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MALAWI GOVERNMENT

MINISTRY OF NATURAL RESOURCES  
AND ENVIRONMENTAL  
AFFAIRS

**FISHERIES  
CONSERVATION  
AND MANAGEMENT  
REGULATIONS, 2000**

GOVERNMENT NOTICE NO. ...

**FISHERIES CONSERVATION AND  
MANAGEMENT ACT, 1997  
(NO. 25 OF 1997)**

**FISHERIES CONSERVATION AND  
MANAGEMENT REGULATIONS,  
2000**

IN EXERCISE of the powers conferred by section 61 of the Fisheries Conservation and Management Act, 1997, I, HARRY THOMSON, Minister of Natural Resources and Environmental Affairs, acting on the recommendation of the Fisheries Advisory Board, make the following Regulations -

**PART I - PRELIMINARY**

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|------------------------------|--|
| Short title and commencement | 1. These Regulations may be cited as the Fisheries Conservation and Management Regulations, 1999 and shall come into force on 1st day of July, 1999.   |
| Interpretation               | 2. In these Regulations, unless the context otherwise requires -<br><br>"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;<br><br>"beach seine net" means a fishing net partly or wholly operated from a beach or shore;<br><br>"bottom trawl net" means a trawl net which when in operation has a part of it touching the bed of a lake or river;<br><br>"chambo" means any fish of the genus <u>Oreochromis</u> of the subgenus <u>Nyasalapia</u> and of the species <u>squamipinnis</u> , <u>saka</u> , <u>lidole</u> and <u>karongae</u> ;<br><br>"chirimila net" means a partially encircling fishing net used in Lake Malawi to catch the utaka ( <u>Copadichromis</u> species) or usipa ( <u>Engraulicypris sardella</u> );<br><br>"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 spp) 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 Kapachira 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 13;

"registered fishing vessel" means a local fishing vessel registered under regulation 13;

"registration certificate" means a certificate of registration of a fishing vessel issued under regulation 13;

"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.

"BVC" means Beach Village Committee.

"fishing industry" includes fishing, fish processing, fish marketing and fish trading

"sub-committee" means a sub committee of a BVC formed pursuant to rule 8;

## **PART II - ADMINISTRATION**

Identity cards for fisheries protection officers

3. - (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 sub-regulation (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 section 30, 31 or 32.

## **PART III - GENERAL PROVISIONS RELATING TO REGISTRATIONS, LICENCES AND PERMITS**

Application for registration, licence or permit

4. - (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

Assistance in  
completing  
applications

5. - (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 sub-regulation (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 countersignature.

- (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.
- Conditions applicable to all registrations, and permits 6. -
- (1) No registration shall be made or licence or permit granted or any registration, licence or permit renewed under these Regulations licences 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.
- Registration certificates and licences and permits to be kept in legible condition and produced for inspection 7. -
- 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 fisheries protection officer or, if the conditions of a licence or permit so provide, shall produce the licence or permit immediately on such request.
- Transfer of local fishing vessel and local commercial fishing licence 8. -
- (1) Except as provided under sub-regulation (2), a registration of or a 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 local 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 VESSEL

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|---|-------|---|
| Registrable vessels   | 9.    | A local fishing vessel that is used for commercial fishing or is fishing intended to be used for such fishing shall be a registrable vessel.  |
| Specific conditions for registration of local fishing vessels | 10. - | (1) No local fishing vessel shall be registered or have its registration renewed unless -   |
| No. 12 of 1995  |       | (a) that the vessel be issued with a in circumstances where the <u>Inland Waters Shipping Act</u> requires certificate of survey, an appropriate certificate has been issued; and   |
|   |       | (b) the Director is satisfied that the vessel is a local fishing vessel as defined in section 2.  |
|   |       | (2) For the purpose of deciding whether a vessel is a local fishing vessel as defined in the Act -  |
|   |       | (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 presiding the application for registration and the Director is satisfied that he is likely to continue to reside in Malawi; and |

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.

Registration of a local fishing vessels 11. -

- (1) The Director on receipt of an application for registration of 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 sub-regulation (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 10; and
  - (e) such other particulars as the form of application shall require to be given for the purpose of registration.
- (2) Notwithstanding sub-regulation (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 sub-regulation (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 sub-regulation (1) a registration certificate which shall be in the form set out in the Fourth Schedule.



- Change of name of local fishing vessel
12. - (1) After the registration of a local fishing vessel, no change of 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 sub-regulation (1) shall be in a form set out in the Fifth Schedule.
- Notification of charter, lease or demise, loss or irreparable damage to a registered local fishing vessel
13. - (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 sub-regulation (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 sub-regulation (1) notify the Director in writing of such expiry or termination.
- Termination and the revocation of registration of a local fishing vessel
14. - (1) Subject to sub-regulation (2) and regulation 10, 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.

- Notification of change of address and other matters 15. Within thirty days of any change of address or change on any other matter contained in the form of application for registration or renewal of registration of a local fishing vessel and entered in the register under regulation 13(1), the registered owner shall give notification in writing thereof to the Director.
- No alterations to registration certificate and replacements. 16. -
- (1) No person, other than the Director, shall alter, make illegible or deface a registration certificate or a replacement.
  - (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 sub-regulation shall be in a form set out in the Sixth Schedule.

#### **PART V - LOCAL FISHING LICENCES**

- Categories of local fishing licences 17. There shall be the following local fishing licences -
- (a) commercial fishing licence;
  - (b) sport fishing licence; and
  - (c) subsistence fishing licence.
- Commercial fishing licences 18. -
- (1) A commercial fishing licence shall authorise 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 sub-regulation (5) shall be made not less than sixty days before the licence is required.

Specific conditions  
on issue or renewal of  
commercial fishing  
licence

19. 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 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).

- Period of validity of commercial fishing licence and conditions**
20. - (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.
- Sport or fishing licences**
21. - (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 fishes for subsistence who 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 that 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.

- Trout fishing 22. - (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

- Categories of foreign fishing licences 23. 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.

- Application for a foreign fishing licence 24. - (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 sub-regulation (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 organisation in accordance with section 52.
- (3) An application, under sub-regulation (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 authorised 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.
- Non transferability of foreign fishing licence and conditions**      25.      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.
- Period of validity of foreign fishing licence**      26.      Every foreign fishing licence shall, unless therein otherwise provided, expire one year next following the date of its being issued.
- Exchange of foreign fishing licence**      27.      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 - CO-OPERATION BY FISHING VESSELS WITH GOVERNMENT AUTHORITIES**

- Assistance to and fishing provision of accommodation and facilities for observers and fisheries protection officers**      28. -      (1) The master of a fishing vessel shall, when in the 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 taken.
- (2) When an observer is on board a fishing vessel and is forced by circumstances to remain 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 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.

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

29.

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.

Compliance with instructions from patrol vessels

30. -

(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**

Requirements to display identification markings, lights and shapes

31. -

(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 who] by buoys, 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.

Protection of fixed gear

32. -

(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 sub-regulation (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

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

33. -

(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 minimum 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 70m (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 lacing.
- Restrictions on use of fishing gear            34. -
- (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.
- Control of use of breathing apparatus for fishing underwater            35. -
- (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 netcommercially or for sport purposes.

(2) An application for a permit referred to in sub-regulation 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.

Size limits fish 36. No person shall kill, take, sell or offer or expose for sale any of 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.

Closed seasons 37. (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

Requirement for aquaculture permit and application 38. - (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 (a) the establishment occupies an area of not less than four hectares; or intended for export,

shall require an aquaculture permit

(2) Notwithstanding regulation 3(1), and 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

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| Specific condition on issue or renewal of aquaculture permit | 39. | 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.  |
| Period of validity of aquaculture permit                     | 40. | Every aquaculture permit issued under this Part shall, unless validity of 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.   |
| Conditions applicable to aquaculture permits                 | 41. | <p>Every permit issued under this Part shall be subject to the following conditions -</p> <ul style="list-style-type: none"><li>(a) the aquaculture establishment shall be so operated as to minimise 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 <u>Gazette</u>;</li><li>(b) fish harvested from the establishment shall be handled in a sanitary manner and shall be transported in containers approved by the Director.</li><li>(c) notification shall be given to the Director of any disease affecting the stock of the aquaculture establishment as the Director shall declare by notice given, from time to time, in the <u>Gazette</u> to be a noticeable disease;</li><li>(d) accurate records shall be maintained relating to the operations of the establishment which shall be open to inspection by the Director;</li><li>(e) returns concerning the operation of the establishment shall be made to the Director as he shall, from time to time, require;</li><li>(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</li><li>(g) such other conditions as may be attached or endorsed on the permit.</li></ul> |

- Measures for dealing with outbreaks of diseases 42. (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 sub-regulation (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.
- Compensation for the destruction of stock 43. Where the stock or part of the stock of an aquaculture establishment has been destroyed pursuant to regulation 48 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

- Landing and sampling of fish 44. - (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.
- Fishing information and fishing returns 45. - (1) Both large scale and small scale commercial fishermen shall furnish any fisheries officer, when so requested by that 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 sub-regulation (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**

**Inspection and  
seizure of fish**

46. - (1) A fisheries protection officer may inspect -
- (a) any store holding fish;
  - (b) any fish when landed in accordance with regulation 50;
  - (c) any fish prior to export, whether in store, on land or on board ship;
  - (d) any imported fish when landed or, prior to landing, on board ship.
- (2) A fisheries protection officer may, on an inspection under sub-regulation (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 sub-regulation (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.

**Bonds**

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

**Administrative  
penalties**

48. For the purpose of section 50 -
- (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**

- Sport and other non-commercial fishing 49. - (1) Subject to sub-regulation (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 that fisherman.
- (3) All non-commercial fishermen shall be subject to regulations 33, 34, 35, 36 and the regulations in Part 9.
- Offences and penalties 50. - (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.
- Fees 51. The fees prescribed in the Twenty-Second Schedule shall be payable in respect of the matters specified therein in relation to such fees.

**PART III - REGISTRATION OF LOCAL FISHING VESSELS**

- Registration of local fishing 11. An owner of a local fishing vessel who intends to use the vessel for small scale commercial or subsistence fishing shall apply vessels to the Director for registration of the vessel through the BVC having jurisdiction over the beach in which he intends to do the fishing.
- Register of Local Fishing Vessels 12. A BVC shall keep a register of local fishing vessels registered to fish within its area of jurisdiction.

- Suspension or  
cancellation  
of licences
13. A BVC may recommend to the Director that he should suspend or cancel any registration or licence made or granted under the Act or amend any of the terms or conditions thereof if -
- (a) the licensee or person owning the registered vessel is in breach of these Rules;
  - (b) the BVC is satisfied that the registration or licence was made or granted in error or on the basis of false or misleading information;
  - (c) the BVC has reason to believe that the holder of the registration or licence has contravened any of the conditions to which the registration or licence is subject;
  - (d) the BVC considers that such suspension or cancellation is required for the conservation and management of fisheries or economic benefit of Malawi.
- Reports to  
the Director
14. A BVC shall every three months provide to the Director -
- (a) a copy of its register of local fishing vessels; and
  - (b) a report on new registration.

#### PART IV - FISHING LICENCE

- Fishing  
prohibited  
without  
authority
15. No person shall fish in fishing waters falling within the jurisdiction of a BVC unless he is authorised to do so by a licence or written authority of a BVC.
- Application
16. Written authority of a BVC under rule 14 shall be in the form for a Licence set out in the Second Schedule.
- Large scale  
commercial  
fishing  
prohibited
17. Unless expressly authorised by the Director in writing, large scale commercial fishing within the areas of the jurisdiction of a BVC is prohibited.



PART V - FISHERMEN'S ASSOCIATION

- |  |       |  |
|--|-------|--|
| Formation of fishermen's association     | 18. - | (1) BVCs may form fishermen associations.<br><br>(2) Fishermen's Association shall be required to have legal personality.  |
| Coverage of association                  | 19.   | Subject to the Director determining otherwise, the area of a fishermen's fishermen's association shall be the same as that of the corresponding fishing district.  |
| Duties of fishermen's association        | 20.   | The duties of a fishermen's association shall include -<br><br>(a) representing the interests of the fishing population in its area; and<br>(b) conveying to the Board and the Director its recommendations on the conservation and management of fisheries.   |
| Consultations plans, regulations,        | 21.   | Except where it is unnecessary or impracticable to do so, on fishing management plans, regulations and any other subsidiary legislation etc related to the conservation and management of fisheries shall not be made nor amended unless the Director provides fishermen's' association with the proposed management plans, regulations or any other subsidiary legislation or amendments thereto, as the case may be. |
| Meetings Board and                       | 22.   | A fishermen's association or a group of fishermen's' association with the may request meetings with the Board and the Director to discuss Director management plans, regulations or any other subsidiary legislation or amendments thereto.  |
| Composition of a fishermen's association | 23.   | A fishermen's association shall consist of persons who are engaged in any aspect of fishing industry associated with the area covered by the association.  |
| Selection of                             | 24.   | For the proper management of its affairs, a fishermen's office bearers association shall have office bearers who shall be selected from the members of the Association.  |
| Honorary officers                        | 25.   | The office-bearers of a fishermen's association shall be honorary fisheries fisheries officers under section 4.  |
| Constitution association                 | 26. - | (1) A fishermen's association shall adopt a constitution by of fishermen's which the operations of the association shall be governed.<br><br>(2) A Constitution of a fishermen's association shall be in the form set out in the Third Schedule.   |

FIRST SCHEDULE reg. 10(2)

FIRST SCHEDULE reg. 2

**DESCRIPTION OF AREAS REFERRED TO IN REGULATIONS  
AND CONDITIONS OF LICENSES AND PERMITS**

Bearings are true bearings to nearest degree. Grid references of trigonometric 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 1  
REFERENCE POINTS**

1. A point at Cape Ngombo at latitude  $13^{\circ} 43'18''$  south, longitude  $34^{\circ} 51'29''$  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 northernmost 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/MWSMWS 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 XV. 7553.6334).
9. Trigonometrical Station 26/NYP on Senga Hill 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 2**  
**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 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 Area B is that portion of the South East Arm north of a line on a bearing of  $96^{\circ}$  from Point 4 through Point 3 but south of a line on a bearing of  $70^{\circ}$  from Point 5 to Point 2.  
  
Area C is that portion of the South East Arm north of line on a bearing of  $70^{\circ}$  from Point to Point 2.
2. The South West Arm is that portion of Lake Malawi lying west of the Nankumba Peninsula and Domwe Island and of a line on a bearing of  $9^{\circ}$  from Point 6 to Point 1 and South of a line on a bearing of  $93^{\circ}$  from Point 9 to Point 1.  
  
Area D is that part of the South West Arm lying south of a line bearing  $53^{\circ}$  from Point 7 to Point 6.  
  
Area E is that part of the South West Arm lying north of a line bearing  $53^{\circ}$  from Point 7 to Point 6 but south of a line bearing  $291^{\circ}$  from Point 6 through Point 8.  
  
Area F is that part of the South West Arm north of a line bearing  $291^{\circ}$  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  $93^{\circ}$  from Point 9 to Point 1 and south of a line bearing  $97^{\circ}$  from Point 12 to Point 13.  
  
Area G is that part of the Domira Area lying south and east of line bearing  $25^{\circ}$  from Point 10 through Point 11.  
Area H is that part of the Domira Area lying north and west of a line bearing  $25^{\circ}$  from Point 10 through Point 11.
4. Areas 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, 1999.

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/thumbprint  
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)

\*(duly authorised in that behalf by the society, partnership or body corporate specified in paragraph (2)) hereby apply (for and on behalf of the said partnership/body corporate) for a local fishing licence/renewal of a local fishing licence.

2. State whether Applicant is a resident of Malawi: \*YES/NO

3. Description of Applicants 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 sub-category 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 6:  
.....

11. Description of fishing waters in which Applicant proposes to use the fishing gear listed under paragraph 6:  
.....  
.....

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 is grant: \*YES/NO

14. If the answer to the question in paragraph 10 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 applicant:  
\*YES/NO

16. If the answer to the question in paragraph 12 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 and I understand the effect of the information on the application and the interpretation: .....

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

Date: .....

.....  
Signature/mark/thumbprint of the owner

\* Delete as necessary  
! 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. 6 (3)**

**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 the 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:  
.....  
.....

4. 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/thumbprint  
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

Part one

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 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, 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 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 TO 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 - Lichenga Stream from its source including all tributaries within the Mulanje Forest Reserve;
  - (e) Likubula Stream from its source including the Cape luka 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;
  - (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 authorise a person to fish for trout between the 1st May and the 31st August in any year.
4. Fishing under the licence is authorised 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 day - 6
  - (b) one week - 24
  - (c) one month - 50
  - (d) a season - 100

6. The licence shall be carried when fishing and produced in accordance with the Fisheries Conservation and Management Act, 1997.
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 25cm (10in).
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)  
\*(duly authorised in that behalf by the society, partnership or body corporate specified in paragraph (2)) hereby apply ! (for and on behalf of the said partnership/body corporate) for a foreign fishing licence.
2. State the sub-category 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: YES/NO  
I/We owner(s)/charterer(s)/certified legal representatives of the fishing vessel, certify that the above information is true and accurate:

Dated: .....  
Signature

---

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 waters from .....  
.....to.....  
according to the following stipulates -

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. Allowance catch: .....  
.....
9. Stowage 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. Special conditions detailed over leaf.
- Date: .....

Signature  
Director of Fisheries

- Delete the inapplicable

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FOR OFFICIAL USE ONLY

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

**TWELFTH SCHEDULE                      reg. 33 and 34**

Restrictions on sizes of fishing gear  
and prohibited fishing periods, times , gears and registration fees

**part 1    reg. 33(1)**

**TRAWL NETS**

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



**Part 2**  
**BEACH SEINE NETS**

**reg. 33(2)**

Fishing area	Minimum cod end mesh size	Maximum headline length	Maximum ne depth
1. All waters (Mosquito nets)	No restriction	3m (9.8ft)	1.5m (4.9ft)
2. Lake Malawi (Kambuzi seine)	19mm (.75in)	150m (492ft)	10m (32.8ft)
3. Lake Malawi (Usipa net)	No restriction	100m (328ft)	6m (19.7ft)
4. Lake Malawi (Chambo seine)	95mm (3.5in)	No restriction	18m (59ft)
5. Lake Malombe (Nkacha)	19mm (0.75 in)	100m (328ft)	10m (32.8ft)
6. Lake Malombe (Kambuzi seine)	19mm (0.75in)	500m (1640ft))	NA
7. Lake Malombe (Chambo seine)	90mm (3.5 in)	1000m (3280)	NA
8. Lake Chilwa	(1/2in)	300 m (984ft)	5m (16.4ft)
9. Lower Shire River	19mm(3/4in)	200m (656ft)	15m (49.5ft)
10. Lake Chiuta	Prohibited		
11. Chia lagoon	1 inch	200m (656ft)	

**Part 3**

**reg. 33(3)**

**GILL NETS**

<b>Fishing area</b>	<b>Minimum mesh size</b>	<b>Maximum net depth</b>
South East Arm Lake Malawi	95mm (3.75in)	No restriction
Remainder of Lake Malawi south of latitude 12 15"	95mm (3.5in)	No restriction
Upper Shire River	76mm (3.0in)	NA
Lower Shire River	64mm (2.5in)	3m (9.8ft)
Lake Malombe	90mm (3.5in)	NA
Lake Chilwa	70mm (2.75in)	3m (9.8ft)
Lake Chiuta	63mm (2.5in)	3m (9.8 ft)

**Part 4**

**reg. 34(3)**

**PROHIBITED FISHING PERIODS AND TIMES**

**Waters of 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 am and 6 PM 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 October and the 31st December (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 October 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 PM and 6 am 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 Chilwa shall not be used between the hours of 6 PM and 6 am in any period of 24 hours and 1st January to 30<sup>th</sup> April

**PART 5-PROHIBITED FISHING GEARS**

not

Areas	Fishing Gear
All waters	Chalira
Lake Chiuta	Nkacha nets and beach seine nets
Lake Chilwa	Nkacha nets
Lake Malawi- shallow waters	Bottom trawls pulled by more than 100 hp.
Lake Chilwa	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
Lower Shire	Mosquito net
Lake Malawi	Nkacha

**PART 6-NKACHA NETS**

Where used	Minimum headline length	mesh size	Maximum Depth	prohibited fishing time	Annual Registration Fees
Lake Malombe	250m (273 yds)	19mm (3/4in)	No restriction	From 6.p.m to 6.a.m, October, November and December	K150 for every 50 metres of length or part thereof.

**PART 7-USIPA RIG RIFT NETS**

Where used	Maximum Depth	mesh size	Annual fees	Registration
Lake Malawi	No restriction	13mm (1/2 in)	K3,000	

**THIRTEENTH SCHEDULE** **reg. 35(2)**  
**APPLICATION FOR A PERMIT TO USE**  
**UNDER WATER 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 under water breathing apparatus that the applicant  
proposes to use: .....
  - 5. Area of fishing waters within which the under water 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)**  
**UNDER WATER BREATHING**  
**APPARATUS PERMIT**

I  
 .....  
 (Name of permit holder)

of .....  
(Address of permit holder)

is hereby permitted to use under water 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 over leaf. ....

Date: .....

Signature  
Director of Fisheries

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

**FOR OFFICIAL USE ONLY**

**FIFTEENTH SCHEDULE reg. 36**

Size limits of fish

<b>Species of fish</b>	<b>Size limit</b>
All species of Chambo	150mm (6in)
All species of Opsaridium microlepis (mpasa)	300mm (12in)
All species of the genera Tilapia Oreochromis	100mm (4in)

**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 .....

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

Date: .....

Signature of Director of Fisheries

**SEVENTEENTH-SCHEDULE reg. 38(3)  
AQUACULTURE PERMIT**

I

.....

(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 over leaf.

5. Valid until: .....

Date: .....

Director of Fisheries

FOR OFFICIAL USE ONLY

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

**EIGHTEENTH SCHEDULE**

**reg. 47**

**BOND TO SOURCE SURRENDER OF A**

**FISHING VESSEL FOR 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. \* 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.

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

- (a) the Defendant is found not guilty of the information/charge
- (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 \*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 , 1999.

Signed by the above named )  
in the presence of )  
(or as the case may require in  
the case of a corporate body)

\* Complete or delete as applicable

NINETEENTH SCHEDULE reg. 48(a)

NOTICE OF ALLEGED OFFENCE

Notice No. ...

IN THE MATTER of section 50 of the Fisheries Conservation and Management Act, 1997.

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 brief details of offence) being an offence relating to fishing within the fishing waters within an area where a 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, 1997. The provisions of the whole of that section are set out in full on the second page of this notice.

Dated this day of , 1999.

Director of Fisheries

Delete as applicable

- Administrative penalties 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.



**TWENTY-SECOND SCHEDULE  
FEES**

**reg.51**

**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 realised from L. Chilwa *ceteris paribus* (all other factors being equal).

The unit catch rate is a catch of any mechanised 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 37kW operating on L. Chilwa.

The registration fee depend on the power of the engine

Registration fee for various engine category

Water body	Engine size	Fee
L. Chilwa	0 – 37 kW	K300.00
L. Malawi	38 – 74 kW	K600.00
L. Malawi	Over 74 kW	K900.00

**COMMERCIAL FISHING LICENCE AND FEE CRETERIA**

(For definitions for the commercial fishing areas in Malawi see the first schedule

**Area Catch Rate**

Lake	Commercial Fishing areas	Shallow	Deep
Chilwa	Entire Lake	1	1
Malombe	Entire Lake	1	1
Malawi	A	3.3	N.A.
	B	2.7	2.7
	C	1.8	1.4
	D	1.7	1.0
	E	1.7	1.0
	F	1.7	1.0
	G	1.7	1.0
	H	1.7	1.0
	N	0.5	0.5

The fees  
Bottom Trawl Fishery (Shallow Waters)

AREA	Area Catch Rate	Unit Catch Rate	Basic fee	Registration Fee	Licence fee
A	3.3	4	K1000.00	K600.00	K13,800.00
B	2.7	4	K1000.00	K600.00	K11,400.00
C	1.8	4	K1000.00	K600.00	K7,800.00
D	1.7	4	K1000.00	K600.00	K7,400.00
E	1.7	4	K1000.00	K600.00	K7,400.00
F	1.7	4	K1000.00	K600.00	K7,400.00
G	1.7	4	K1000.00	K600.00	K7,400.00
H	1.7	4	K1000.00	K600.00	K7,400.00
N	0.5	4	K1000.00	K600.00	K2,600.00

Bottom Trawl Fishery (Deep Waters)

AREA	Area Catch Rate	Unit Catch Rate	Basic fee	Registration Fee	Licence fee
B	2.7	10	K1000.00	K900.00	K27,900.00
C-N	1.4	10	K1000.00	K900.00	K14,000.00

ANNUAL GEAR BASIC FEES

GEAR	Basic fee	Qualification
Gillnets	K15.00	Per 100m
Nkacha nets	K150.00	Per 50m
Kambuzi seines	K100.00	Per 50m
Usipa beach seines	K100.00	Per 50m
Matemba beach seine	K100.00	Per 50m
Chambo seines	K150.00	Per 50m
Chirimila	K250.00	Per unit
Chambo ring net	K1000.00	Basic fee
Chambo midwater trawl	K1000.00	Basic fee
Chisawasawa bottom trawl	K1000.00	Basic fee
Utaka midwater trawl	K1000.00	Basic fee
Usipa lift net	K3000.00	Per unit
Aquarist licence	K50,000.00	Per enterprise
Fish farm licence	K100.00	Farm pond > 2ha

Made this day of \_\_\_\_\_, 2000.

**HARRY THOMSON**  
**Minister of Natural Resources**  
**and Environmental Affairs**

(FILE NO.

**The Malawi Gazette Supplement, dated 26th May, 2000, containing Regulations, Rules, etc. (No. 9A)**

GOVERNMENT NOTICE NO. 26

**FISHERIES CONSERVATION AND MANAGEMENT ACT, 1997**

(No. 25 of 1997)

**FISHERIES CONSERVATION AND MANAGEMENT (LOCAL COMMUNITY PARTICIPATION) RULES, 2000**

IN EXERCISE of the powers conferred by section 9 of the Fisheries Conservation and Management Act, 1997, I, HARRY I. THOMSON, Minister of Natural Resources and Environmental Affairs, acting on the recommendation of the Fisheries Advisory Board, make the following Rules—

**PART I—PRELIMINARY**

- 1. These Rules may be cited as the Fisheries Conservation and Management (Local Community Participation) Rules, 2000. Short title
- 2. In these Rules, unless the context otherwise requires— Interpretation
  - “Committee” means a Beach Village Committee;
  - “fishing industry” includes fishing, fish processing, fish marketing and fish trading;
  - “subcommittee” means a subcommittee of a Beach Village Committee formed pursuant to rule 8;

**PART II—BEACH VILLAGE COMMITTEES**

- 3. Persons engaged in fishing in a particular fishing beach may form a Committee. Formation of Committees
- 4.—(1) The jurisdiction of a Committee shall be over one particular beach Jurisdiction of a Committee
  - (2) Where two or more Committees have competing jurisdiction over a beach, the Director shall determine the respective jurisdictions of the Committees.
- 5. The object of Committee shall be to participate in the conservation and management of fisheries resources. Objects of Committees
- 6.—(1) A Committee shall have the responsibility for the conservation and management of fisheries resources within its area of jurisdiction. Duties of Committees
  - (2) Without derogating from the generality of the provisions of subrule (1), a Committee shall have power to—
    - (a) scrutinize applications in respect of registration of fishing vessels of small-scale commercial fishermen and subsistence fishermen;
    - (b) scrutinize applications for fishing licences by small-scale commercial fishermen and subsistence fishermen;
    - (c) keep records of vessels registered and licences issued in respect of its area of jurisdiction;
    - (d) enforce fishing regulations pertaining to—
      - (i) fish species;
      - (ii) fish size;
      - (iii) close season;
      - (iv) fish sanctuaries (closed areas);
      - (v) gear size, type and stowage thereof; and

- (vi) methods of fishing;
- (e) enforce conditions specified in licences; and
- (f) seize fishing vessels and fishing gears which are reasonably believed to have been used in contravention of the Fisheries Conservation and Management Act:
- No. 25 of 1997 Provided that the seized item shall be surrendered to a fisheries protection officer within 48 hours after the seizure.
- (3) For purposes of paragraphs (a) and (b) of sub-rule (2), the Director shall afford a Committee an opportunity to be heard in respect of applications relating to its area of jurisdiction.
- Composition of a Committee 7. A Committee shall consist of persons who are engaged in any aspect of fishing industry associated with a fishing beach.
- Subcommittees 8. For the proper management of the affairs of a Committee, each Committee shall form a subcommittee which shall consist of the following office bearers—
- (a) chairperson;
- (b) vice-person;
- (c) secretary;
- (d) vice-secretary;
- (e) treasurer;
- (f) vice-treasurer;
- (g) five subcommittee members.
- Honorary fisheries officers No. 25 of 1997 9. The office bearers of a subcommittee shall be appointed honorary fisheries officers under section 4 (1) of the Fisheries Conservation and Management Act.
- Constitution of Committee 10.—(1) A Committee shall adopt a constitution by which the operations of the Committee shall be governed.
- (2) A constitution of a Committee shall contain, *inter alia*, particulars pertaining to matters set out in the First Schedule.
- PART III—REGISTRATION OF LOCAL FISHING VESSELS
- Registration of local fishing vessels 11. An owner of a local fishing vessel who intends to use the vessel for small-scale commercial or subsistence fishing shall apply to the Director for registration of the vessel through the Committee having jurisdiction over the beach in which he intends to do the fishing.
- Register of local fishing vessels 12. A Committee shall keep a register of local fishing vessels registered to fish within its area of jurisdiction.
- Suspension or cancellation of licences No. 25 of 1997 13. A Committee may recommend to the Director that he should suspend or cancel any registration or licence made or granted under the Fisheries Conservation and Management Act or amend any of the terms or conditions thereof if—
- (a) the licensee or person owning the registered vessel is in breach of these Rules;
- (b) the Committee is satisfied that the registration or licence was made or granted in error or on the basis of false or misleading information;

(c) the Committee has reason to believe that the holder of the registration or licence has contravened any of the conditions to which the registration or licence is subject;

(d) the Committee considers that such suspension or cancellation is required for the conservation and management of fisheries resources or economic benefit of Malawi.

14. A Committee shall every three months provide to the Director—  
(a) a copy of its register of local fishing vessels; and  
(b) a report on any new registration.

Reports to the Director

PART IV—FISHING LICENCES

15. No person shall fish in fishing waters falling within the jurisdiction of a Committee unless he is authorized to do so by a licence or written authority of a Committee.

Fishing prohibited without authority  
Application for a licence

16. Written authority of a Committee under rule 15 shall be in the form set out in the Second Schedule.

17. Unless expressly authorized by the Director in writing, large-scale commercial fishing within the areas of the jurisdiction of a Committee is prohibited.

Large-scale commercial fishing prohibited

PART V—FISHERMEN'S ASSOCIATION

18.—(1) Committees may form fishermen's associations.

Formation of fishermen's association

(2) Fishermen's association shall be required to have legal personality.

19. Subject to the Director determining otherwise, the area of a fishermen's association shall be the same as that of the corresponding fishing district.

Coverage of a fishermen's association

20. The duties of a fishermen's association shall include—  
(a) representing the interests of the fishing population in its area;  
and

Duties of fishermen's association

(b) conveying to the Board and the Director its recommendations on the conservation and management of fisheries resources.

21. Except where it is unnecessary or impracticable to do so, management plans, regulations and any other subsidiary legislation related to the conservation and management of fisheries resources shall not be made nor amended unless the Director provides fishermen's associations with the proposed management plans, regulations or and other subsidiary legislation or amendments thereto, as the case may be.

Consultations on fishing plans, regulations, etc.

22. A fishermen's association or a group of fishermen's associations may request meetings with the Board and the Director to discuss management plans, regulations or any other subsidiary legislation or amendments thereto.

Meetings with the Board and Director

23. A fishermen's association shall consist of persons who are engaged in any aspect of fishing industry associated with the area covered by the association.

Composition of a fishermen's association

24. For the proper management of its affairs, a fishermen's association shall have office bearers who shall be selected from the members of the association.

Selection of office bearers



Honorary fisheries officers No. 25 of 1997

25. The office bearers of a fishermen's association shall be honorary fisheries officers under section 4 of the Fisheries Conservation and Management Act.

Constitution of fishermen's association

26.—(1) A fishermen's association shall adopt a constitution by which the operations of the association shall be governed.

(2) A constitution of a fishermen's association shall contain, *inter alia*, particulars pertaining to matters set out in the Third Schedule.

FIRST SCHEDULE

Reg. 10 (2)

CONSTITUTION OF A VILLAGE BEACH COMMITTEE

- Article 1: Name and address
- Article 2: Objects
- Article 3: Area of jurisdiction
- Article 4: Membership of Committee
- Article 5: Meetings of Committee
- Article 6: Office bearers
- Article 7: Duties and responsibilities of office bearers
- Article 8: Meetings of office bearers
- Article 9: Funding
- Article 10: Fiscal year
- Article 11: Amendment

SECOND SCHEDULE

reg. 16

AUTHORITY TO FISH WITHIN THE JURISDICTION OF A COMMITTEE

I, ..... Chairman/Secretary of ..... (name of Committee)

hereby Certify that .....

is hereby authorized to fish in fishing waters falling within the jurisdiction of the above-named Committee.

Date: ..... Signature of Chairman/Secretary

THIRD SCHEDULE

reg. 26 (2)

CONSTITUTION OF A FISHERMEN'S ASSOCIATION

- Article 1: Name and address
- Article 2: Objects
- Article 3: Areas to be covered by the Association
- Article 4: Membership of Association
- Article 5: Office bearers
- Article 6: Duties and responsibilities of office bearers
- Article 7: Meetings of office bearers
- Article 8: Funding

26th May, 2000

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Article 9: Fiscal year

Article 10: Amendment

Made this 18th day of February, 2000.

H. I. THOMSON  
*Minister of Natural Resources  
and Environmental Affairs*

(FILE NO. C46/1/1/VOL. III)