be deemed as valid licence for the purpose of these Regulations.

PART III
MANAGEMENT OF FISHERY RESOURCES AND PROTECTION
OF MARINE ENVIRONMENT

*Sovereignty
over fishery
resources*

18. All fishery resources acquired from the Exclusive Economic Zone of the United Republic shall remain the property of the United Republic in accordance with the Act, Territorial Sea and Exclusive Economic Zone Act or any other written law.

*Principles of
sustainable
fishery
management*

19. A person exercising jurisdiction under these Regulations shall, in relation to any decision, order, exercise of any power or performance of any function, be guided by the following principles –

- (a) precautionary principle;
- (b) the polluter pays principle;
- (c) the principle of ecosystem integrity;
- (d) the principle of international cooperation in management of fishery resources;
- and
- (e) the principle of public participation.

<i>Stock assessment</i>	20. (1) The Director General shall, in collaboration with relevant research institutions and other stakeholders, carry out fish stock assessment, conduct studies on fish migratory patterns, fishing seasons, biodiversity, environmental, ecological, socio-economic factors or any other fishery related study for effective management of the fishery resources. (2) Licensed vessel shall participate in any national or international tagging programme by retaining tags onboard and reporting to the Director General together with data on the vessel name, catch position, date of capture, length and weight of individual tagged fish and name of person reporting the capture.
<i>Restoration of fish stock</i>	21. The Director General may, in consultation with other relevant regional fisheries management organisations, impose measures for restoration of fish stocks in order to ensure sustainability of the fishery resources.
<i>Restriction on fishing gears and methods</i>	22. The Minister may, by order published in the gazette, basing on bilateral, regional, international agreement or prevailing situation within the United Republic, restrict the use of any fishing gear or method, area or time of fishing in the Exclusive Economic Zone.
<i>Marking and protection of set fishing gears</i>	23. A holder of a fishing licence under which a fishing vessel operates shall ensure that fishing gear set in the sea is clearly marked as follows: (a) each and every buoy used for setting gill nets, long lines, set nets shall be marked with the licence number or local identification mark assigned to the vessel utilizing the gear; (b) the identification mark must be in block letters and numbers; (c) letters and numbers must be as large as the surface of the buoy permits; (d) the identification mark must be in either white or black, whichever colour gives the higher contrast to the colour of the buoy; (e) good quality marine paint must be used in writing the identification marks; and (f) the identification marks and the surrounding background must be maintained in a good condition all times.
<i>Landing and transshipment</i>	24.(1) A person who intends to land fishery resources in any designated port in the United Republic shall give, for the inspection purposes, a forty-eight hours notice to the Director General before landing. (2) Subject to sub-regulation (1) contents of the notice shall include the following information: (a) manifest of fish onboard, (b) place and position of transshipment, (c) date and time of transshipment, and (d) duration of transshipment. (3) Transshipment of any fishery resources from any vessel shall be carried out at the designated ports and under the supervision of a fishery inspector. (4) Shark fins shall not be transhipped without the carcass and vice versa. (5) The costs of transport, accommodation pertaining to the performance of the duties of a fishery inspector or other person designated by the Director General to

conduct supervision of a transshipment of fishery resources outside a port in the United Republic shall be borne by the holder of the licence.

Prohibition on water pollution and degradation of marine environment

25.(1) A person shall not cause or willingly flow or pass into marine waters of the United Republic any solid, liquid or gaseous material or cause water pollution.

(2) Any waste generated on a fishing vessel in the cause of fish processing, human activities and unused bait shall be taken back to port to be disposed off.

(3) A person shall not, without a written authorization of the Director General, leave any fishing gear or any other non-biodegradable object used for the harvesting of fishery resources after the termination of harvesting.

(4) A person who leaves fishing gear or any other non-biodegradable object referred to in sub-regulation (3) shall report to the Director General before removing such gear or object.

(5) Notwithstanding sub-regulation (3) a person may, in a case of emergency, leave fishing gears or non-biodegradable object and shall report the incidence to the Director General.

(6) The Director General may cause fishing gear or any other non-biodegradable object referred to in sub-regulation (3) to be removed by any other person authorised for that purpose.

(7) Any cost incurred in connection with the removal of any fishing gear or any biodegradable object contemplated in sub-regulation (6) may be recovered from the person by whom the gear or object was left.

Information sharing.

26. The Director General may prepare and submit to the Food and Agricultural Organisation of the United Nations and other bilateral agreements, regional or international organisations which the United Republic is a party, fisheries statistics and vessels information.

PART IV QUALITY CONTROL

Quality management programme

27.(1) The Minister shall, for the purpose of exportation of fishery resources and in accordance with any bilateral, regional or international arrangement, impose or prescribe conditions, specifications or any requirement on any matter of fishery resources to be exported including processing establishments.

(2) The Minister shall, in consultation with the Minister responsible for fisheries in the Revolutionary Government of Zanzibar, designate a competent authority for the purpose referred to in sub-regulation (1) of this regulation.

PART V MONITORING CONTROL AND SURVEILLANCE

Vessel Monitoring System

28.(1) A fishing vessel licensed under these Regulations shall be equipped with an Automatic Location Communicator linked to the vessel monitoring system and capable of transmitting messages automatically to a land based vessel monitoring operations centre, to allow continuous monitoring of the vessel.

(2) Information transmitted by a fishing vessel shall include the vessel identification, latitude, longitude, date and time, course and speed which shall be transmitted at the intervals as prescribed in the licence to ensure that the vessel is effectively monitored.

(3) The Director General shall approve the type of technology of vessel monitoring system to be used in the Exclusive Economic Zone of the United Republic.

(4) The Director General shall determine technical requirements for automatic location communicator which relate to –

- (a) the frequency at which automatic location communicator shall transmit;
- (b) the manner in which the data shall be modulated on the frequency concerned;
- (c) the duty to transmit the data through a specified third party, which may use any system and further relaying the signal, including the use of satellite;
- (d) the format of the data that shall be transmitted by the automatic location communicator; and
- (e) the encoding , encryption, transformation or addition of checksums that must be applied or added to data in order to ensure the accuracy, validity and integrity of the transmitted data.

(5) A licensee shall seal or take any other measure to prevent the Automatic Location Communicator from being tampered with, and to detect any tampering.

(6) In case the power supply to the vessel monitoring system be interrupted or the automatic location communicator not be operational for any reason whatsoever and the problem persists, the vessel shall return to port within twenty four hours of being informed of the problem, unless special arrangements have been made with the Director General to allow the vessel to continue fishing. Such special arrangements shall include:

- (a) 3-hourly reporting of the vessel's position by any other communication means,
- (b) Notice of estimated time of arrival,
- (c) Notice of port of arrival,
- (d) Inspection of the catch by fishery inspector, and
- (e) A copy of the vessel track for the voyage for verification purposes.

(7) The Director General shall keep a record of the frequency of vessel monitoring system breakdowns in order to discourage repeated uses or abuses of this special arrangements dispensation.

(8) Vessels wishing to switch off their vessel monitoring system units whilst alongside in port, may do so only after a minimum of six hours after berthing, and shall switch on their units a minimum of six hours prior to the estimated time of departure from port.

(9) The Director General may, upon receiving the application made under regulation 11(2) and being satisfied that technical requirements have been complied with, issue a Certificate of Registration for an Automatic Location

Communicator in the form prescribed in the First Schedule.

*Vessel monitoring
operation centre*

29.(1) The Director General shall establish a vessel monitoring operation centre equipped with receivers and other equipment that will receive and record information transmitted from all the fishing vessels by the Automatic Location Communicator's that have been approved under these regulations.

(2) The vessel monitoring operations centre shall be in the room that is locked in a secured manner.

(3) An employee of the Authority authorized to enter the vessel monitoring operations centre may enter the room.

(4) A list of names of employees authorized to enter the centre shall be displayed on the door of the room of the centre.

(5) The Director General may, in writing, authorize any other person to enter the centre on a specific occasion.

Confidentiality

30.(1) Information received and recorded by the equipment in the vessel monitoring operations centre shall be treated as confidential and may only be revealed-

(a) to a person who is gathering information in order to decide whether criminal proceedings should be instituted against any person;

(b) to a prosecutor or legal representative who requires such information for the purpose of prosecuting or defending criminal proceedings;

(c) to a person who is empowered to ensure compliance of the United Republic with obligations under international law;

(d) when the revealing of such information is necessary in order to conduct search or rescue operations in relation to any vessel; and

(e) where the captain of the vessel concerned gives permission for the revealing of the information.

(2) A person who obtains information for a purpose referred in sub-regulation (1) shall use that information for such purpose and may reveal such information to any other person for the same purpose.

(3) A person who reveals or uses information contrary to the provisions of these Regulations commits an offence.

Surveillance unit

31. (1) There is established within the Authority a unit to be known as Surveillance Unit.

(2) The Unit shall consist of number of enforcement officers as the Director General may determine based on the decision of the Executive Committee.

*Powers and
functions of the
Unit*

32.(1) The functions of the Unit shall be the protection of fishery resources and marine environment against illegal, unreported and unregulated fishing in the Exclusive Economic Zone and general enforcement of the provisions of the Act.

(2) The Unit shall, in discharging its duties, be equipped with vehicles, air crafts, patrol boats, radio and any other equipment necessary for efficiency and effective implementation.

(3) Members of the Unit shall have powers to –

(a) cause a captain of a fishing vessel or any other suspicious vessel to

- stop;
- (b) require a captain of a fishing vessel to stop fishing and take fishing gears back on board;
- (c) require a captain of the vessel to facilitate the boarding by all appropriate means;
- (d) board a fishing vessel or any other vessel and exercise powers of an authorised officer;
- (e) require a captain or crew of a vessel to produce any document or information relating to the vessel, fishing gears, fish caught or any person onboard;
- (f) examine, take copy or sample of things mentioned under paragraph (e); and
- (g) order a captain of a vessel to sail to port.

Fishery inspectors **33.**(1)The Director General shall in writing appoint among the officers of the Authority fishery inspectors.

(2) The fishery inspector shall have power to -

- (a) stop, board and inspect any vessel, its fishing gear, fishery resources, cargo, equipment, stores, documents or other item required to be kept under these Regulations;
- (b) enter and inspect any premise or vehicle in which he reasonably suspects that fishery resources or fishing gear are kept or transported;
- (c) examine any fishing gear or equipment which is used or intended to be used in harvesting, handling or processing of fishery resources;
- (d) interrogate any person who, in his opinion, may be capable of furnishing any information which he may require;
- (e) require any person onboard to assist him in examining any container, fishing gear, fishery resources, document or any other thing in such vessel to ascertain compliance of these Regulations; and
- (f) Prepare vessel inspection report in the manner prescribed in the First Schedule.

(3) Where a fishery inspector has reasonable grounds to suspect that an offence under these Regulations has been committed he may -

- (a) seize any vessel, vehicle, fishing gear, fishery resources, document or any other item; and
- (b) order the captain to bring the vessel to the nearest port from the point where the offence has been committed.

(4) The fishery inspector shall, in the course of discharging his duties, carry identification card issued by the Authority in the form prescribed in the First Schedule.

Fishery observers **34.** (1) There shall be fishery observers to be appointed by the Director General.

(2) The Fishery Observers appointed under sub-regulation (1) shall –

- (a) observe and record the harvesting, handling, and processing of

- fishery resources and related operations;
- (b) collect and record biological and other information related to activities governed by these Regulations;
- (c) report to the Director General any observations or information obtained under these Regulations;
- (d) take samples or photo of fishery resources harvested or anything onboard; and
- (e) perform such other activities as may be assigned to him by the Director General.

(3) The fishery observer shall, in the course of discharging his duties, carry identification card issued by the Authority in the form prescribed in the First Schedule.

*Authorised
officers*

35.(1) For the purposes of these Regulations, the following persons are designated as Authorised Officers –

- (a) officers of the Authority;
- (b) fisheries officers of the Government ministries responsible for fisheries;
- (c) members of the Defence Forces;
- (d) members of the Police Forces;
- (e) officers of the Customs and Revenue Departments;
- (f) Kikosi Maalum cha Kuzuia Magendo, known in its acronym as “KMKM”;
- (g) Any other person approved by the Minister.

(2) The Minister shall, in collaboration with the minister responsible for fisheries in the Revolutionary Government of Zanzibar, institute mechanism for cooperation between the Authority and authorised officers.

*Pre-licensing
inspection
procedures*

36.The inspector shall for the purpose of pre-licensing inspection, -

- (a) verify a vessel identification documentation onboard and information relating to ownership;
- (b) verify the vessel’s flag and markings such as name, external registration number, International Maritime Organisation ship identification number, international radio call sign and other markings;
- (c) inspect all gear onboard, including any gear stowed out of sight and to the extent possible verify that it is in conformity with the conditions of the licence. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh size, devices and attachments, dimensions and configuration of nets, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- (d) evaluate whether there is reasonable evidence for believing that a vessel has engaged in, or supported illegal, unreported and unregulated fishing;
- (e) provide the report containing the result of the inspection to the captain of the vessel, to be signed by the inspector and the captain;
- (f) provide an opportunity to the captain to add any document to the

- report; and
- (g) where necessary, arrange for an official translation of relevant documentation.

*Off-loading
inspection
procedures*

- 37.** The inspector shall for the purpose of landing or off-loading inspection -
- (a) verify the authorization for fishing and related activities;
 - (b) review all relevant documentation and records, including documents in electronic format and vessel monitoring system data;
 - (c) examine whether the fish on board was harvested in accordance with the applicable authorizations;
 - (d) examine the catch in the hold during or after the landing to determine the quantity and composition of all onboard, including by sampling. The port inspector may open cartons to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight. The inspector may also examine any catch retained onboard;
 - (e) evaluate whether there is reasonable evidence for believing that a vessel has engaged in, or supported illegal, unreported and unregulated fishing;
 - (f) provide the report containing the result of the inspection to the master of the vessel, to be signed by the inspector and the captain. The captain's signature of the report shall serve only as acknowledgement of the receipt of a copy of the report. The captain shall be given the opportunity to add any comments to the report; and
 - (g) where necessary, arrange for an official translation of relevant documentation.

*Sea inspection
procedures*

- 38.** The inspector shall, for the purpose of sea inspection, –
- (a) board the fishing vessel after prior notification by radio or appropriate signal using the International Code of Signals sent to the vessel;
 - (b) not require a fishing vessel to stop or manoeuvre while fishing, shooting or hauling;
 - (c) notwithstanding the paragraph (b) of this regulation, order the interruption or delay in the hauling of the fishing gear if he has boarded the fishing vessel and that process can not take more than thirty minutes after receiving the signal.

*Stowage of fishing
gear*

- 39.** A captain of a fishing vessel shall, while in an unauthorised fishing area or time in the United Republic, ensure that all fishing gear and any other equipment onboard used for fishing are covered and secured in such a manner that they can not be used in fishing.

*Log book
maintained by
captain.*

- 40.(1)** A captain of the licensed fishing vessel shall maintain onboard –
- (a) a bound fishing logbook in the format prescribed in the First Schedule with numbered pages, and
 - (b) a landing logbook in the format prescribed in the First Schedule.

- (2) The fishing logbook shall contain -
 - (a) on a daily basis and for each fishing operation, catches retained onboard by species in weight kilograms,
 - (b) the estimated cumulative fish catch since the commencement of fishing,
 - (c) types and number of gears used,
 - (d) number of fishing operations per day and the duration of time that the fishing is deployed during each fishing operation,
 - (e) fishing location, longitudes and latitudes.

(3) The fishing logbook and landing logbook shall be kept in a place where they are protected from being damaged and where they are readily available for inspection at any time upon the request of a fishery inspector or any other person acting on a written authority of the Director General.

(4) The captain of the vessel shall, upon returning from each fishing trip, not later than twenty four hours after completion of the landing of the fishing, handover the original of both the fishing logbook and landing logbook sheets to any person authorized by the Director General.

(5) The logbook sheet copies shall be kept by the owner of a fishing vessel at least twenty four months after the last entry was made.

Radio call signs

41.(1) Every vessel licensed under these Regulations shall display letters or numbers of its International Telecommunication Union Radio Call Sign on each side of the superstructure at the highest point above the gunwale, or main deck where it can easily be seen.

(2) Where for practical reasons, the Radio Call Sign can not be displayed on the superstructure, it shall be displayed in a conspicuous position on each side of the vessel at the highest practical point above the gunwale or main deck.

(3) The letters or numbers of the radio call sign shall be painted in white colour on a black ground or in black colour on a white ground in characters not less than in the case of vessel with an overall length of –

(a) twenty-five metres or more, but less than forty-five metres, ninety centimetres in height, forty-five centimetres in breadth excluding the letter 'I' and figure 'one', ten centimetres in thickness width and stroke, and twenty centimetres spacing between each letter or figure, and the white or black background area shall overlap the edge of the radio call sign by at least ten centimetres; and

(b) forty-five metres or more, one hundred and twenty centimetres height, seventy centimetres in breadth, excluding the letter 'I' and figure 'one', fifteen centimetres in thickness width and stroke, and thirty centimetres spacing between each letter or number and the white or black background area shall overlap the edge of the radio call sign by at least twenty centimetres.

(4) The registration letter or number and the radio call sign assigned and affixed to a fishing vessel shall at all times be maintained in a clear distinct and legible condition and shall at all the times be clearly displayed.

Hot pursuit or long arm

42.(1) A fishery inspector or authorised officer shall, in accordance with the Territorial Sea and Exclusive Economic Zone Act or any other written law, have

*jurisdiction
Cap. 238*

the power to pursue a vessel beyond waters of the United Republic based on evidence from -

- (a) vessel monitoring system;
- (b) geographical positioning system;
- (c) air photographing;
- (d) satellite system; or
- (e) any other accepted international technological communication system.

(2) A fishery inspector or authorised officer shall take into consideration relevant bilateral, regional or international instrument to which the United Republic is a party in the exercise of the right of hot pursuit.

(3) A fishery inspector shall, where he has exercised his powers conferred under sub-regulation (1), inform the Director General who through the ministry responsible for foreign affairs shall inform the embassy of the flag state.

(4) A fishing vessel violated laws of another state and flees to the United Republic shall be arrested and charged in accordance with the provisions of the Act and these Regulations or any other written law or handed over to the state where the offence has been committed.

*Prohibition of
fishery resources
trade*

43.(1) A person who is within the jurisdiction of the United Republic –

- (a) on his own account or as partner, agent or employee of another person lands, imports, transports, sales, receives, acquires or purchases;
- (b) causes or permits a person acting on his behalf, uses a fishing vessel to land, import, transport, sale, receive, acquire or purchase,

any fish taken, possessed, transported, or sold contrary to the laws of another state shall be arrested and handed over to the state where the offence has been committed.

(2) Any fish found onboard a fishing vessel within the Exclusive Economic Zone shall be presumed to have been taken within the Exclusive Economic Zone of the United Republic by such vessel.

PART VI ADMINISTRATION OF THE AUTHORITY

*Structure of the
Authority*

44. The organisation structure of the Authority shall be as prescribed in the Act and the Fourth Schedule of these Regulations.

*Appointment and
termination of
Director General
and Deputy
Director General*

45.(1) The Minister and Minister responsible for fisheries in the Revolutionary Government of Zanzibar shall jointly advertise the posts of Director General and Deputy Director General.

(2) The Minister and Minister responsible for fisheries in the Revolutionary Government of Zanzibar shall, each, after the expiry of one month from the date of advertisement, consider applications and shortlist three candidates for the posts of Director General and Deputy Director General.

(3) The minister responsible for fisheries in the Revolutionary Government of Zanzibar shall, within two weeks after short listing three candidates, submit to the

Minister.

(4) The Minister shall within four weeks submit both lists of candidates prepared under sub-regulation (2) to the President.

(5) The President may, upon the receiving the lists from the Minister, appoint the Director General and Deputy Director General in accordance with the provisions of the Act.

(6) The Director General shall perform his duties in consultation with the Deputy Director General.

(7) The Deputy Director General shall perform his duties under the instruction of the Director General.

(8) The Director General and Deputy Director General shall cease to hold office upon –

- (a) Death,
- (b) Resignation,
- (c) Failure to perform his functions,
- (d) Terminal illness, and
- (e) Convicted of criminal offence.

*Employment of
directors and
other staff*

46.(1) The Director General shall determine and recommend for the approval to Executive Committee the number and qualifications of staff required by the Authority.

(2) The Executive Committee shall, upon receiving the recommendations from the Director General, consider and may approve or give necessary directives to the Director General in accordance with the provisions of the Act.

(3) The Director General shall, upon receiving the directives from the Executive Committee, comply with directives and act accordingly.

(4) The Director General shall, within ten working days, upon receiving approval from the Executive Committee, advertise the all approved vacancies together with details, such as, qualifications, job descriptions and remunerations.

(5) The Director General shall, after the expiry of one month from the date of advertisement, consider applications for the posts advertised and prepare the lists of shortlisted candidates to be submitted to the interviewing panel.

(6) The Director General shall in consultation with other senior management officers of the Authority, establish an interviewing panel for interviewing the short-listed candidates.

(7) The Director General shall, prior to issuance of letter of appointment to a selected candidate, submit to the Executive Committee a list of selected candidates together with the interviewing report for consideration and approval.

(8) Other staff who are not technical staff shall be employed from the side where the head office of the Authority is situated.

*Permanent and
temporary
employment*

47.(1) Employment of staff for the Authority, other than Director General and Deputy Director General, shall be permanent employment governed by employment and Labour Laws for the time being applicable to the United Republic.

(2) The Director General may, upon approval of the Executive Committee, employ person for specific task on temporary basis.

<i>Disciplinary authority and measures</i>	48.(1) All staff of the Authority shall perform their duties in accordance with the provisions of the Act and other existing laws of the United Republic. (2) A staff of the Authority who breaches any of the provision of the Act or these Regulations or other existing laws of the United Republic shall be subject to disciplinary measures as stipulated in employment and labour laws for the time being in force. (3) The Minister shall be the disciplinary authority for the Director General and Deputy Director General upon recommendation of the Executive Committee. (4) The Director General shall be the disciplinary authority for directors and other staff of the Authority upon approval of the Executive Committee.
<i>Conflict of interest</i>	49. Where any matter concerning the implementation or enforcement of these Regulations in which any officer exercising functions under the Regulations or any member of his immediate family has an interest allocated to, referred to or otherwise come to such officer for his advice, assistance or decision, that officer shall declare conflict of interest and not exercise any functions under these Regulations in respect of that matter.
<i>Director General to hold consultations</i>	50. The Director General shall, in the performance of his functions, hold consultations with the directors responsible for fisheries in Mainland Tanzania and Tanzania Zanzibar for effective implementation and enforcement of the Act and these Regulations or any other written law relating to fisheries.
<i>Government approval of fishing agreements</i>	51. Any fishing agreement negotiated by the Authority shall be subject to Government consideration and approval.

PART VII FINANCIAL PROVISIONS

<i>Budget of the Authority</i>	52.(1) At least three months before the commencement of any financial year, the Director General shall prepare and submit to the Executive Committee the budget estimates of the Authority. (2) The Executive Committee shall, upon receiving estimate budget from the Director General, approve and submit it to the Ministers who shall incorporate them in the estimate budget of their ministries. (3) The estimate budget of the Authority shall be prepared in accordance with guidelines issued by the Treasury and be submitted to the Minister and the Minister responsible for fisheries in the Revolutionary Government of Zanzibar two months before commencement of Parliament and the House Representatives budgetary session.
<i>Remittance</i>	53. The Director General shall, at least three months before the commencement of any financial year, notify the Executive Committee on the sum of money needed to be remitted to the Treasury in the Government of the United Republic and in the

Revolutionary Government of Zanzibar as provided by section 10 of the Act.

*Borrowing by
the Authority*

54.(1) the Director General may, where the circumstance requires the Authority to borrow funds, prepare and submit to the Executive Committee for approval, the financial plan showing the amount of money to be borrowed, how money is going to be used and how the Authority shall benefit from the loan.

(2) The Authority may, with approval of the Minister responsible for Finance in the Government of United Republic, borrow funds from any financial institution.

*Investment of
funds for the
Authority
Cap. 53*

55.(1) The Director General shall cause the funds of the Authority to be invested in accordance with Section 12 of the Act or any other written law.

(2) The Authority shall not invest any fund in the shares or debentures of a company unless –

(a) the companies total issued and paid-up capital is two million shillings or more;

(b) the company during each of the three years preceding the year in which investment is proposed to be made, as made profit and the total of the profit earned during three years is not less than fifteen per centum of the total value of the company's paid-up share capital as at the end of the year immediately preceding the year in which the investment is proposed to be made.

(3) The Authority shall not, for avoidance of conflicting interest, invest in any fishing operation or fishery related business.

(4) The Authority shall not invest in projects which shall override its main objectives.

(5) The Authority may invest in land mortgage in accordance with Trustee Investment only if –

(a) the value of land including the value of buildings is more than twice the amount proposed to be invested;

(b) the unexpired term of leasehold or right of occupancy is not less than twenty years;

(c) the date of repayment of the mortgage debt is not less than fifteen years before the date of the expiry of the lease or right of occupancy;

(d) the interest to be received in respect of mortgage debt is not less than eight per centum per annum;

(e) there has been no breach of covenant of the lease or right of occupancy;

(f) development requirements, if any, annexed to the lease or right of occupancy by or under the Authority of any written law other than any requirement which is of continuing nature have been complied with;

(g) in the case of land held by Government lease, the rent payable in respect of the land does not exceed the rent prescribed in the existing laws.

*Procurement
and disposal of
assets
Cap. 410*

56.(1) There shall be a tender board of the Authority to deal with procurement of goods, services, works, consultancies and disposal of assets of the Authority constituted in accordance with the Public Procurement Act or any other written law.

(2) Tender board may include the following members -

- (a) the Director General,
- (b) the Deputy Director General,
- (c) other Directors of the Authority,
- (d) head of procurement unit of the Authority who shall be the secretary.

(3) The tender board may invite any person to attend and participate in the deliberations of the board meeting but such a person shall have no right to vote.

(4) The Director General shall be responsible for the execution of procurement and disposing processes.

(5) The Director General shall cause to be prepared procurement and disposing processes in accordance with the existing laws of the United Republic and submit it to the Executive Committee for approval.

(6) The tender board shall have power to appoint an evaluation team to deal with specific tender after the opening it and thereafter shall prepare a short-list and recommendations for the board's decision.

(7) The tender board shall conduct its activities and proceedings in accordance with the Public Procurement Act and Regulations made there under or any other written law.

Remunerations **57.**(1) A member of the Executive or Technical Advisory Committees shall be entitled to the following remunerations and allowances –

- (a) fees;
- (b) sitting allowances;
- (c) subsistence allowances while in the course of duties of the Authority out of his working station;
- (d) transport allowances; and
- (e) gratuity.

(2) Any staff of the Authority shall be entitled to the following remunerations –

- (a) salaries;
- (b) subsistence allowances while in the course of duties of the Authority outside the working station;
- (c) transport allowances; and
- (d) sitting allowances;
- (e) any other payments prescribed by the Executive Committee.

(3) The Director General shall prepare or cause to be prepared rates of salaries and allowances payable to members of the Committees and other staff of the Authority and submit to the Executive Committee for consideration and submission to the Ministers for approval.

Bank Accounts **58.**(1) The Authority shall have its own bank accounts in the Bank of Tanzania or in any commercial bank within the United Republic approved by the Executive Committee.

(2) Signatories of the accounts of the Authority shall be-

- a) group A: The Director General and the Deputy Director General; and
- b) group B: The Director of Finance and Assistant Director of Finance of the Authority.

(3) A bank cheque shall not be authentic without two signatures one from each group.

Audit

59. (1) The auditing of the account of the Authority shall be conducted by the Controller and Auditor General of the Government of the United Republic in collaboration with the Controller and Auditor General of the Revolutionary Government of Zanzibar.

(2) The Ministers shall, as soon as practicable after receiving statement of accounts, lay them before the National Assembly and the House of Representatives.

PART VIII

APPEALS AND THE MANNER OF LODGING APPEAL

Appeals

60.(1) A person aggrieved by the decision of the Director General for refusal to grant a licence, suspension or revocation of the licence may, within seven days from the date of receiving the decision of the Director General, appeal to the Minister.

(2) A petition of appeal lodged by the aggrieved person under these Regulations shall be in writing and the appellant shall –

- (a) prepare the petition in triplicate;
- (b) adequately describe the manner to which the appeal relates;
- (c) set forth concisely the grounds of objection; and
- (d) sign the petition.

(3) The petitioner shall serve the copy of petition of the appeal to the Director General.

(4) The Director General shall, on receipt of the copy referred to sub-regulation (3) of this Regulation, forward to the Minister a written statement setting out particulars relating to the subject matter of the appeal together with his own comments as in his opinion useful towards a just determination of appeal.

(5) The Minister shall, after consultation with the Minister responsible for fisheries in the Revolutionary Government of Zanzibar, make decision on the appeal and shall communicate the decision in writing to the appellant within fourteen days from the date of receiving the appeal.

(6) An appeal to the Minister shall not be entertained unless the petitioner has paid fee prescribed in the Second Schedule.

Register of appeal and decision made by the Minister

61. The Director General shall keep the register of appeals lodged and the decisions made by the Minister.

PART VIII

CAPACITY BUILDING, AWARENESS AND RESEARCH

Research permits

62. The Director General may issue a special permit for fisheries scientific research on the following conditions-

- (a) a research proposal approved by the competent authority responsible for

- scientific research in the United Republic be submitted to the Authority fourteen days before the date of commencement of the research;
- (b) the Authority to be provided with a final copy of research report.

Education and awareness creation

63. The Director General may initiate, implement and support public awareness creation and education programs on fishery and fishery related issues in order to enhance awareness and build capacity in sustainable utilisation and management of the fishery resources.

Support of training institutions and programs

64.(1) The Director General may initiate and support training institutions or centres within the United Republic to run training programs and offer courses for fisheries and nautical sciences, management of marine environment and aspects related to monitoring, control and surveillance.

(2) The Authority may offer scholarships for the training of the staff, authorised officers or any other person in order to enhance capacity for the management of the fishery resources and enforcement of the Act.

PART VIII OFFENCES AND PENALTIES

Falsification of documents

65. A person who unlawfully alters, destroy, erase or obliterate any declarations, certificate or other documents made or issued under these Regulations, or any label or mark placed on any vessel in accordance with these Regulations, commits an offence.

Possession of shark fins

66. A person who unlawfully possesses shark fins without carcass onboard a vessel licensed under these Regulations commits an offence and on conviction shall be liable to a fine of not less than one billion shillings or to imprisonment for a term of twenty years or to both and in addition to the fine and imprisonment, the Court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Offences relating to fishing

67. A person who carries out fishing activity without licence issued under these Regulations commits an offence and on conviction shall be liable to a fine of five billion shillings or to imprisonment for a term of twenty years or to both and in addition to the fine and imprisonment, the Court may order the forfeiture of any vessel, structure, equipment device or thing in connection with which the offence was committed.

Offences relating licence conditions

68. A person who contravenes any licence condition commits an offence and on conviction shall be liable to a fine of not less than one billion shillings or to imprisonment for a term not less than twenty years or to both that fine and imprisonment.

Obstruction of inspectors and

69. A person who assaults, resists, obstructs, or intimidates fishery inspector, fishery observer or authorised officer in execution of his duty under these Regulations commits an offence and on conviction shall be liable to a fine of not less than one million

observers shillings or to imprisonment for a term not exceeding two years or to both that fine and imprisonment.

Offences relating to pollution and degradation of marine environment **70.** A person who contravenes the provision of Regulation 25 commits an offence and on conviction shall be liable to a fine of twenty billion shillings or to imprisonment for a term of not less than ten years or to both that fine and imprisonment.

General penalties **71.** A person who commits an offence under these Regulations where no specific penalty has been provided shall be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding two years, or to both that fine and imprisonment.

PART IX GENERAL PROVISIONS

Guidelines **72.** The Director General may, from time to time, issue guidelines, circulars or directives for the purposes of assisting the proper implementation of these Regulations.

Powers to amend Schedules **73.** The Minister may, by order published in the gazette, amend any of the Schedules under these Regulations.

Reports of the Authority **74.** The Director General shall prepare annual report of the activities of the Authority in accordance with section 16 of the Act and submit it to the Executive Committee for consideration prior to submission to the Ministers.

Access of information to the register **75.** Any member of the public may, on showing reasonable cause, and on payment of a fee set out in the Second Schedule of these Regulations access entries from the registers.

Corporate social responsibility **76.** The Authority may promote and assist, through grants community based fishery management programme and social services initiatives.

FIRST SCHEDULE

Form No. 1

THE UNITED REPUBLIC OF TANZANIA



THE DEEP SEA FISHING AUTHORITY ACT

CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

LICENSING OFFICER IDENTIFICATION CARD

(Made under Regulation 4(3))

Full name:

ID Number:

Affix recent
coloured
passport size
Photograph

.....
Signature of holder

The bearer of this card whose photograph is displayed and whose designation is **Licensing Officer** has been appointed by the Director General to exercise powers conferred to him under the Deep Sea Fishing Authority, 2008.

Date of issue.....

.....
Full name of the Director General

.....
Signature of the Director General

Official stamp of the Authority

Note: This card is a property of the Deep Sea Fishing Authority. The holder shall return this card to the Director General on upon ceasing to be a licensing officer.

THE UNITED REPUBLIC OF TANZANIA



THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

FISHERY OBSERVER IDENTIFICATION CARD
(Made under Regulation 34(3))

Full name:

ID Number:

Affix recent
coloured
passport size
Photograph

.....
Signature of holder

The bearer of this card whose photograph is displayed and whose designation is **Fishery Observer** has been appointed by the Director General to exercise powers conferred to him under the Deep Sea Fishing Authority, 2008.

Date of issue.....

.....
Full name of the Director General

.....
Signature of the Director General

Official stamp of the Authority

Note: This card is a property of the Deep Sea Fishing Authority. The holder shall return this card to the Director General on upon ceasing to be a fishery observer.

THE UNITED REPUBLIC OF TANZANIA



THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

FISHERY INSPECTOR IDENTIFICATION CARD
(Made under Regulation 33(4))

Full name:
ID Number:

Affix recent
coloured
passport size
Photograph

.....
Signature of holder

The bearer of this card whose photograph is displayed on this card and whose designation is **Fishery Inspector** has been appointed by the Director General to exercise powers conferred to him under the Deep Sea Fishing Authority, 2008.

Date of issue.....

.....
Full name of the Director General

.....
Signature of the Director General

Official stamp of the Authority

Note: This card is a property of the Deep Sea Fishing Authority. The holder shall return this card to the Director General on upon ceasing to be a fishery inspector.

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

APPLICATION TO REGISTER AN AUTOMATIC LOCATION COMMUNICATOR
(ALC)
(Made under Regulation 11(2))

New Application ☐ Renewal ☐

A: PARTICULARS OF APPLICANT

Full name:
Postal address:
Business or residential address:
Telephone number: facsimile: email:
Name of local representative:
Local representative address:
Telephone number: facsimile: email:

B: PARTICULARS OF VESSEL CARRYING THE ALC:

Name of the Vessel:
Port and country of Registry:
Fishing Vessel registration number:
Fishing Vessel International Radio Call Sign:
Owner of the fishing vessel:
Postal address:
Business or residential address:
Telephone number: facsimile:, email:
Country of Residence:
Name of Captain:
Postal address:
Business or residential address:
Telephone number: Facsimile:, email:

C: SPECIFICATION OF THE ALC:

Make: Model:

Serial Number: Date purchased:
Name of supplier:
Business or residential address of supplier:
Telephone numbers: Facsimile:

D. DECLARATION BY THE APPLICANT

I,, the undersigned, hereby apply to register the ALC
on the fishing vessel specified above and addresses that the particulars furnished are the best of
my knowledge and belief correct in all respects.

Signature

Place

Date

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

**APPLICATION FORM FOR A LICENCE TO FISH IN EXCLUSIVE ECONOMIC
 ZONE OF THE UNITED REPUBLIC OF TANZANIA**
 (Made under Regulation 11(2))

New Application

☐

Renewal

☐

APPLICANT:

Name of applicant:
 Address (postal, telex, fax, email, phone)

 Business or residential address
 Occupation.....
 Name and address of local legal agent or representative.....

 Telephone numbers Facsimile email:

VESSEL:

Type of vessel.....
 Name of vessel
 Registration number.....
 Date and place of construction.....
 Current port and country of registry:

 Previous registration:
 Flag State.....
 Length of vessel..... Gross tonnage..... Net tonnage.....
 Beam.....
 Engine HP / Number of engines (specify)
 Engine make engine model.....
 Speed of vessel (max)..... Propeller: **fixed** [] , **variable** [] or **ducted** []
 International Call Sign..... Call
 frequency.....

Sounding, navigational and transmission instruments:

Radar [] , Sonar [] , Net sonde [] , VHF [] , SSB [] , Net sonde satellite navigation []
 Others:
 Number of crew.....

Name of Captain.....
Postal address:
Business or residential address
Telephone numbers Facsimile

FISHING:

Type or method of fishing
Type and number of gears.....
Size (length and depth) of each gear.....
Number and size of hooks (if applicable).....
Mesh size (if fishing net will be used).....
Any other specifications of gear to be used:
Any other specifications of gear carried and stowed on board not to be used:
.....

Targeted area of fishing: **surface** [], **mid-water** [] or **bottom** []

Targeted species of fish.....
Tonnage of fish applied to catch.....
Expected market and price.....

PRESERVATIONS:

Number of wet fish holds/total capacity M³
Number of freezer holds/ total capacity M³
Packed in ice [], ice and refrigeration [], freezing in brine [], dry [] or refrigerated sea water [].
Total refrigeration power.....
Freezing capacity.....
.....
Total fish hold capacity.....

SHORE BASED FISH PROCESSING FACILITY:

If applicable, provide –

Name of firm.....
Main activities.....
Type and number of wholesale fish trade licence.....
Any description of processing and preservation plant including type of construction material used.....
.....
.....

I,..... the undersigned, hereby apply for a licence to use the fishing vessel indicated above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

Signature

Place

Date

ATTACHMENTS:

An application shall be accompanied with the following documents –

1. copy of the vessel certificate of registration
2. copy of ship surveyor's Certificate,
3. copy of certificate of Seaworthiness,
4. list of names of crew showing citizenship,
5. coloured photograph, A6 format, showing vessel from starboard or portside, and
6. proof of insurance for a vessel and crew.
7. Plan to employ Tanzanian crew while fishing in the Exclusive Economic Zone;
8. Fishing plan
9. proof of availability of English speaker onboard a fishing vessel to which a licence is applied for.
10. proof of having local legal Representative or Agent.

Certificate Number:

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

CERTIFICATE OF REGISTRATION FOR AN ALC
(Made under Regulation 28(6))

Name of licensee
Name of fishing vessel
Fishing vessel registration number:
Fishing vessel International Radio Call sign:

Details of the ALC:

Make: Model:
Serial Number: Date of purchase:
Name of Supplier:

This is to certify that the above named licensee has duly complied with the terms and conditions for the registration of ALC. The Director General do hereby grants the licensee the Certificate for Registration.

.....
Director General

.....
date

.....
Official stamp

Licence Number.....

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

Affix recent
photo of
the

FISHING LICENCE
(Made under Regulation 6(1))

1. Name of licensee
2. Permanent address of licensee
-
3. **Name and permanent address of owner of vessel if different from above**
-
-
4. **Name and address of local representative**
-
5. Name and address of captain of vessel
-
6. Name of vessel
7. Type of vessel
8. Species of fish to caught
9. Tonnage of fish allowed
10. Length of vessel Gross Tonnage Engine HP
11. Country and port of registry
12. Registration number Radio Call Sign
13. Identification mark number
14. Time intervals for reporting
15. Validity of licence from to
16. Date issued

.....
Licensing Authority

Under Regulation 10 of the Deep Sea Fishing Authority Regulations, 2009, a licensee has to comply with the following conditions:

1. A licensed fishing vessel –
 - (i) is brought either to Dar-es-Salaam, Zanzibar, Mtwara or Tanga ports for inspection and verification of fishery resources destined for export market;

- (ii) *is not discarding any by-catch at sea;*
 - (iii) *collects and transports by-catch to any of the ports for local market;*
 - (iv) *fishing in the Exclusive Economic Zone employ at least three Tanzanian crew;*
 - (v) *while in the United Republic waters fly the flag of the state she is registered;*
 - (vi) *is linked to a Vessel Monitoring System installed in the office of the Authority to enable monitoring of vessel while in the United Republic waters;*
 - (vii) *is marked in the manner prescribed in the Second Schedule*
2. *Rare fish and seabird species listed under Convention on International Trade on Endangered Species and any other Convention which the United Republic is a party are not caught and in case of incidental catch be returned to the sea as soon as possible;*
3. *A captain of a licensed fishing vessel while discharging his functions –*
- (i) *allows on board two officers of the Authority who shall oversee compliance with national and international laws for all the time the vessel is in Economic Exclusive Zone;*
 - (ii) *has on board a map of the Exclusive Economic Zone of the United Republic;*
 - (iii) *reports to the Director General whenever the vessel enters and leaves the Exclusive Economic Zone of the United Republic;*
 - (iv) *prepare exit and entry to the Exclusive Economic Zone report containing information specifying position of the vessel by latitudes and longitudes, date and time, quantity and species of fish on board;*
 - (v) *gives information to the Director General on the last port of call and fishing area before the vessel enters the Exclusive Economic Zone;*
 - (vi) *gives information to the Director General on the last fishing area and weight by species of fish caught in Tanzanian waters before the vessel leaves the Exclusive Economic Zone; and*
 - (vii) *reports on daily basis to the Director General by fax, vessel monitoring system or e-mail on weight and types of fish caught.*
4. *A fishing vessel licensed under these Regulations shall not be allowed to fish in the internal waters and Territorial sea of the United Republic of Tanzania.*

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

FISH LANDING LOGBOOK
(Made under Regulation 40(1)(b))

Landing Port.....

Name of vessel

.....

Registration number

.....

Type and number of gears

Number of crew

.....

Note: (a) Number of fish in pieces

(b) Weight of fish in kilograms

(c) Value of fish in T. shillings

Date	Fishing ground		Duration of fishing	Arrival time	FISH SPECIES																TOTAL		
	latitude	longitude			A	b	C	a	B	C	A	b	c	a	b	c	a	b	c	a	b	c	

Captain

Fishery inspector:

Signature

Signature

Date:

Date:

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009
DAILY FISHING LOGBOOK RECORD
(Made under Regulation 40(2))

DATE			Note: all non-fishing days must be recorded.			Vessel Name:																	
NON FISHING CODE 1. Weather 2. Unloading/re-fueling 3. Broken down/maintenance 4. Steaming 5. Refit 6. Port visit			Vessel not fishing from to Non fishing code.....			Vessel Call Sign: Local identification mark: Fishing licence number: Type of fishing gears:																	
Date	Start Tow		Stop Tow		Depth (m)	Species in kilograms (kg)															Total		
	Time	Lat/Long	Time	Lat/Long		A	b	C	a	b	c	a	b	c	a	b	c	a	b	c			
Haul: 1																							
Haul: 2																							
Haul: 3																							
Comments																							

Captain's name:
Signature: Date:

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

VESSEL INSPECTION REPORT
(Made under Regulation 33(2) (f))

1. Port of inspection.....
2. Date of inspection.....
3. Port and date of last port call.....
4. Port and date of next port call.....
5. Name of fishing vessel
6. Flag State.....
7. Name of owner
8. Postal address.....
9. Name of Captain.....
10. Gross Tonnage (GT).....
11. International Identification Mark.....
12. International Radio Call Sign.....
13. Engine and machinery specifications:
 - (a) Main Engine Horse Power.....
 - (b) Auxiliary machinery.....
14. Fire Safety equipment specification:
15. Telecommunication equipment specification.....

.....

Functional/ non functional.....
16. Navigation equipment available specification.....

.....

Functional/ non functional.....
17. Life saving appliances:-

Number of life rings.....

Number of life jackets.....

Number of life rafts and capacity of each raft.....

.....
18. Accommodation.
 - (a) Number of Crew
 - (b) Number of bunks for crew.....
 - (c) Mess: for crew.....
2. Toilets
 - (a) Number and location
 - (b) State of toilets

19. Fishing gear on board:

- (a) Type
- (b) quantity.....

Description of each gear:

- (a) Length.....
- (b) Depth.....
- (c) Mesh/hook size.....
- (d) Number of hooks.....
- (e) Any other information.....

.....

20. Cold storage facilities:-

- (a) Freezer capacity
- (b) Freezing temperature
- (c) Storage temperature

21. Food and drinking water storage facilities:-

- (a) Adequacy in relation to number of crews.....
- (b) Condition (state their condition).....

.....

22. Others:-

- (a) First aid kit: Available/Not available
- (b) Provide type, number and other description of packaging materials (if any)

.....
.....

23. Availability of the following documents

- (a) Valid Certificate of Seaworthy
- (b) Valid ship Surveyor's Certificate
- (c) In case of local vessels, valid work permit for foreign crew on board.....

24. Remarks
.....
.....

25. Recommendation
.....

1.
 Name and signature of Inspector
 Date.....

 Name and signature of Captain
 date.....
2.
 Name and signature of Inspector
 Date.....
3.
 Name and signature of Inspector
 Date.....

26. Approval/disapproval (To be filled by the Director/Deputy Director General)

.....

Full name.....

Signature.....

Designation.....

Date.....

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388
The Deep Sea Fishing Authority Regulations, 2009

SPECIAL LICENCE
(Made under Regulation 7(1))

This special licence has been granted to M/S
..... of (address)
.....
for the purpose of
.....
(in case of research or educational purpose, specify area)
.....

This licence has been issued under the following conditions:

1.
2.
3.
4.

Effective date

Expiry date

.....
Issuing Authority

full name and signature:

Date:

Official Stamp

SECOND SCHEDULE

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

FEES PAYABLE UNDER THESE REGULATIONS

(Made under Regulation 9, 10(1)(a)(vi), 11(2)(a), 60(5) and 75)

(a) Fees payable in respect of fishing vessels intend to operate in the Exclusive Economic of the United Republic of Tanzania:			
Description of fishing method	Duration of fishing licence	Tanzania flag vessel (USD)	Foreign flag vessel (USD)
Purse seining	One month	2,000.00	5,000.00
	Three months	4,500.00	12,000.00
	One year	18,000.00	35,000.00
Long lining	One month	1,000.00	3,500.00
	Three months	3,000.00	9,000.00
	One year	6,000.00	32,000.00
Pole and lines	One month	500.00	1,500.00
	Three months	1,500.00	3,000.00
	One year	6,000.00	12,000.00
Trolling	One month	400.00	800.00
	Three months	1,200.00	1,600.00
	One year	4,800.00	9,600.00
Gill netting	One month	400.00	800.00
	Three months	1,200.00	1,600.00
	One year	4,800.00	9,600.00
(b) Local identification mark fee payable once in a calendar year:			
Tanzania vessel		USD 300.00	
Foreign vessel		USD 2,000.00	
(c) Fee for lodging appeals:			
USD 50.00			
(d) Fee for fishing licence application form:			
USD 30.00			
(e) Fee to access information			
USD 30.00			

NB: All fees prescribed in this Schedule shall not be refunded.

THIRD SCHEDULE

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

DESCRIPTION OF FISHING VESSEL MARKING
(Made under Regulation 10(1) (a) (vi))

1. Contents of identification mark:

Any fishing vessel licensed under these Regulations shall be given letters or numbers to be displayed as its identification marks.

2. Location of marking:

(a) Identification marks shall be promptly displayed –

- (i) on the vessel's side or superstructure, port or starboard, on any vertical or inclined surface, high above the water-line, but not on the flare of the bow of the vessel or on the stem, in such away as to be clearly visible both from the sea and from the air; and
- (ii) for vessels other than un-decked vessels, on a horizontal surface of the vessel, athwart-ships, with the top of the letters and numbers towards the bow of the vessel.

(b) Identification marks shall be so placed that they –

- (i) are not obscured at any time by fishing gear or any other gear or material, whether stowed or in use;
- (ii) are clear of flow from scuppers or overboard discharges and of areas that might be prone to damage or discolouration occurring during or as a result of fishing operations; and
- (iii) do not extend below the water-line.

(c) Where vessel presents a different structure on its port or starboard side, the identification marking prescribed in item 2(a)(i) may be placed on the sides of the vessel or its superstructure in an asymmetrical way: Provided that they otherwise conform to the provisions of this form.

(d) Where the identification marks prescribed by paragraph 2(a)(ii) are by necessity painted on a horizontal surface habitually covered by an awning or other temporary cover which would obscure the marking, the awning or other temporary cover shall bear the same identification mark.

(e) All boats, skiffs and craft, other than air craft, carried by the fishing vessel for fishing operations shall bear the same identification mark as the vessel concerned.

3. Technical specifications;

(a) Block lettering and numbering shall be used throughout

(b) The height of letters and numbers shall be in proportion to size of the vessel in accordance with the following criteria:

- (i) For Identification marks to be displayed on the side on superstructure of the vessel, item 2(a)(i) is applicable;
- (ii) Length of the vessel and overall minimum height of vessel letters and numbers:
 - 25 m and over: 0.8 m
 - 20 m but less than 25 m: 0.6 m
 - 15 m but less than 20 m: 0.5 m
 - 12 m but less than 15 m: 0.4 m
 - 5 m but less than 12 m: 0.3 m
 - Under 5 m: 0.1m
- (iii) Identification marks to be displayed in accordance with item 2(a) (ii) on horizontal surfaces of vessel with an overall length of five metres and more shall have a height of not less than 0.3 metre;
- (c) The length of the hyphen shall be half of the height of the letters and numbers.
- (d) The width of the stroke for all letters, numbers and hyphen shall be one sixth of the height of the letters and numbers.
- (e) The space between letters and or numbers, except in the case referred to in paragraph (f), shall not exceed one quarter of the height of the letter and numbers or be less than one sixth of that height.
- (f) The space between adjacent letters having sloping sides shall not exceed one eighth of the height of the letters or be less than one tenth of that height.
- (g) Identification mark shall be white on black background or black in white background, the background extending to provide a border around the letter and number of not less than one sixth of the height of the letters and numbers.
- (h) Good quality marine paint shall be used for applying the identification markings set out in this form.
- (i) Retro reflective, heat or heat – generating substances shall be acceptable, provided, that the identification marks otherwise meet the requirements of this form.
- (j) The Identification marks and the background to the same shall be maintained in a good condition at all times.

FOURTH SCHEDULE

THE UNITED REPUBLIC OF TANZANIA
THE DEEP SEA FISHING AUTHORITY ACT
CAP. 388

The Deep Sea Fishing Authority Regulations, 2009

ORGANISATION STRUCTURE OF THE AUTHORITY

(Made under Regulation 44)

