

FISHERIES LAW 2019

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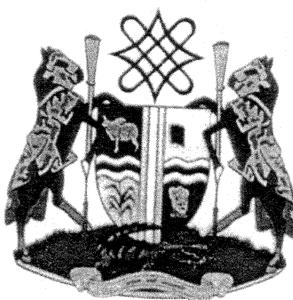
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FISHERIES LAW 2019



(6)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows: Enactment

1. This Law may be cited as the Kaduna State Fisheries Law 2019. Short Title

2. This Law shall come into operation on the^{29th}..... day of^{May}..... 2019. Commencement

3. In this Law, unless the context otherwise requires: Interpretation

"Area" means the Local government Area to which the person relates or in which the Activity/business is situated;

"Cold Room/Store" means any enclosed cage, structure or building in which fish or fishery products are preserved/sold at a temperature below 50° c;

"Commissioner" means the Commissioner responsible for Agriculture and Natural Resources;

"Dry Fish Store" means any enclosed cage, structure or building in which fish or fishery products are preserved/ sold in a dry State;

"Governor" means the Governor of Kaduna State;

"Fish Processing" includes a process that adds value to or preserves the fish and the dismembering, cleaning, sorting, lining, freezing, canning, salting and any other process of preserving fish;

"Fishery" or Fisheries" means one or more stocks of fish or the operations based on those stocks which can be treated as a unit for purposes of conservation and management taking into account geographical, scientific, technical, cultural, economic, recreational, and any other relevant characteristics;

"Fishing" means

- (a) the attempted searching for, catching, taking or harvesting of fish, to result in the locating, catching, taking or harvesting of fish;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering of fish with aggregation device or associated equipment;
- (d) an operation in water body in support or in preparation for an activity within the meaning of this definition; or
- (e) the use of a craft in relation to an activity described in this definition.

"Fishing gear" means an equipment, implement or any other thing that can be used in the act of fishing, whether or not it is used in connection with a vessel, including a fishing net, rope, line, float, trap, hook, winch or boat;

"Fishing Licence" includes a fishing right, a right to operate a cold room store/dry fish store and general fish related activities;

"Fishing vessel" includes a vessel, boat, canoe or any other craft which is used for, equipped to be used for or of a type that is normally used for-

- (a) fishing;
- (b) the processing or storage of fish or fishery products;
- (c) the transportation of fish or fishery products;

- (d) any related activity or any other activity in relation to the supply or support of vessels used for the purposes described in paragraphs (a),(b) and (c).

"Fisherman" means any person who catches fish whether for subsistence or commercial purpose by using any means from water;

"Foreign Live Fish" means live fish which was taken or caught in water outside Nigeria;

"Industrial Waste" means waste matter from any manufacturing process;

"Law Enforcement Agent" for the purpose of this Law includes Fisheries Extension Officer and any other person appointed by the Commissioner of Agriculture and Natural Resources;

"Live Eggs of Foreign Fish" means eggs of foreign live fish which are capable of hatching fish;

"Ministry" means Ministry of Agriculture and Natural Resources;

"Person" means any Company, Partnership, Association or corporate body;

"Pollutant" means any substance which when discharged into water, harms or destroys animals or live plants in water and includes industrial waste and poisonous or obnoxious matters;

"River" includes streams, any flowing water along a definite course either perennial or seasonal;

"State" means Kaduna State of Nigeria;

"Water-body" means a river, spring flood pond, Natural lake, hydro-electric Power Reservoir, mining padlock and does not include the following;

- (a) a Swimming pool;
- (b) a pond, fountain or well in residential premises;

- (c) a pond or fountain in a public place for decorative purposes; and
- (d) an aquarium constructed for domestic decoration or research purpose.

PROVIDED that the Governor may by regulations exempt any other water included in this Law.

**PART I
PROHIBITIONS AND REGULATIONS**

- 4. (1) No person shall take, destroy or catch fish within a water by any of the following methods:-
 - (a) the use of any poisonous or obnoxious matter;
 - (b) the use of Herbs or other toxic plants;
 - (c) the use of any explosive substance, electricity or guns;
 - (d) by means of total drainage of a water body;
 - (e) the use of any fishing gear constructed with net size of less than ½ inch.

- 5. (1) Subject to the provisions of this Law, no person shall:
 - (a) transport, display or sell fish under unhygienic condition;
 - (b) catch, sell or offer for sale any fish of less than 15cm (in case of clarion fish of less than 200gm wt);
 - (c) preserve fish by the use of insecticide or other toxic chemicals;
 - (d) buy, sell or offer for sale any fish which is known to have been caught or killed by a device involving the use of poisonous or obnoxious matters;

Prohibition Of illegal Method of Fishing

No Person shall sell, transport or preserve fish under unhygienic condition

- (e) offer for sale any fish which in the opinion of the Director of Fisheries Service or his representative is said to be unfit for human consumption;
 - (f) fertilise any water body or fish farm with untreated human excrement.
- (2) No person shall fish in any water body using:-
- (a) gill nets or draw-net of less than 2% inches or 5.37cm mesh size;
 - (b) clap nets, cast nets or any webbing traps of less than 2 inches or 5cm mesh size;
 - (c) use light net of less than 1½ inches or 3.8cm mesh size;
 - (d) fixed stationery fishing structure across a water body for the purpose of cultivating, capturing or propagating fish;

6. The Governor may by regulation under this Law provide for:

Annual Close Season
of Species of Fish

- (1) the declaration of:
 - (i) any water as sanctuary for fish; and
 - (ii) annual close season for any species of fish;
- (2) The fixing of annual close season of any species of fish that:
 - (a) no person shall in any water, catch, kill or fish any fish species during its close season;
 - (b) no person shall fish during the breeding season of particular fish species;
 - (c) the provisions of this section relates to any of the following species of fish which is immature and of a size not above 15cm;
 - (i) Claries (*Tarwada*);

- (ii) Bagrus (*Ragon Ruwa*);
- (iii) Carp (*Datan Turawa*);
- (iv) Heterobranchus (*Gammu*);
- (v) Lates (*Giwan Ruwa*);
- (vi) Tilapia (*Karfasa*);
- (vii) Gymnachus (*Dan Sarki*);
- (viii) Heterotis (*Bargi*).

(3) The provisions of this section shall not apply to fish imported into the state.

PART II

REGISTRATION – LICENSING OF FISHERMEN, COLD ROOM STORES/ DRY FISH STORES AND FISH RELATED ACTIVITIES

- 7. Subject to the provisions of this Law no person shall fish within the territorial waters of the state unless he obtains a licence to do so. Fishing License
- 8. Any person who owns or operates a cold room store/ dry fish store in any part of the State for the purpose of distributing or retailing of fish and fish products shall register and obtain a license from the Ministry of Agriculture, Fisheries Department for the installation and operation of cold room store/dry fish store and general fish vending. Suspension/ cancellation of license
- 9. A license for operation as fishermen, operation of cold room store/dry room store, distributing fish products or general fish vending in the State may be suspended or cancelled by the order of the Director of Fisheries Services if in his opinion, the owner of the license fails to comply with any provision of this Law. Suspension/ cancellation of license
- 10. As from the commencement of this Law, all fishing crafts/gears must be registered; which includes; Fishing crafts/Gear Registration

- (i) assorted fishing nets;
- (ii) cast nets;
- (iii) lift nets;
- (iv) drift, tranel or gill nets;
- (v) long line with hooks;
- (vi) fishing boats (whether mechanical or not).

11. A licence issued under the provisions of this Law shall be valid for a period not exceeding one year (12 months) but may be renewed thereafter subject to the payment of the prescribed fees. Licence shall be valid for period of one year
12. (1) The fees payable for any licence to be issued is as set out in Form B of the Second Schedule to this Law. Fees
- (2) An application fee of Five Hundred Naira Only (N500.00) shall be payable on completion of the Application Form A as indicated in the First Schedule to this Law.
- (3) Subject to the provision of this Law the Commissioner may by regulations publish in the Gazette revise any fees specified in Form B of the Second Schedule to this Law and the penalties of the offences. Annual close season of any species of fish
13. A license issued under this Law may be subject to any of the following conditions: Licence to Fish/Use of Certain Implements
- (a) specifying the species of fish to be caught;
 - (b) limiting the season in which the licence may operate;
 - (c) specifying the size of the hook to be used for fishing;
 - (d) limiting the surface area of water within which a licensee may fish;
 - (e) specifying the type and size of a net a licensee may use for fishing;

- (f) specifying the type of traps to be used for catching fish;
- (g) any other condition which the Commissioner may deem fit;
14. The Commissioner may, subject to section 13, issue any licence to the applicant to fish in any water either for sport, commercial gain or to use in any water any fishing crafts as the case may be. Power of Commissioner to Issue Licence for sport, etc
15. No licence granted under this Law shall be transferred to any other person. Transfer of Licence
16. A licence issued by other State other than one issued by the Kaduna State Government shall not be valid for use within Kaduna State. Validity of Licence
17. Licence or permit for the purpose of research work, sport, fishing and other things shall be granted to individuals and any body for a period of six months (6 months) and thereafter shall be renewable for another six months (6) but not exceeding one year; depending on the kind and extent of the research or sport fishing to be undertaken. Research and Sport Fishing Permit
18. The provisions of this Law shall be binding on: Application of the Law
- (a) all categories of fishermen operating in the State;
- (b) all persons, groups of persons or agencies dealing with the sale, distribution, vending and processing of fish and it's products in the State.
19. The following officers may demand from a fisherman a licence or permit for the purpose of inspection: Authorised Officers
- (a) Fisheries Extension Worker;
- (b) District Head;
- (c) Village Head;
- (d) Police Officer;

(e) Any other person appointed by the Commissioner.

20. It shall be an offence for any person to assault or willingly obstruct any authorised officer in the exercise of the powers conferred upon him by this Law. Assault or Obstruction of Officers
21. (1) An authorised officer appointed by the Commissioner has the right to ask any person to furnish him with information as he may require on any matter under this Law and it shall be the duty of such a person to comply. Duty to Furnish Information
- (2) A person shall commit an offence under this Law if:
- (a) without reasonable excuse fails or refuses to comply with a request made under subsection (1) of this Section; or
 - (b) knowingly gives false information to any officer; or
 - (c) he gives information to any officer which he has no reasonable ground to believe to be true.
22. Any officer authorised under this Law to perform any function, shall have power to enter any land for the purpose of his duties which includes; Power of Entry/Functions of Authorised Officers
- (a) the removal or seizure of:
 - (i) any poisonous or obnoxious matters, explosive electricity or other substance or things prohibited under this Law from being used for the purpose of fishing including hooks and nets;
 - (ii) any fish being sold or offered for sale or in possession of any person contrary to the provisions of this Law;
 - (b) the clearing or removal from or near any water of any obstacle which obstructs fishing, free passage or movement of fish in water;
 - (c) preventing the Commission of an offence and causing the arrest of any person suspected of having committed an offence under this Law;

- (d) the performance of any other act under this Law or Regulation made; and
- (e) Collecting information or inspection of facilities pursuant to any provisions of this Law.

PROVIDED that, a receipt shall be given for any articles or things seized and shall be stated therein.

PART III

FISH HABITAT, POLLUTION AND DEVELOPMENT

23. (1) The Commissioner may, by order declare any water to be sanctuary for fish Sanctuary
- (2) This order shall:
- (a) specify precisely the area forming the sanctuary;
 - (b) fix the time when the order shall come into force not being any time earlier than 30 days after the order.
- (3) No person shall fish in any water in respect of which an order has been enforced.
- (4) Notice of the order together with the particulars thereof shall be displayed at:
- (a) conspicuous location at the sanctuary;
 - (b) such other place or places as the Commissioner may consider necessary having regard to giving maximum publicity to as many persons as possible that may be affected by the order.
24. (1) No person shall discharge, put, permit, or cause to be discharged, put or flow into water in which there are live fishes; Polluting Water
- (a) any refuse or sewage;

- (b) any industrial waste;
 - (c) any poisonous or obnoxious matters;
 - (d) any other pollutant which has the effect of destroying or causing harm to fish.
- (2) Notwithstanding the provision of subsection (1) (a) – (d) of this section, the Commissioner may authorise in writing the depositing or discharge by any person of refuse, sewage or industrial waste into water (other than a river) in any city or town for the purpose of reclaiming land.

25. No person without the authority in writing from the Commissioner shall for the purpose of catching of or killing fish:

Diverting Rivers

- (a) divert, alter or interfere in any manner with the water counter bed of any river; or
- (b) obstruct a dam or in any manner slow down the flow of any river.

26. The Commissioner shall have such further powers as may be necessary for the promotion and development of fisheries in any Local Government Council Area of the State and in particular may:

Local Government Fisheries

- (a) provide guidelines and consultative services to any Local Government Council for the formation of its fishery policies and programmes or for the implementation of such policies and programmes, and
- (b) assign to any Local Government Council any such fishery officer or officers as may be required to direct and assist the Council in the execution of its fishery policies and programmes.

**PART IV
DAMS AND RESERVOIRS**

27. (1) No person shall without the written approval of the Commissioner construct any dam across a river or stream flowing through the State. Dams and Reservoirs
- (2) Any person may apply to the Commissioner for approval to build or construct a dam and the Commissioner may grant the application subject to such terms and conditions as may be conducive to the development of fishery in the State or any part thereof.
- (3) The terms and conditions to be imposed by the Commissioner under Subsection (2) of this Section shall include:
- (i) the establishment of fishery farms on, in or near the dam or irrigation system for the cultivation or for propagation of fish;
 - (ii) the establishment of such controls and facilities on, in or as are likely to facilitate the free passage, movement and propagation of fish;
 - (iii) the provision for periodic inspection by fishery officers of the dam to ensure that the provision of this Law are complied with.
- (4) The Commissioner shall exercise other or further authority with respect to any dam as may be necessary for the maintenance and development of fishery and in particular may encourage and promote settlement of communities around such dams or reservoirs in order to promote co-operative fishing and farming among such communities.
28. The owners, builders or users of all dams and reservoirs which are under construction or in existence on or before the commencement of this Law shall comply with the provision of this Law. Existing Dams

PART V

CONDITION FOR ESTABLISHMENT OF A COLD ROOM STORE/DRY FISH STORE FOR DISTRIBUTION AND RETAILING OF FISH AND FISH PRODUCTS

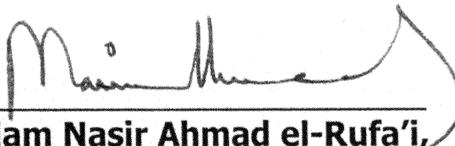
29. Any person, fish monger, distributor or company who intends to erects or has erected a cold room store/ dry fish store for the purpose of distributing or retailing fish and fish products shall satisfy the following conditions:
- Distribution and Retailing
- (a) every cold room store/dry fish store shall be designed to allow all operations to be carried out under hygienic condition and to give adequate facilities for the inspection of fish and fish products intended to be sold to the general public;
 - (b) every cold room store/dry fish store shall ensure that fish or fish products are not contaminated before they are sold to the public.
30. (1) Every cold room store/ dry fish store shall be established or located in an area free from objectionable odour, smoke, dust or other contaminants.
- Facilities
- (2) There shall be provided in every cold room store/ dry fish store:
- (a) adequate working space for the satisfactory performance of all operation; and
 - (b) adequate ventilation, natural or artificial lighting and easy clearing and disinfecting facilities.
31. All facilities provided in any cold room store/ dry fish store shall be kept in good repair at all times.
- Cold room store/ dry fish store
32. (1) All floors shall be made of hard but non slippery concrete that is impervious to water and without crevices.
- Floors made of hard and non slippery concrete
- (2) The floor shall be constructed in such a way as to allow easy and thorough cleaning and disinfection when necessary.

33. Whenever fish or fish products are stocked in a cold room store, the temperature shall be maintained at 5°C or below. Operating Temperature

34. Any person, who; Penalties

- (a) contravenes any provision or Regulation made under this Law commits an offence and shall be liable on conviction;
- (i) for the first offence to a term of imprisonment of not less than six (6) months or to a fine of not less than two thousand Naira (₦2,000.00) or both, and
- (ii) for second and subsequent offences to a term of imprisonment of not less than one (1) year or a fine of not less than five thousand Naira (₦5,000.00) or both.

DATED AT KADUNA this 29th day of May 2019.

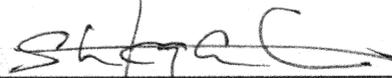

Malam Nasir Ahmad el-Rufa'i,
Governor, Kaduna State.

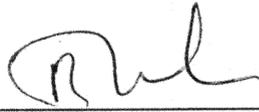
EXPLANATORY NOTE

(This Note does not form part of this law and has no legal effect)

The Purpose of this Law is to provide for the Kaduna State Fishery Law.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.


HON. AMINU ABDULLAHI SHAGALI
(Speaker)


BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)

SCHEDULE I

FORM A

APPLICATION FOR LICENCE TO OPERATE A COLD ROOM STORE/DRY FISH STORE, DISTRIBUTION, GENERAL FISH VENDORING AND FISH RELATED ACTIVITIES

1. Name: _____
2. Types of Business: _____
3. Registered Officer: _____
4. Address: _____
5. Dam/River to catch the fish: _____
6. Receipt No; _____ Amount paid _____ Date _____
7. Signature/Date; _____

Registrar

SCHEDULE II

FORM B

**RATES ON FISHING, COLD ROOM STORE/DRY FISH STORE
DISTRIBUTION, AND GENERAL FISH VENDORING**

S/No	Categories	Registration Form	Annual Registration Fee
1	Fishing	₦2,000.00	₦1,000.00
2	Cold Room Store	₦3,500.00	₦1,500.00
3	Dry Fish Outlet	₦3,500.00	₦1,500.00
4	Distributing fish Products	₦2,000.00	₦1,500.00
5	General fish Vendorsing	₦2,000.00	₦1,500.00

RATES ON FISHING, COLD ROOM STORE/DRY FISH STORE
DISTRIBUTION, AND GENERAL FISH VENDORING