

PARLIAMENT OF UGANDA

REPORT OF THE COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES ON THE FISHERIES AND AQUACULTURE BILL, 2021

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Office of the Clerk to Parliament,

April, 2022

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1.0 INTRODUCTION

Rt. Hon. Speaker and Hon. Members,

The Fisheries and Aquaculture Bill, 2021, was read for the first time on 29th September, 2021 and referred to the Committee on Agriculture, Animal Industry and Fisheries, for scrutiny. In accordance with Rule 129 (2), the Committee considered the Bill and now reports as follows:

2.0 OBJECT AND BENEFITS OF THE BILL

The Object of the Bill is to consolidate and reform the Law relating to the management of fisheries, fisheries products and aquaculture. The current Fisheries Act.Cap.197 emanates from the 1951 Fisheries Ordinance which was later re-enacted as the Fish and the Crocodile Act in 1964. During the Law Revision of 2000, the Laws of Uganda were reorganized and the Fish and Crocodile Act became the Fish Act Cap.197.

The Fish Act was further amended in 2011 through the Fish [Amendment] Act, 2011, to provide for the establishment of the Chief Fisheries Officer for the issuance of licences, permits and other fisheries activities under the Act, for the effective development and management of the fisheries sub sector. These amendments were however not comprehensive enough to fully address all the challenges facing the Fisheries Sub Sector as they only focused on licences, introduction of currency points and retentions of funds.

Additionally, there are a number of challenges and emerging issues in the regulation and management of the Fisheries Sub Sector which are not addressed under the current law including; over capacity, invasion of water bodies by aquatic weeds, limited support and investments in aquaculture, institutional challenges, excessive fishing pressure; destructive fishing malpractices, growth in illicit fish trade in immature fish, increasing local fish demand and decreasing per capital fish consumption.

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There is therefore urgent need to reform the law governing the Fisheries Sub Sector to address the above identified challenges and emerging issues.

3.0 DEFECTS IN THE EXISTING LAW

The Fish Act is obsolete and cannot adequately cater for the current realities, including the changes in the fisheries structure, aquaculture development, limiting of overcapacity and ensuring community involvement in enforcement. There have also been tremendous changes in technological land scape, some of which require Regulations. There is need to amend the Act to provide for regulation of the fisheries and aquaculture along the value chain, stream line the decentralized and centralized fisheries staffing and redefine establishment of co-management structures. Fisheries management and governance are critical for a sustainable fishery and the current breakdown in the system has created a gap at grassroots level and broken down the traceability system that is critical in ensuring fish exports to prime markets. The proposed new law is intended to realign emerging issues and provide regulations necessary for the orderly development of the Fisheries Sub Sector.

3.1 REMEDIES PROPOSED TO DEAL WITH THE DEFECTS:

The Fisheries and Aquaculture Bill, 2021 seek to provide for:-

- a) the conservation, sustainable management, utilization and development of the fisheries sub sector;
- b) the integrated management of the fisheries sub sector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries; the conservation, capture, farming, rearing, processing and marketing of fish;
- c) the licencing and registration of fishing vessels and fishers;
- d) the control and regulation of all fisheries and aquaculture production activities and practices, the methods of fishing and fishing gear;
- e) the enabling environment for equitable sharing of increased benefits from a more productive fisheries sub sector;

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- f) the establishment and regulation of lake management organisations and gazetting of landing sites;
- g) fish breeding and breeding areas and to provide for the regulation of fish feeds;
- h) the control and regulation of all fisheries and aquaculture production activities and practices in an integrated manner so as to achieve conservation and sustainable economic, social and environmental benefits for the present and future generations;
- i) administration, management and coordination with local governments; and other stake holders at all levels;
- j) a sustainably financed Directorate for the management of the fisheries sub sector with clearly defined structures and linkages between the mandates of national and local governments and the private sector;
- k) the promotion of public participation in the management and conservation of fisheries resources including women and youth and other vulnerable groups;
- l) the promotion of public private partnerships in fish production, value addition and marketing;
- m) the guarantee of quality and safety of fish and fishery products, including biosafety and biosecurity;
- n) the promotion of research-based decision making and sharing of information and data; and
- o) the mechanization of fisheries, aquaculture and aquatic weed management.

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4.2 The Committee received and reviewed written submissions from the following:

- i) Masaka District Local Government
- ii) Rubirizi District Local Government
- iii) Bakenye Isaanga Development Association
- iv) Federation of Fisheries Organisations, Uganda
- v) Private Sector Foundation Uganda
- vi) Civil Society Organisation
- vii) Mr. Bwanika
- viii) Mr. Bill Martin
- ix) Uganda Human Rights Commission
- x) Equal Opportunities Commission
- xi) The Bagungu Community Association

4.3 The Committee also carried out consultative meetings in selected districts from fishing communities.

5.0 FACTS ABOUT THE FISHING SECTOR IN UGANDA

5.1 Status of Fisheries and Aquaculture Sector in Uganda

Uganda is an agricultural based economy and often referred to as the food basket in the Eastern Africa Region due to its potential for producing a variety of foods. Uganda is a land locked country but has many inland fishery resources. Most capture fisheries are based in five major lakes, namely, Victoria, Kyoga, Albert, Edward and George. The major species caught in these lakes are Nile Perch, Tilapia and Silver Fish.

Fish is a key contributor to the National GDP (3%), food security, household incomes, livelihoods of the people (2.5% of the population) and foreign exchange earnings (USD 177).

The Fisheries Sub Sector is estimated to contribute 12% to the Agricultural GDP and 2.5 % to the National GDP. There has been steady increase in fish exports

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since 1991 when the value of fish exports was \$5.3million until 2005. Fish export value however declined by 13% from \$143.6million in 2005 to only \$124.3million in 2015.

Data from Bank of Uganda indicates that in the period between January and July 2020, Uganda exported 11,402 tons of fish worth \$72.97million (UGX268bn), however, this was a decline of 46% from 17,541 tons worth \$106.53billion (UGX.392) that Uganda had exported in 2018.

The European Union remains the leading market for Uganda's fish; this has been so because Uganda managed to meet the EU quality assurance requirements.

5.2 Prospects in the Fisheries Sub Sector:

Fish has been identified as one of the 18 priority agricultural commodities to foster a sustainable Agro-Industrialization Agenda in Uganda because of its contribution to National GDP.

The Committee is however concerned that despite the enormous potential for fish production, with approximately 44,000 km² (20%) of Uganda's total surface area covered by freshwaters (lakes, rivers and swamps), the fisheries resources are currently under-exploited due to over-reliance on capture fisheries and limited investments in aquaculture. The Committee observed the need for promotion of diversified fish production systems and fish products in order to fully realise the benefits from the fisheries.

The Government of Uganda has set a target of increasing capture fisheries and aquaculture production to 1.7 million tonnes annually by 2030 as a measure of contributing to food security, nutrition and economic growth. Of this amount, an estimated 750,000 tonnes is expected to come from capture fisheries and 1,000,000 tonnes from aquaculture as per the national fisheries and aquaculture policy (MAAIF 2018). By 2018, production from capture fisheries and aquaculture stood at 447,059 tonnes and 120,000 tonnes respectively. This leaves a deficit of 302,941tonnes (capture fisheries) and 888,000 tonnes (aquaculture) of fish needed to achieve the above target.

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In order to bridge the gap in fish production, the Committee observed the need for the enhancement and strengthening of the human resource through capacity building in order to create the critical mass of fisheries and aquaculture professionals with the necessary knowledge, skills and competencies to transform the sector from subsistence to commercial enterprise.

5.3 Challenges facing the Fisheries and Aquaculture Sector:

The Committee noted that the Fisheries Sub Sector has in the recent years encountered several challenges as listed below:

- a. Decline in fish catches and fish variety especially in Lake Victoria.
- b. Use of destructive fishing gears.
- c. Harvesting of immature fish.
- d. Fishing in nursery and breeding areas.
- e. Nile Perch which feeds on other fish species leading to their extinction.
- f. Rapid increase in demand for fish leading to over fishing.
- g. Inhuman treatment by the law enforcers.
- h. Obsolete laws that cannot offer guidance as far as fisheries and aquaculture is concerned.
- i. Sand mining encroaching on breeding areas.
- j. Inadequate infrastructure for post-harvest handling.
- k. Under funding of the fish sector.
- l. Most landing sites do not meet minimum quality and safety requirements for the export market.
- m. Lack of alternative sources of livelihood for fishing communities.
- n. Inadequate hatcheries to produce quality fish seed required for stocking/restocking.
- o. Weak technological, logistical and financial resource capacity of the institutions in charge of fisheries.

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6.0 THE BILL'S COMPLIANCE WITH SDGS

Goal 14 of the Sustainable Development Goals under Agenda 2030 aims for the contribution of fisheries and aquaculture towards food security and nutrition, and the sector's use of natural resources, in a way that ensures conservation and sustainable use of marine resources for sustainable development in economic, social and environmental terms.

Agenda 2030 (SDG 12, 13, 14 and 15) sets targets for responsible consumption, production and combating the effects of climate change and sustainable management of water resources, land, terrestrial ecosystems, forests and the environment. Fish production is mostly affected by over-reliance on capture fisheries with limited investment in aquaculture. The deteriorating quality of water sources resulting from aquatic pollution coupled with challenges of enforcement of regulations, and resultant decline in fish stocks.

The Fisheries and Aquaculture Bill 2021, is therefore intended to consolidate and reform the law relating to fisheries products; provide for the conservation and sustainable management of the fisheries sub-sector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries for present and future generations. Therefore the bill complies with SDG targets that recognises sustainable management and protection of marine eco-systems for sustainable development.

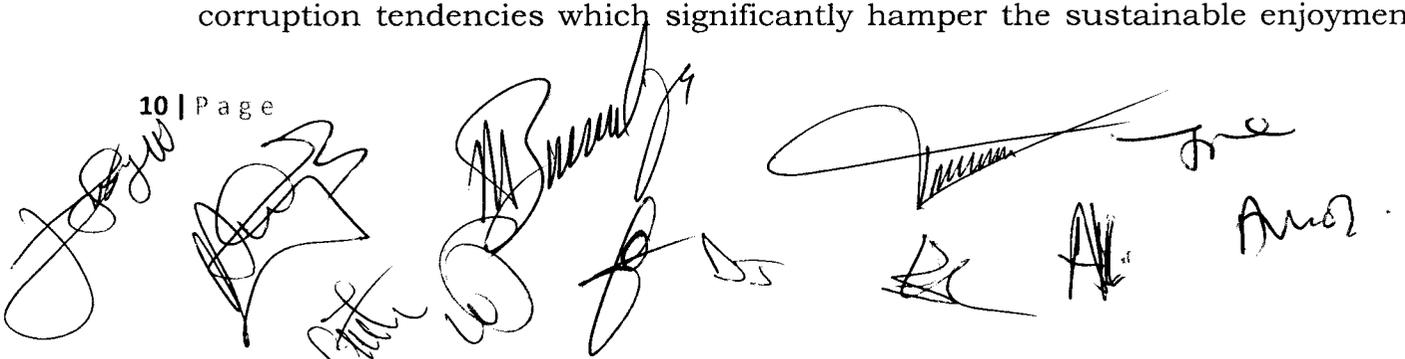


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7.0 THE BILL'S COMPLIANCE WITH HUMAN RIGHTS

The specific human rights considerations in the Bill are:

- a) Right to a clean and healthy environment;** The Bill captures key elements of the right to a clean and healthy environment by incorporating the application of Environmental Principles as prescribed in the National Environment Act, 2019. Clause 3 of the Bill provides for application of the environmental principles in relation to all aquaculture activities.
- b) Human rights principle of participation;** Clause 2(b), (c) and (d) provide for participation of all stakeholders at all levels, right up to the local governments. The Bill also provides for regulations to be formulated to provide for local fishing. The Committee believes that these regulations will go a long way in ensuring participation of the indigenous persons within fishing communities and collective benefit for their households and communities thus promoting their wellbeing.
- c) Environmental and Social Impact Assessment;** Clause 67 of the Bill provides for environmental and social impact assessment in accordance with the National Environment Act 2019. Clause 69 also requires establishment of measures to prevent and control contaminants. In addition Clause 110 makes pollution an offence heavily punishable. The penalty imposed for pollution is stringent and sufficiently deterrent. This provision will ensure that the natural resources are exploited in a sustainable manner so as to ensure enjoyment of human rights both presently and in the future.
- d) Provision on Bribery;** Clause 114 provides for the offence of bribery punishable by payment of a fine or imprisonment. This will help fight against corruption tendencies which significantly hamper the sustainable enjoyment

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of human rights and freedoms by denying certain people access to services while favouring a few.

e) Right to access to information; Clause 135 of the Bill recognizes the need for the right to access of information for all citizens. This seeks to augment Article 41 of the Constitution of the Republic of Uganda and provisions of the Access to information Act. Access to information enables citizens to enjoy their social, political and cultural rights.

f) Right to food; Clause 136 of the Bill provides for formulation of several Regulations that will facilitate the enjoyment of the rights and freedoms of all Ugandans such as, regulations for measures to protect wetlands, restocking of water bodies, performing of microbiological, chemical and physical analyses on fish and fish products, before they are released for human consumption, certifying the quality of fish and fish products through issuance of sanitary certificate before they are placed on the market. These Regulations will ensure that the right to food is adequately realized in the fisheries sub-sector.

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8.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS:

1. FISH MAWS:

Clause 96 of the Bill provides for licensing of the fish maw, processors and exporters while clause 109 provides for undersize fish. Fish Maw is a white hard membrane found inside the body of the Nile Perch, it is a by-product from Nile Perch.

During the interaction with the traders in this product, the Committee was informed that the Bill in its current form would create monopoly powers to the individuals already trading, processing and exportation of fish maw. This is because it restricts any person from dealing, processing and exportation of fish maw without a license issued by the Chief Fisheries Officer. The provision is likely to create cartels or monopolies in the sector. The Committee observed that trade in fish maws should be modified to make local communities take part in the fish maw business.

The Committee also learnt that there is no gazetted size of fish maws because it is impractical to determine the size of a body part of fish. The size of fish maw differs within mature fish, its self-depending on the portion of water source it has been fished.

The Committee further learnt that there is an import duty of 6% and export permit of 8% introduced on fish maws business in Uganda, this was causing some investors to shift to Tanzania which shares 51% of Lake Victoria and Kenya 6% of shore line thereby affecting export earnings in Uganda with 43% of Lake Victoria.

The Committee was concerned that if this is not checked and controlled, the fish maws export in Uganda will decline, local industries will close leading to

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loss of employment and export revenue will decline since most industries were already migrating to Tanzania.

The fish maw traders informed the Committee that sometimes their fish maw is confiscated on allegations of being in possession of fish maw from non-gazetted sources. They reported that the gazetted source has been misunderstood to mean only licensed processing factories yet there is fish maw bought from the open markets like in Busega, Kalerwe, Ntinda, Nakawa and other small scale traders and other places having stalls for selling Nile Perch. These traders have licenses yet their places of operation are not recognised as gazetted places.

The Committee was cognisant of the fact of the growing market of the fish maws which poses a threat to the existence of the Nile Perch due to the high demand.

The Committee recommends as follows:

- i. In making the Regulations, the Minister should ensure that there are clear provisions relating to fish maw gutting and gazetted places for purposes of buying and selling of fish maws.**
- ii. The Regulations should ensure that there are friendly licensing procedures and that local Ugandans with limited capital are able to stay in the fish maw business.**
- iii. Uganda should aim at harmonising its tax laws with other East African countries in relation to fish maws in order for it to compete favourably in the fish maw trade.**
- iv. Incentives like tax holidays and VAT exemptions for importers of fish maws should be given in order to encourage more investment in fish maws business.**

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2. ILLEGAL FISHING, UNREPORTED AND ILLEGAL GEARS:

The Committee noted that among the Objects of the Bill is provision for the licencing and registration of fishing vessels and fishers, the control and regulation of all fisheries and aquaculture production activities and practices and the methods of fishing and fishing gear. The Bill also seeks to penalise offenders.

The Committee learnt that there was a lot of unreported illegal fishing which poses serious threats to fish stocks and directly affects the economic survival of small scale fisheries. Illegal fishing has caused heavy revenue loses to the country as result of forgone licensing fees, taxes and other charges. The Committee is further concerned that the illegal vessels do not pay taxes and usurp incomes and employment prospects along the value chains.

The Committee also noted that fishing enterprise is capital intensive. All equipment used in fishing is very expensive and usually out of reach for the common fisher. This is one of the reasons illegal fishing thrives because of lack of capacity to engage in legal fishing.

The Committee learnt that most local governments did not know the actual number of fishers on the lake and relied on only reported fish stocks at the landing sites to track captured fish volumes.

The Committee was further concerned about the porous borders and black markets that perpetuate illegal fishing and importation of illegal fishing gear. The Committee was informed that immature fish is collected in Uganda waters bordering Kenya and Tanzania and smuggled into neighbouring countries and transited through Uganda to the DRC yet there is no law empowering surveillance unit to inspect transit trucks with their seals.

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The Committee recommends as follows:

- i. The Uganda Bureau of Standards and Uganda Revenue Authority should crack the whip to ensure that no illegal fishing gear is imported into the country. There should be a total ban of illegal fishing gear, and those already in the country should be confiscated and destroyed.
- ii. The importers and users of illegal fishing gear should be penalised according to Law.
- iii. Government should increase funding for fisheries and enforcement activities to boost fisheries management. In particular, Government should provide adequate financial support to enable provision of patrol boats to monitor and control illegal fishing operations. It should also install reliable communication systems on existing government surveillance boats.
- iv. Community Based Fisheries Management Committees should be strengthened to enable effective monitoring of near shore fishing activities.
- v. Inspection should be conducted on transit trucks suspected to have contraband goods either in the country or at the point of exit and culprits should be penalised according to the Law.
- vi. Government should come up with a strategy on how to give technical assistance to fishers on equipment maintenance.



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3. FISHERIES MANAGEMENT AND GOVERNANCE:

The Committee observed that before decentralisation, the Fisheries Sector in Uganda was run on the centralised model, with teams of regional and local officers policing the use of fisheries resources. The centre decided policy and drafted laws to fishing communities, but the enforcement of the decentralisation policy later weakened the fisheries governance and it has since then undergone changes in management and control.

In 2004, the Beach Management Units (BMUs) were established to co-manage the fisheries resources; with Government in partnership with other stakeholders. Local governments and resources users were more directly responsible for the resources in their areas. The BMUs Committee composition differed from area to area, and it comprised the ultimate resource users and measures and guidelines were administered to its fishers.

However, along the way there arose parallel fisheries enforcement agencies which led to the breakdown in law and order in the sector. In addition, implementation of national laws became subservient to local interests in the absence of clear roles and mandates.

During this time, the Association of Fishers and Lake Users of Uganda (AFALU) was formed. Initially it was established as an awareness platform but later turned into an enforcement agent who sought for security for their activities. After the introduction of the fish protection force of the army, the BMUs stopped operating. Therefore, following a Presidential Directive in 2015, the activities of the agriculture police; the BMUs and the other technical fisheries officers were suspended. An interim measure; Fish Landing Site Committees were put in place, but were not able to execute their mandate due to lack of police support. Eventually Government put in place the Fisheries Protection Force (FPU) consisting of Uganda People's Defence Forces Officers, to carry out



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fisheries enforcement until such a time when a concrete solution would be arrived at.

However, from its interaction with a number of stakeholders, the Committee received numerous reports of cases of gross human rights abuses by the Fisheries Protection Unit (FPU). Reports included cases of torture, destruction of boats and buildings, confiscation of fish and motor vehicles without granting fair hearing to the owners. The Committee was further informed of cases of corruption and connivance between the army and the management structures at the landing sites which led to arbitrary confiscation of fishing equipment and fish. Some of the victims reported that their fishing gear and fish are confiscated and never recovered and on some occasions the confiscated fish ended up in the market.

These allegations were however denied by the FPU. The Committee was informed that the Fisheries Protection Unit are too few with a large span of control with poor facilitation to effectively perform their enforcement duties; and this leads to the fisher folks to take advantage and carry out illegal fishing activities. The Committee further learnt that the enforcement officers did not have the requisite skills in fishing and fisheries activities and therefore could not adequately handle some of the fishing challenges.

~~A~~ The Committee noted that after the Presidential Directive, no efforts were made to legalise the FPU, its establishment is not supported by any Law and yet reports of torture continue to be reported by most fishing communities.

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The Committee recommends as follows:

- i. The personnel who will be charged with enforcement of the Law under the Fisheries Sector should be equipped with requisite knowledge in fisheries and aquaculture. Their training should be done by the Uganda Police Force since the Police is charged with preservation of law and order and to detect crime.**

- ii. The offences under the Law should be strictly tried within their respective magisterial jurisdiction.**

4. FISH LICENSES AND LEVIES:

The Committees notes that the Bill focused on centralizing all licenses making accessibility to the services very inconveniencing and extremely expensive.

Recommendation:

Some fishing licenses like movement permit, bicycle permit, motorcycles permits, among others should be decentralised to local governments to ease accessibility. This will be cost effective because districts/local governments are near the communities.

5. AQUACULTURE:

The Committee notes that Uganda has a gradually expanding aquaculture sub sector. Aquaculture has continued to grow at an estimated rate of 6% with an estimated total production of 110,000 metric tonnes from 3,000 cages and 20,000 from an estimated 13,000 fish farmers – (*The fishing industry study by the department of Research services 2020*).

However, the Committee learnt that Aquaculture Sub Sector has several challenges including absence of quality feeds and fingerlings, high cost of quality feed, private hatcheries with no government fish seed multiplication

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farms and hatcheries. Furthermore, the Committee notes that there are limited technologies to expand farmable fish species.

Committee Recommendations:

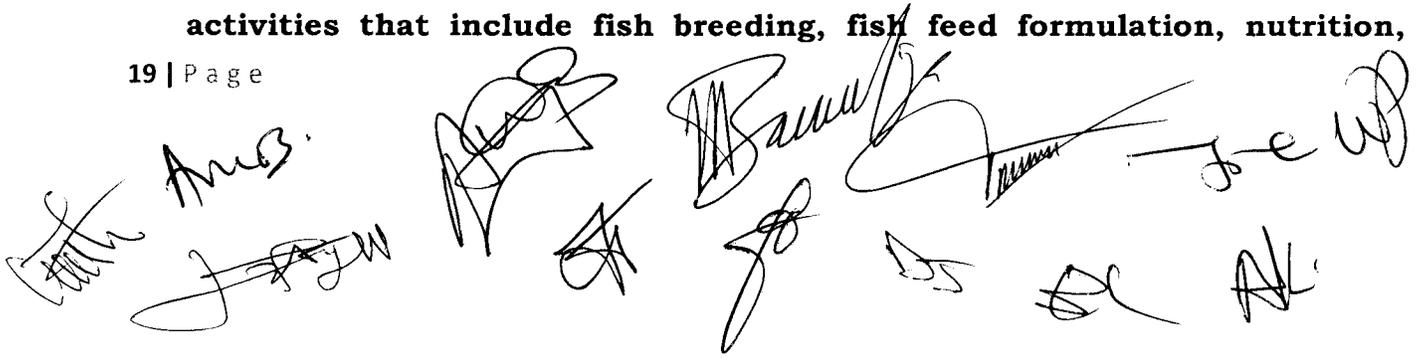
- i. Government should put in place investment incentives and ensure that there is a conducive environment to strengthen commercial aquaculture.**
- ii. Extension services should be expanded to help in capacity development because aquaculture demands knowledge, technology and a lot of skill.**
- iii. Government should ensure availability of quality inputs like feeds and fingerlings that will help to improve the quality and quantity of feeds available to fish farmers.**

6. SUPPORT TO THE FISHERIES RESEARCH INSTITUTIONS:

The Committee observes that in order to support research and innovation in all aspects of fisheries and aquaculture, there is need to support Researchers. The Committee notes that research is critical in achieving increased and sustainable fish production especially under the changing fisheries environment.

The Committee further notes that currently, the National Fisheries Resources Research Institute (NaFIRRI) is the only Institute mandated to generate and disseminate appropriate technologies, knowledge and information through conducting fisheries research and yet it is not adequately funded.

The Committee recommends Government should support promotion of research and innovation in all aspects of fisheries and aquaculture. Researchers need to be supported to research on several fisheries activities that include fish breeding, fish feed formulation, nutrition,



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disease management, improved fish processing technologies such as the solar tent dryers and high tech specialised equipment, use of ICT for data collection, marketing, monitoring and surveillance.

7. TYPES OF FISH AND NET SIZES FOR CAPTURE FISHERIES:

Clause 109 of the Bill provides for undersize fish. However, the Committee observed that there are different capture fisheries in the different Water Bodies in the country. It will therefore be very hard to differentiate immature and undersize fish because of the several different species of different sizes. Currently there are several species of fish that are being harvested and these include Nile Tilapia (Ngege), Nile Perch, Bagrus Docmark (Semutundu), Clarias Gariepinus (Emale), Proptopterus Aethiopicus (Emamba) and Nkolongo.

The Committee observed that regulation of fish size, the fish species and fishing gear are areas of great controversy and have raised a lot of concern and the Committee has received several petitions over the same. The requirements for fishing are different for different Water Bodies because the water bodies differ in size and depth. It is worth noting that many small nets intended for some water bodies find their way on Water Bodies whose minimum size is higher.

The Committee further observed that whereas there are different fish species in the different water bodies, currently, the Ministry considers only two types of fish; Nile Perch and Tilapia leaving other fish species like. The Bill therefore seeks to regulate these concerns.

Recommendation:

The Minister, in coming up with Regulations should ensure that all fish species are regulated.

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8. FUNDING OF THE FISHERIES SECTOR

The Committee noted with a lot of concern that the Agricultural Sector in Uganda remains largely underfunded. Although the Bill proposes creation of a sustainably financed Directorate for the management of the Fisheries Sub Sector, the Committee notes that there is need to have a sustainable funding to the entire fisheries and aquaculture sub sectors. Currently, fisheries are classified together with crop and animal sectors of agriculture and take the lowest portion of the sector budget.

The Committee noted that, the 5th Special Session of Lake Victoria Fisheries Organisation Council of Ministers held on 28th May 2010 approved establishment and operationalization of a Fish Levy Trust Fund (FLTF) by March 2011; urged Partner States to put in place legislations and guidelines for establishment and operationalization of the FLTF; Subsequently, the other Partner States with whom Uganda shares Lake Victoria have come up with legislations to support sustainable financing mechanisms. For example, the Kenya Fisheries Management and Development Act. No 35 of 2016 provides for a Fish Levy Trust Fund. The fish levy is contributed to by persons engaged in fishing and fisheries related activities, donations and other areas designated by the Fish Levy Trust Fund. The object of the Fund is to provide supplementary funding of activities geared towards management, development and capacity building awards and urgent mitigation to ensure sustainability of the fisheries resources. Similarly, the Tanzanian Fisheries Act 22 of 2003 provides for establishment in the office of the Director, a Fund that is termed the Fisheries Development Fund. The Fund and resources of the Fund consist of: (a) any such sum as may be appropriated by the Parliament; (b) any sum or property which may in any manner become payable into the Fund; (c) any income generated by any project financed by the Fund, due allowance being made for any necessary expenses which must be met by any such project; (d) grants, donations, bequests or such sum contributed by any private individuals, corporate bodies, foundations and international organizations, within or

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outside the country; (e) any such funds legally acquired from various sources. Uganda is yet to operationalise this requirement.

The Committee was concerned that the Fish Amendment Act, 2011 introduced the Fish Fund which the Bill is repealing without providing for an alternative.

Recommendation:

The Committee recommends that Government should ensure adequate allocation of financial resources to support all activities along the fisheries value chain.

9. INADEQUATE KNOWLEDGE ON THE STATUS OF FISH STOCKS IN WATER BODIES:

The Committee noted that though Uganda has an array of water bodies which contribute to the national fisheries sector, fish stocks data from most water bodies and swamps is largely unavailable. The Committee learnt that this is partly attributed to the inadequate funding to facilitate collection of statistics and undertaking of research which would facilitate planning for aquaculture and capture fisheries.

The Committee recommends as follows:

- i. Funding should be provided to facilitate collection of statistics of fish stocks in all water bodies. The necessary deep waters research equipment to enable proper survey should be procured.**
- ii. Public education and community management programs on fisheries resources management and utilisation should be established.**
- iii. There should be routine carrying out of fish stock surveys for all species of fish on all Water Bodies.**

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10. WET LANDS/FISH BREEDING AREAS:

The Committee noted that wetlands play crucial roles in water purification, act as breeding areas for fish and provide rufugia for threatened fish species. However, currently wetlands are facing serious encroachment and degradation thus affecting aquatic lives.

Committee Recommendations:

- i. Specific breeding areas should be identified and gazetted so that access to them is restricted. The use of marine protected areas is an efficient and effective way of achieving various fisheries and biodiversity conservation objectives in most aquatic ecosystems.**

- ii. Government should protect the water catchment areas and water quality in general that are endangered by activities such as agriculture, urbanisation and industrialisation that pollute the rivers, lakes and wetlands.**

11. DISEASE OUTBREAKS IN FISHERIES:

Clause 75 provides for notice of diseases.

The Committee noted that currently there are cases of disease outbreaks in capture fisheries. The diseases include; Epizootic ulcerative syndrome (EUS) caused by a fungus that was introduced and infected several fish species in Zambezi-Chobe basin in 2008, Tilapia Lake Virus caused by a virus that killed tilapia in Lake Kinneret, Israel and the recent mass die-off of Nile Perch in Lake Victoria linked to water conditions.

 The Bill has only two Clauses under Part VI; Regulation of Aquaculture, aimed at management of diseases in aquaculture establishment. It omits management of diseases in capture fisheries, yet wild fishes are also very



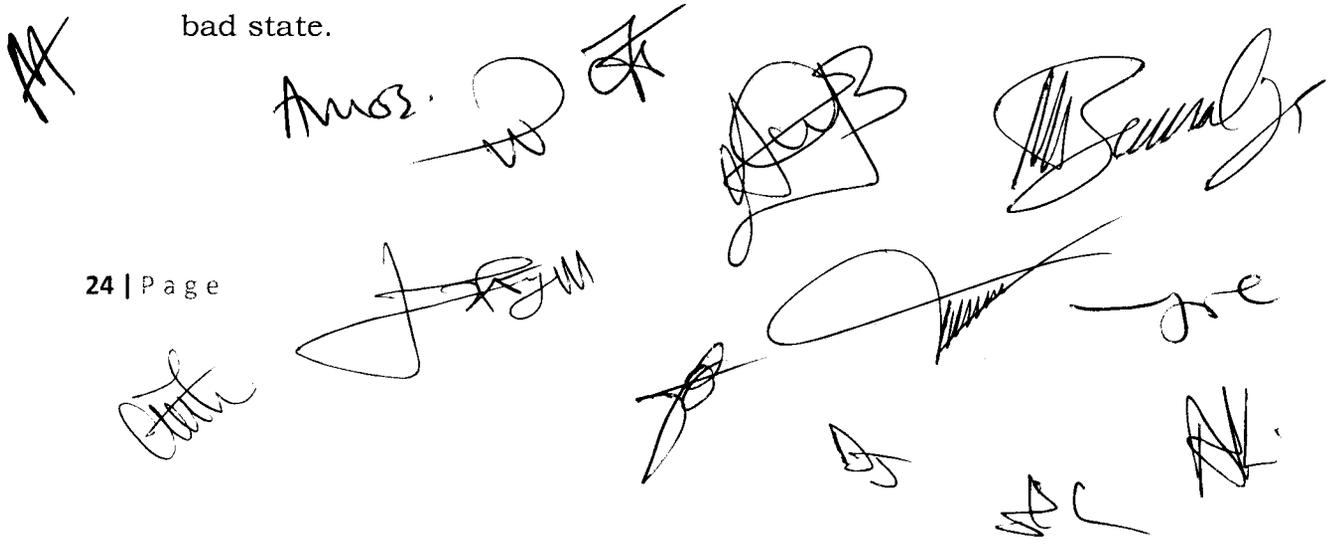
vulnerable to introduction of pathogens with very devastating social, economic and political effects.

The Committee recommends as follows:

- 1. The Chief Fisheries Officer should constitute a team to undertake the aquatic animal health activities on water bodies. The team will be responsible for developing and regularly updating the national list of aquatic animals (fish) disease-causing agents, undertake a regular monitoring and surveillance of the listed disease-causing agents, develop biosecurity and biosafety measures and support stakeholders in the implementation of the measures and monitor compliance including aquaculture establishments and fishing grounds Plan, respond and manage emerging or re-emerging of pathogens in all aquatic systems.**
- 2. Measures to control diseases should be all encompassing to include all factors affecting fish, aquatic plants or aquaculture product given the impact of any disease on the aquatic organisms and ultimately on people.**

12. LANDING SITE MANAGEMENT:

Clause 37 provides for establishment of Landing Sites throughout Uganda. The Committee was cognisant of the fact that there are very poor sanitary conditions at most landing sites. This is evidenced by poor people-to-toilet stance ratio, which implies that most people resort to unhygienic means to dispose human waste, thus posing health hazard. Landing sites also lack access to clean water and access to roads; most roads are seasonal and in bad state.



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Furthermore, the Committee learnt that there are some illegal landing sites, these are non-gazetted landing sites where fish cannot be inspected and mandatory statistics not collected.

Recommendations:

- 1. Government should ensure improvement of hygiene at landing sites by ensuring that there is provision of sanitary facilities. There should be stringent measures and penalties for noncompliance.**
- 2. Indigenous fishing communities should be considered and empowered to contribute to the use and conservation of lakes. Landing sites Authorities should be allowed to constitute village committees, this will help to empower communities (farmers and fisher folk) around the lakes and also ensure sustainable use and management of lakes within their jurisdiction. With such enforcements and regulations in place, issues like dumping and other forms of misuse of lakes will be mitigated.**

13. INFRASTRUCTURE FOR POST-HARVEST MANAGEMENT:

Part VII of the Bill provides for post-harvest management (fish safety and quality assurance). The Committee observed that fish is a highly perishable product and requires sustainable cooling systems at all harvest sites to preserve its quality. The Committee however notes that due to lack of proper facilities, there has been poor handling of harvested fish over the years which has aggravated post-harvest losses. Most landing sites do not have ice making machines because the machines are very expensive to acquire.

The Committee was informed that post-harvest losses range between 15-20percent mainly due to weather dependence and poor handling technologies. The challenge has been the high cost of cooling facilities as well as the price of ice itself. This is mainly due to limited scale of private investment in this sector.

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Post-harvest losses are exacerbated by breaks in the value chain, especially at the point of export. It was noted that although MAAIF is concerned with the fishing activities, Ministry of Trade, Industry and Cooperatives plays a major role at the point of export.

The Committee recommends as follows:

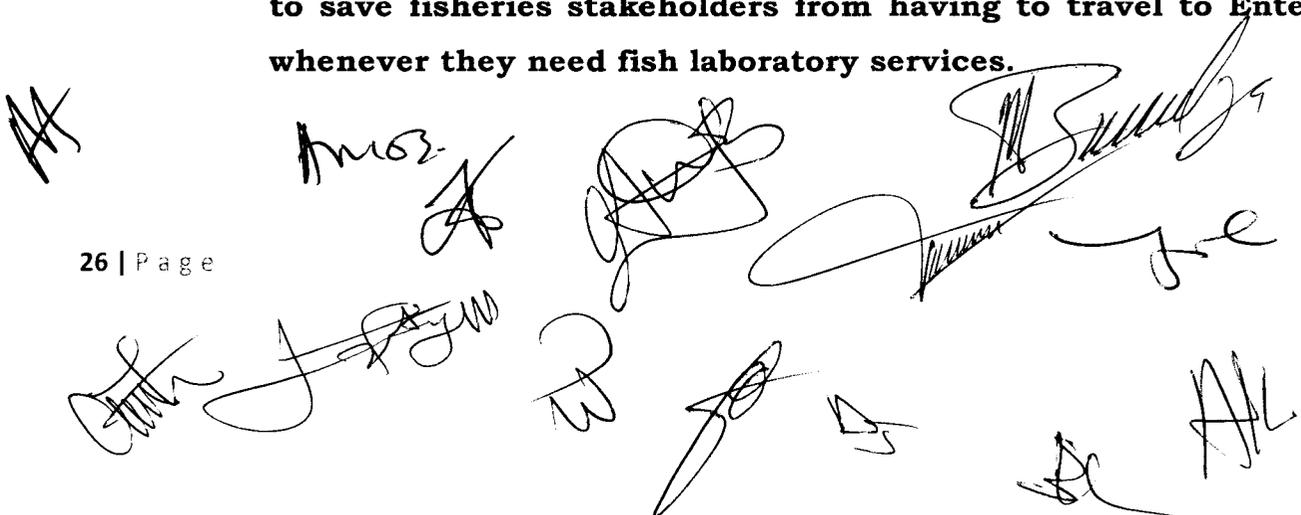
- i. Government should come up with mechanisms and interventions to support local manufacturers to invest in value addition and fish grade packaging materials to prevent contamination of fish products. Government should construct ice making machines at gazetted landing sites. It should also subsidise on the cost of cooling facilities to enable more private investment in the coolers.**
- ii. Proper facilities like drying racks, smoking kilns and fish handling slabs should be installed at landing sites to address the problem of post-harvest handling which leads to aggravated post-harvest losses.**

14. FISH LABORATORIES

The Committee was concerned that currently there is only one fish laboratory which is located in Entebbe. The laboratory is used to test for microbiology and pollutants to ensure safety and quality of the product to the consumers. The Committee wishes to report that when fish is exported and the content of the microbiology and pollutants is above the limit, the product is returned.

The Committee recommends as follows:

- i) Government should consider establishing Regional Laboratories to save fisheries stakeholders from having to travel to Entebbe whenever they need fish laboratory services.**



- ii) **The Laboratories should also be used for testing feed for fish farming, temporary fish storage and fish exhibits in a bid to ensure proper fish safety and quality assurance.**

15. OVER FISHING:

The Committee observed that there has been over fishing on the water bodies which has led to decline in fish stocks. Overfishing is partly attributed to increased population pressure combined with rapid commercialisation of the sector. Most commercial fish species have been declining over the last decade, for instance, in Amolator and Serere Districts, it was reported that there was increase in number of fishers on Lake Kyoga that had resulted in drastic decline in fish stocks. Consequently, a fishing holiday was instituted for 17 district boarding the lake for various durations ranging from six months to two years to allow for regeneration, among other reasons. The Committee notes that the Bill addresses this under clause 136.

The Committee recommends as follows:

- i. **Lakes and other water bodies should be given a break to allow the fish resources to regenerate to avoid depletion. The Committee notes that fish holidays is one of the best practices already implemented by other countries globally. The fishing holiday will give room for aquatic species to multiply and grow steadily without interruption.**

- ii. **Government should implement restrictions on fishing in closed areas.**

16. TRANS-BOUNDARY RESOURCES:

The Committee noted that many of Uganda's water bodies are shared with neighbouring countries and there is inconsistency in implementation of appropriate fisheries and aquaculture policies especially across these shared

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water bodies both within the country (Lakes Victoria and Albert) and those shared with other countries. It was reported that while Uganda enforces restrictions on fishing gear and capturing of premature fish, the measures are counterproductive because they cannot apply to Kenyans who cross over to fish indiscriminately.

Recommendations:

- i. In the spirit of Pan East Africanism there should be regional cooperative efforts of managing inter-jurisdiction/trans boundary fisheries through Regional Fisheries Bodies like the Lake Victoria Fisheries Organisation.**

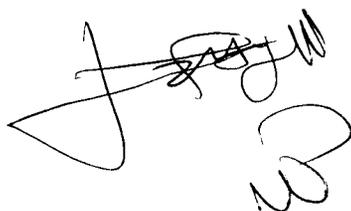
- ii. Government should ensure adherence to the Law through cooperating with Lake Management Organisations and Fisheries Management Organisations at regional, national levels, local governments and landing site Fisheries Management Committees in the management of trans-boundary resources.**

- iii. Government should negotiate and implement appropriate instruments between Fish Management Authorities of concerned countries in the region and their stakeholders. Clause 33 provides for co-operation with lake management organizations, fisheries management organizations and land site fisheries management committees in the management of trans-boundary resources.**

- iv. Trans-boundary resources are subject to international law, therefore the committees should be trained and equipped with the requisite knowledge to ensure that Uganda does not breach its obligations under International Law.**



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- v. **There should be clear definition of common Regional Principles that guide cooperative fisheries management. The responsible Bodies should formulate and distribute the principles.**

17. INSECURITY ON THE WATER BODIES:

The Committee was informed that there is a big threat posed on water bodies by armed groups/gangs from within and outside the country. The Committee learnt that armed groups of fishers from DR Congo attacked and killed some UPDF officers and some fishers on Lake Edward in 2018. The same armed groups from Congolese fishers keep making incursions into Uganda waters and hijacking Ugandan fishermen and/or their fishing gears. It was reported that the foreigners are facilitated by the local leaders who issue them with National IDs and fishing licenses. The areas mostly dominated by foreigners include Kiyindi, Katoosi, Kalabi, Buvuma, Kasaali, Lwazi, Bukakata and Dolwe. The Committee was informed that non Ugandans do not obey the laws in Uganda, they fish during prohibited hours.

Recommendations:

- i. **Government should initiate negotiations of enforceable trans-boundary protocols.**
- ii. **Government should explore anti-corruption measures including whistle-blower arrangements that can be applied at all levels of the fish sub sector.**

18. ABUSE AND TORTURE OF FISHING COMMUNITIES:

The Committee noted that several petitions regarding allegation of torture and brutality of the fishers and fishing communities by the enforcement agencies were received by the Committee on Agriculture. The torture got out of hand with people getting tortured in Malongo, Mayuge, Kalangala, Buvuma, Busia, Amolator, Namayingo Districts simply because the enforcement authorities

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found fish bones around their homes and for failure to disclose the source of the fish. The Committee condemns the inhumane treatment and punishments which is contrary to Chapter 4 of the Constitution of the Republic of Uganda.

There were numerous reports from the fishers that their fishing gear is confiscated and either burnt or taken and resold by the enforcement teams. The Committee is further concerned that there is lack of a compensation policy for wrongly destroyed equipment by the law enforcers.

The Committee observed that despite the numerous attempts to curb the torture including Committee Recommendations on the same, the abuse and torture was still ongoing.

Recommendations:

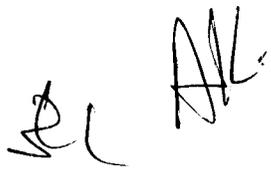
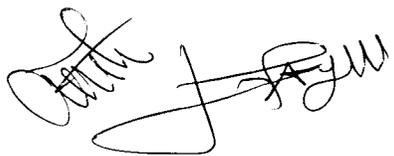
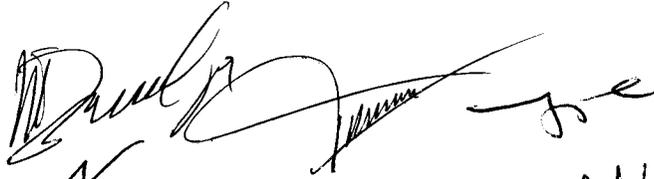
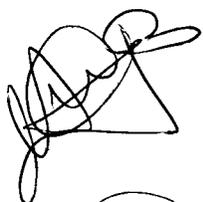
- 1. The Fisheries Monitoring, Control and Surveillance Unit should enforce compliance in according to the Law and any other written Law relating to the activities under the Act.**
- 2. The Management of fisheries, fisheries product and aquaculture should be in favour of the ordinary citizens, this will contribute to equity, quality and sustainable fishing sector.**

19. TRADITIONAL FISHING COMMUNITIES:

The Committee observes that people who derive their livelihood and existence on water bodies with no alternatives or incentives given must be considered in order to protect and preserve some cultures of fishing communities.

The Committee notes that Article 32 of the Constitution of the Republic of Uganda, states that *'the State is mandated to take affirmative action in favour of groups marginalized by inter alia, history, tradition or custom, for the purpose of redressing imbalances which exist against them'*. Therefore the Marginalised communities by reason of history should be protected. Further more, Article 36

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of the Constitution, states that ‘minorities have a right to participate in the decision making process, and their views and interests shall be taken into account in the making of national plans and programmes. (Under Article 40(2).

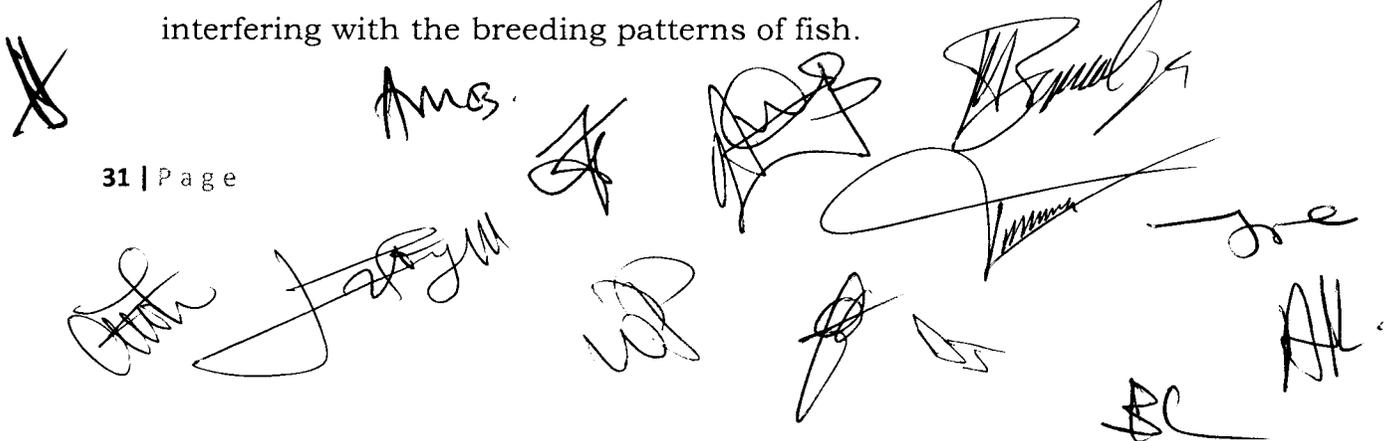
The Committee recommends as follows:

- 1. Human rights of marginalised people should be respected. The vulnerable groups should be included in lake management organisations which coordinate the planning and management of lakes.**
- 2. Fishing communities should be encouraged to come up with alternative means of earning a livelihood instead of solely depending on fishing. The alternative sources of income will enable the fishers to implement fish holiday.**

20. ENVIRONMENTAL DEGRADATION AND CLIMATE CHANGE:

The Committee noted that the Bill provides for the control and regulation of all fisheries and aquaculture production activities and practices in an integrated manner to achieve conservation and sustainable economic, social and environmental benefits for the present and future generations. To achieve this, the Committee observes that Fish Breeding and Nursery Areas should be focused on as critical areas for conservation.

Fishing areas are in sensitive environments subject to degradation. Increased settlement around water bodies has affected fish habitats and breeding grounds through eutrophication (Kolding). Coupled with the extreme climate variations, there is need for a paradigm shift that is focused on both biological aspects of fisheries and on social and environmental concerns for sustainability of the sector. In Masaka, Kampala, Wakiso and Buikwe Districts wetland degrading and sand mining in the lake were reported to be rampant and were interfering with the breeding patterns of fish.



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The Committee was further concerned about the factories, flower gardens along the shores, sand mines which are destroying water bodies and affecting aquatic lives.

The Committee recommends as follows:

- i. Government should ensure that the Fish Breeding and Nursery Areas (FBNAs) are protected by gazetting them.**
- ii. Government should ensure that the responsible Agencies protect fish habitants by stoppage of sand mining in the lakes which has greatly affected aquatic life.**
- iii. Human activities should be regulated to prevent destruction of the environment along lake shores as well as carrying out wetland restoration activities.**

21. RESURGENCE OF WATER HYACINTH AND OTHER AQUATIC WEEDS.

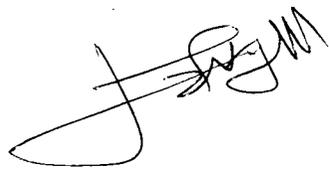
The Committee noted that when the Uganda-Egypt Aquatic Weed Control Project was phased out in 2016, the hyacinth resurged covering most landing sites on Lake Victoria. There is also a fast growing *Salvinia Molesta* (Kaliba) which forms dense mats that affect the fish and fishermen activities.

Recommendation:

The Committee recommends that the Ministry of Agriculture should come up with sustainable financing mechanisms to enable plough back of revenue from fisheries into fisheries and aquaculture management and development. Some of the funds will be used to control evasion of water bodies by weeds.

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22. ILLEGAL SETTLEMENTS ON THE SUDDS

The Committees learnt that there several illegal settlements on the Suds/floating vegetation on some water bodies. Such settlements greatly contribute to illegalities and pollution on the lakes. Furthermore, there is concern that such settlements harbour criminals with destructive fishing methods and a high risk to the lives of the fishing communities.

Recommendation:

The Committee recommends that such settlements on suddes should be taken as illegal and be criminalised by law.

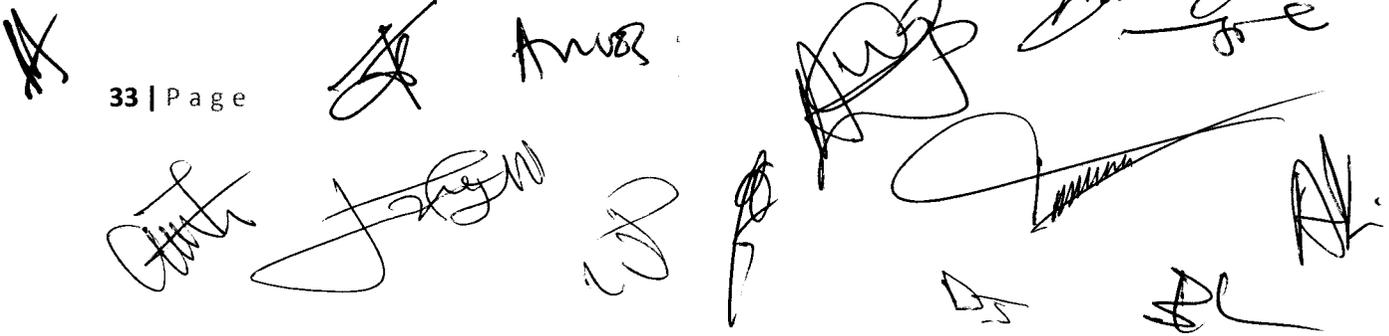
CONCLUSION:

The Fisheries Sub Sector in Uganda is a major source of food, employment and economic benefits. However, aquatic sources, although renewable, are not infinite. Fisheries needs proper management if the continued contribution to the nutritional, economic and social well-being of Uganda’s growing population is to be sustained.

The Bill therefore provides for a harmonized and progressive legal framework to enable the Fisheries and Aquaculture Sub Sector to develop and address the persistent emerging issues. The Bill provides for the conservation, sustainable management, utilisation and development of the Fisheries Sub Sector as well as conserving the environment.

Lastly, it’s the Committee’s considered opinion that efforts be put towards promotion of diversified fish production systems and fish products in order to realise the full potential of the Fisheries Sub Sector. The Provisions in the Bill aim at building a sustainable Fisheries Sub Sector which will boost incomes of those engaged in fishing and ensure more foreign currency earnings to the country.

Rt. Hon. Speaker and Hon. Members, I beg to report.



(ii) by substituting for the word "omission", the word "provision";

(b) in the definition of "**aquaculture establishment**", by inserting the words, "but does not include a personal aquarium" at the end of the provision;

(c) by deleting the definition of the phrase "**aquaculture facility**";

(d) in the definition of "**Directorate**", by substituting for the words "established by the Ministry of Public Service", the words "existing in the Ministry";

(e) by deleting the definition of the phrase "**fish processing facility**";

(f) by substituting for the definition of "**Fisheries Research Institute**", the following—

"Fisheries Research Institute" means the National Fisheries Resources Research Institute established under the National Agricultural Research Act, 2005;"

(g) in the definition of the word "**fishing**"—

(i) by inserting the word "attracting" immediately after the word "catching" ; and

(ii) by deleting the word "killing";

(h) in the definition of "**fisheries activity**"—

(i) by substituting for the words "fisheries products", the words "fish products", and thereafter wherever the words appear in the Bill;

(ii) by substituting for the word "boat", the words "fishing vessel"; and

(iii) by substituting for the words "fish storage facility", the words "fish processing establishment";

(i) by substituting for the definition of "**fishing vessel**", the for the following—

"fishing vessel" means any craft, raft or boat used for fishing, but does not include a vessel used for—

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(a) the transport of fish or aquaculture; and

(b) local fishing."

(j) in the definition of "**foreign fishing vessel**", by substituting for the word "neighbouring", the word "foreign";

(k) in the definition of "**gear**", by substituting for the word "**gear**", the words "**fishing gear**", and thereafter wherever the word appears in the Bill;

(l) by substituting for the definition of "**local fishing**", the following—

"local fishing" means fishing without a licenced fishing vessel, where fish is caught for consumption by the person engaging in the fishing;"

(m) by inserting the following new definitions in their appropriate alphabetical order:

*"**Committee**" means the Fisheries and Aquaculture Advisory Committee established under section 9;*

*"**licensing officer**" means the Chief Fisheries Officer or a District Fisheries Officer;*

*"**Ministry**" means the Ministry responsible for fisheries;"*

Justification

- The deletion of the phrase "commercial fish farming" is to avoid being repetitive given that the phrase "aquaculture farming" is all-inclusive.
- The substitution of the word "omission" with the word "provision" is to ensure clarity through the use of an appropriate phrase.
- The definition of the phrases "aquaculture establishment" and "aquaculture facility" have been merged" to avoid repetition.
- The deletion of the phrase "aquaculture facility" is a consequential amendment arising from the merging of the definition of "aquaculture facility" with the definition of "aquaculture establishment".
- The amendment proposed to the definition of "Directorate" is to ensure clarity since the Directorate of Fisheries Resources is already in existence in the Ministry of Agriculture, Animal Industry and Fisheries.

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- The phrase "fish processing facility" is not used in the Bill singly. Wherever it is used, it is used as "artisanal fish processing facility" which is also defined.
- The substitution of the phrase "Fisheries Research Institute" to achieve clarity.
- The insertion of the word "attracting" in the definition of "fishing" is to broaden the methods of fishing.
- The deletion of the word "killing" from the definition of "fishing" is to prevent the use of wrong fishing methods like the use of noxious substances which are unsafe to the aquatic environment.
- The amendment in the definition of "fisheries activity" is to achieve consistency since the phrases "fisheries product" and "fish products" are used in the Bill interchangeably.
- The proposed amendments to the definition of "fishing vessel" are to clearly exclude local fishing from the requirement of the use of licenced fishing vessels.
- Boats are commonly used fishing vessels and the use of floating objects will restrict local fishing from using floating objects since they will have to meet the requirement of licensing.
- The substitution of the word "gear" with the word "fishing gear" is to achieve consistency since the Bill uses the words "gear" and "fishing gear" interchangeably.
- The insertion of new definitions is for clarity.

CLAUSE 6: FUNCTIONS AND POWERS OF MINISTER

Clause 6 is mended—

(a) in sub-clause (1)(a), by inserting the words "in consultation with stakeholders" immediately after the word "subsector";

(b) in sub-clause (1)(c), by substituting for the words "the National Fisheries and Aquaculture Policy, 2018", the words "policies on fisheries and aquaculture".

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Justification

- To require the involvement of stakeholders during the formulation of policy and legislation.
- The amendment under sub-clause (1)(c) is to avoid being restrictive.

CLAUSE 7: FUNCTIONS OF DIRECTORATE OF FISHERIES RESOURCES

Clause 7 is amended—

(a) by deleting paragraph (b);

(b) by deleting paragraph (c);

(c) by inserting a new paragraph immediately after paragraph (c), as follows—

"monitor and inspect aquaculture establishments under this Act;"

(d) in paragraph (d), by substituting for the words "Uganda fishery waters", the words "fishing waters";

(e) in paragraph (e), by substituting for the words "control" and "public waters", the words "regulate" and "fishing waters in accordance with this Act" respectively;

(f) in paragraph (f), by deleting the words "provide education to";

(g) by deleting paragraph (g);

(h) in paragraph (i), by substituting for the words "and analyse", the words "analyse and disseminate";

(i) by deleting paragraphs (k), (o) and (p);

(j) in paragraph (t), by inserting the words "fisheries and" immediately before the word "aquaculture";

(k) by deleting paragraph (v).

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Justification

- Paragraph (b) is a duplication of the powers of the Minister under clause 6(1)(c).
- Paragraph (c) is a duplication of paragraph (a).
- The insertion of a new paragraph after paragraph (c) is as a result of transferring clause 78 which is a function of the Directorate, for better chronological flow.
- The amendment proposed under paragraph (e) is a consequential amendment arising from transferring some licensing functions to local governments.
- The words "provide education to" in paragraph (f) are redundant. The requirement for creation of public awareness is sufficient.
- Setting goals is an internal administrative strategy that does not require to be legislated upon. Paragraph (a) is sufficient.
- The amendment proposed under paragraph (i) is to require the Directorate to disseminate the data collected.
- Paragraph (k) is a repetition of paragraph (w).
- The deletion of paragraphs (o) and (p) is to avoid inconsistency with the Ratification of Treaties Act which vests the ratification of treaties in Cabinet and Parliament. According to the same Act, the instrument of ratification of a treaty is signed, sealed and deposited by the Minister responsible for foreign affairs.
- The amendment proposed to paragraph (t) is to make the provision all-inclusive to cater for both fisheries and aquaculture.
- The deletion of paragraph (v) is to avoid conflict of interest that may arise as a result of the Directorate of fisheries resources engaging in investments within the subsector it regulates.

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CLAUSE 8: CHIEF FISHERIES OFFICER

Clause 8 is amended—

(a) by substituting for sub-clause (1), the following—

“(1) The Director responsible for fisheries resources in the Ministry is designated as the Chief Fisheries Officer for purposes of this Act.”

(b) by substituting for sub-clause (2), the following—

“(2) The Chief Fisheries Officer shall be a person with qualifications and considerable experience in fisheries sciences.”

(c) in sub-clause (3), by deleting the words “including the issuance of licences, permits and any other authorisations under this Act”.

Justification

- To ensure specificity since the position of Director already exists in the Ministry.
- To ensure clarity as regards qualifications of the Chief Fisheries Officer.
- The Chief Fisheries Officer is not an advisor to Government but to the Minister on matters relating to the development and management of fisheries and aquaculture.
- The words proposed to be deleted under sub-clause (3) are redundant since the issuance of licences and permits is part of the mandate of the Directorate under clause 7(e).
- The amendment to sub-clause (3) is also a consequential amendment arising from transferring some of the licensing mandate from the Chief Fisheries Officer to the District Fisheries Officer.

CLAUSE 9: FISHERIES AND AQUACULTURE TECHNICAL COMMITTEE

Clause 9 is amended—

(a) by substituting for sub-clause (1), the following—

“(1) There is established a Fisheries and Aquaculture Advisory Committee within the Ministry.”

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(b) in sub-clause (2)—

(i) paragraph (a), by deleting the words "who shall be the chairperson".

(ii) paragraph (f), by substituting for the words "National Fisheries Research Institution", the word "Fisheries Research Institute".

(iii) by substituting for paragraph (h), the following—

"(h) one representative of fish processors;

(iv) by inserting immediately after paragraph (h), the following new paragraphs—

"one representative of aquaculture subsector;"

"two representatives of the capture fisheries subsector;"

"one representative of the Ministry responsible for transport;

"one representative of the academia with considerable experience in fisheries sciences or aquaculture research;"

(c) by inserting a new sub-clause immediately after sub-clause (2), as follows—

"The Minister shall appoint a Chairperson of the Committee from amongst members of the Committee."

(d) by substituting for sub-clause (4), the following—

"(4) A member of the Committee shall serve for a period of three years and shall be eligible for reappointment for one more term only."

Justification

- The Committee, by its composition and functions is not a technical Committee but an advisory Committee within the Ministry.
- The removal of the Chief Fisheries Officer from being the chairperson of the Committee is to avoid conflict of interest given that the Chief Fisheries Officer heads the Directorate which is responsible for overseeing the implementation of the decisions of the Committee.

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- The amendment made to paragraph (f) is to ensure consistent usage of the phrase "Fisheries Research Institute" as defined under the interpretation clause.
- The insertion of new representatives on the Committee is to enhance the role of private sector needs in fisheries and aquaculture subsector since each fisheries sub-sector possesses peculiar challenges.
- To enhance the role of private sector needs in fisheries and aquaculture planning and management.
- The inclusion of the representation of the Ministry responsible for transport is to ease collaboration in matters relating to fishing vessels and vessels or vehicles used for transportation of fish.
- The representation of the academia on the Fisheries and Aquaculture Advisory Committee is to facilitate the promotion of capacity building in fisheries and aquaculture research and innovation which is critical in the conservation and management of the fisheries resources.
- To provide for the appointment of a chairperson having removed the Chief Fisheries Officer as a chairperson of the Committee.
- The amendment proposed under sub-clause (4) is for clarity given that the tenure applies to members of the Committee and not the Committee, and two years is such a short period for the members of the Committee to learn and serve effectively.

CLAUSE 11: FUNCTIONS OF COMMITTEE

Clause 11 is amended—

(a) in sub-clause (1), by inserting the words "developed and" immediately before the word "managed"; and

(b) in sub-clause (2), by deleting the words "through the Chief Fisheries Officer";

Justification

- To ensure sustainable exploitation of fisheries resources.
- To allow the Committee report to the Minister directly since according to clause 9(5), the Committee operates under the guidance of the Minister.

NEW CLAUSE

Insert a new clause immediately after clause 12 as follows—

“Removal of member of Committee

A member of the Committee may be removed from office on the following grounds—

- (a) misconduct or misbehaviour;*
- (b) dishonesty;*
- (c) if the member is declared bankrupt;*
- (d) if the member is withdrawn by the organization or institution that he or she represents on the Committee; or*
- (e) if he or she is convicted of an offence under this Act.”*

Justification

To make provision for the removal of a member of the Committee.

CLAUSE 13: ESTABLISHMENT OF FISHERIES MONITORING, CONTROL AND SURVEILLANCE UNIT

Clause 13 is amended—

(a) in sub-clause (1), by deleting the words “to protect fish and their environment, fish products and aquatic flora and fauna against fisheries malpractices, and generally to enforce the provisions of this Act and any other applicable law”;

(b) by substituting for sub-clause (2), the following—

“(2) The Surveillance Unit shall comprise persons with qualifications in fisheries sciences, appointed by the Public Service Commission and trained by the Uganda Police Force.”

(c) in sub-clause (3), by substituting for the word “defence”, the words “internal affairs”;

(d) by inserting a new sub-clause immediately after sub-clause (3) as follows—

“Where the terms and conditions of service of an officer of the Surveillance Unit authorise him or her to possess firearms in the course of his or her duties, the officer shall, in addition to any other terms and conditions that may be imposed under this section, wear a uniform and be governed by regulations made under this section regarding—

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- (a) powers of search and arrest;
- (b) training;
- (c) discipline; and
- (d) use of firearms."

Justification

- The words proposed to be deleted under sub-clause (1) are a duplication of the functions of the Surveillance Unit under clause 14.
- The Uganda Police is best placed to conduct the training of the Surveillance Unit since it is responsible for preserving law and order, and the protection of life and property.
- The replacement of the Minister for defence with the Minister for internal affairs is a consequential amendment since the Uganda Police Force is under Ministry of internal affairs.
- The new sub-clause inserted after sub-clause (3) has been carried from clause 100(3) to ensure better chronological flow.

CLAUSE 15: POWER TO DEMAND NAME AND ADDRESS OF OFFENDER OR TO ARREST OFFENDER

Substitute for clause 15, the following—

"Power of arrest

- (1) An officer of the Surveillance Unit may, without a warrant, arrest a person who is suspected of having committed an offence under this Act.
- (2) In the exercise of his or her powers under subsection (1), the officer of the Surveillance Unit may request from the person arrested, his or her name and address."

Justification

For clarity since the power of arrest is all-inclusive.

CLAUSE 16: POWERS OF INSPECTION

Substitute for clause 16, the following—

"16. Powers of inspection and search"

- (1) The officers of the Surveillance Unit shall have powers of inspection and search which shall include the power to—

- (a) require any person to produce a licence or permit;

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- (b) inspect fishing gear, fish, fish products and similar items;
- (c) require any person to provide name and address, and produce identification;
- (d) stop any vehicle, aircraft, vessel or other means of conveyance, and enter and inspect and require production of manifests and similar documents and answers to questions relating to cargo;
- (e) inspect and search or authorise any person subordinate to him or her to inspect and search any baggage, package, vehicle, vessel, tent, premises or property belonging to or occupied by that person or to anyone in his or her employment;
- (f) require persons to produce records for inspection and copying;
- (g) seize fishing gear and other things suspected of being used in the commission of an offence under this Act;
- (h) seize fish and fish products suspected of having been reared, caught, processed, exported or imported illegally or possessed in contravention of the law, or unfit for human consumption; and
- (i) take possession of, or with a court order demolish, any structure, barrier or trap that has been erected or constructed illegally for purposes of fisheries or aquaculture activity.

(2) An officer of the Surveillance Unit may seize anything under the powers conferred on him or her by this section, whether or not the owner can be found and the officer may—

- (a) break open any hold, container or compartment;
- (b) use any data processing system found on the premises; and
- (c) reproduce any record in the form of a printout and take it.

(3) An officer of the Surveillance Unit shall provide a written receipt for any fish, fish product or goods seized by him or her under this Act.

(4) An officer of the Surveillance Unit shall exercise the powers of arrest conferred under this Act in accordance with the Criminal Procedure Code Act."

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Justification

- To merge clauses 16 and 17 to avoid repetition of similar provision.
- To ensure the use of the correct nomenclature since persons recruited to work in the Surveillance Unit are public officers.
- The demolition of any construction, barrier or trap should only be done under a court order and not on mere suspicion of commission of an offence to avoid abuse.

CLAUSE 17: POWERS TO ENTER AND SEARCH

Delete clause 17.

Justification

Clause 17 has been merged with clause 16 to avoid repetition.

CLAUSE 19: SEARCH WARRANT

Substitute for Clause 19, the following—

“(1) An officer of the Surveillance Unit shall not exercise the powers of entry and search in respect of a dwelling house without a warrant obtained from a magistrate.

(2) The search under subsection (1) shall be carried out in the presence of the area local council officials.

(3) An officer of the Surveillance Unit may, after notifying an area local authority, erect a temporary barrier on roads for the purpose of carrying out a search of a vehicle or person.”

Justification

- To achieve clarity.
- To guard against excesses of power during the implementation of entry and search.

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CLAUSE 20: AUTHORISED OFFICERS TO HAVE POWERS OF PUBLIC PROSECUTOR

Clause 20 is amended—

- (a) by substituting for the word “against”, the word “under”;
- (b) by substituting for the words “authorised officer” wherever the words appear under this clause, the words “officer of the Surveillance Unit.

Justification

- For clarity.
- To ensure consistency and specificity since the clause falls under the sub-part that deals with the Fisheries Monitoring, Control and Surveillance Unit.

CLAUSE 21: USE OF FORCE

Delete clause 21.

Justification

The provision is susceptible to abuse.

CLAUSE 22: IDENTIFICATION OF MEMBER OF SURVEILLANCE UNIT

Substitute for clause 22, the following—

“22. Identification of officers of Surveillance Unit

An officer of the Surveillance Unit shall, before exercising any powers under this Part, produce official identification showing him or her to be an officer of the Surveillance Unit”.

Justification

- To ensure that identification of officers of the Surveillance Unit to a suspect is done before exercising any powers under this Part without waiting for the suspect to demand for it.
- Paragraph (b) of clause 22 has been included under clause 16 for better chronological flow.

CLAUSE 23: MANDATE OF DIRECTORATE IN RELATION TO LOCAL GOVERNMENTS

Clause 23 is amended—

(a) by inserting the words “and aquaculture” immediately after the word “fisheries” and wherever the word appears under paragraphs (a) and (b);

(b) in paragraph (c)—

(i) by inserting the words “and aquaculture” immediately after the word ‘fisheries’ appearing in line three; and

(ii) by inserting the words “and aquaculture development” immediately after the word “resources”.

Justification

To ensure the provision addresses both fisheries and aquaculture.

CLAUSE 24: FUNCTIONS OF LOCAL GOVERNMENTS

Clause 24 is amended in paragraph (h), by substituting for the words “which shall be in consonance with the relevant Fisheries and Aquaculture Sector Strategic Plan”, the words “in accordance with this Act”.

Justification

It is a consequential amendment arising from the proposed deletion of clause 30.

CLAUSE 26: FUNCTIONS OF DISTRICT FISHERIES OFFICERS

Clause 26 is amended—

(a) in sub-clause (1), by inserting a new paragraph immediately after paragraph (b) as follows—

“issue licences and permits in accordance with this Act;”

(b) by deleting sub-clause (3).

Justification

- The insertion of a new paragraph is a consequential amendment arising from the transfer of some licensing mandate from the Chief Fisheries Officer to the District Fisheries Officer to ease accessibility to the services.

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- The existing internal disciplinary procedures within the public service are sufficient to deal with any misconduct of public officers, including the District Fisheries Officer.

CLAUSE 27: FISHERIES REGULATION AND CONTROL

Clause 27 is amended—

- (a) in sub-clause (2), by inserting the words “local governments and other relevant stakeholders” immediately after the word “agencies”; and
- (b) by deleting sub-clause (3).

Justification

- To ensure that the process of regulation and control of fisheries is highly consultative.
- The Bill already has specific provisions regulating the activities that this sub-clause seeks to prohibit.

CLAUSE 30: FISHERIES AND AQUACULTURE SECTOR STRATEGIC PLANS

Delete clause 30.

Thereafter, delete the words “Fisheries and Aquaculture Sector Strategic Plans” wherever the words appear in the Bill.

Justification

Strategic plans are developed administratively and not through a legislation.

CLAUSE 31: FISHERIES AND AQUACULTURE MANAGEMENT STRATEGY

Delete clause 31.

Thereafter, delete the words “Fisheries and Aquaculture Management Strategy” wherever the words appear in the Bill.

Justification

This is an administrative and operational function.

CLAUSE 32: PURPOSE OF FISHERIES AND AQUACULTURE MANAGEMENT STRATEGY

Delete clause 32.

Justification

It is consequential to the deletion of clause 31.

CLAUSE 33: TRANS-BOUNDARY LAKES

Clause 33 is amended by inserting the word "fisheries" immediately after the word "transboundary" appearing in line four.

Justification

To achieve consistency by aligning the provision to the definition of "transboundary fisheries resources" under clause 4.

CLAUSE 34: PREPARATION OF FISHERIES AND AQUACULTURE MANAGEMENT PLANS AND STRATEGIES

Delete Clause 34

Justification

It is consequential to the deletion of clauses 30 and 31.

CLAUSE 35: MANAGEMENT AND DEVELOPMENT OF NATURAL FISHERIES RESOURCES STOCK

Clause 35 is amended in sub-clause (2)(b), by inserting the words "in collaboration with the Fisheries Research Institute" before the word "conduct".

Justification

To ensure that research-based information is obtained, maintained and disseminated given the nature of the activities under paragraph (b).

CLAUSE 36: MANAGEMENT OF FISHING CAPACITY

Clause 36 is amended—

(a) in sub-clause (1)—

- (i) by substituting for the words "water body", the word "district"; and
- (ii) by inserting the word "resources" immediately after the word "fisheries" appearing in line three.

(b) by deleting sub-clause (2).

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Justification

- The maximum allowed fishing effort should be regulated based on each district and not water body given the unique dynamics of every district and to ensure equitable distribution of fisheries resources.
- Sub-clause (2) has been modified and placed under clause 41 to ensure that the regulation of fishing effort is done through fishing vessel licence.

CLAUSE 37: LANDING SITES

Clause 37 is amended—

(a) by substituting for sub-clause (1), the following—

“(1) The Chief Fisheries Officer shall, on the recommendation of local governments and in consultation with relevant stakeholders, establish, by notice in the Gazette, landing sites throughout Uganda.”

(b) by deleting sub-clause (3);

(c) by substituting for sub-clause (4), the following—

“(4) Activities at a landing site and on the related land, buildings and facilities shall include the smoking, salting or storage of fish, landing of fish from fishing vessels and the transportation, processing and sale of fish or fish products.”

(d) by substituting for sub-clause (7), the following—

“(7) The Chief Fisheries Officer shall issue guidelines for—

- (a) the establishment and management of landing sites; and*
- (b) closure of fishing activities at landing sites.”*

Justification

- To ensure that the establishment of landing sites by the Chief Fisheries Officer is done on the recommendation of local governments in whose area of jurisdiction the landing site is to be established.
- Sub-clause (3) is redundant given that the existing laws already empower Government to take over any land in public interest in accordance with the applicable law.

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- The substitution of sub-clause (4) is for clarity and to address the existing controversies surrounding fishing activities permitted at landing sites.
- The substitution of sub-clause (7) is to broaden the provision to include issuance of guidelines for management of landing sites, and to restrict the closure to fishing activities to enable other activities not related to fishing activities continue.

CLAUSE 38: PROHIBITION OF FISHERIES AND AQUACULTURE ACTIVITIES WITHOUT LICENCE OR PERMIT

Clause 38 is amended by deleting the words "by the Chief Fisheries Officer".

Justification

It is a consequential amendment arising from decentralizing some licensing mandate to District Fisheries Officers.

CLAUSE 39: APPLICATION FOR LICENCE OR PERMIT

Clause 39 is amended—

(a) by substituting for sub-clause (2), the following—

"(2) Subject to this Act, the licensing officer may, on application being made in the prescribed manner and on payment of the prescribed fee, issue to an applicant, a licence or permit."

(b) by inserting immediately after sub-clause (2), the following new sub-clauses—

"A licence or permit shall be issued in such form and subject to such conditions as may be prescribed by regulations."

"Where the licensing officer refuses to issue a licence, he or she shall, within thirty days from the date of the application, provide a written explanation to the applicant, giving reasons for the refusal."

"A licence shall be deemed issued where the licensing officer does not—

(a) issue a licence within the prescribe time; and

(b) provide a written explanation to the applicant giving reasons for the refusal."

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"A person who is aggrieved by the refusal of a licensing officer to issue a licence may appeal to the Minister within fourteen days from the date of communication of the refusal."

(c) by substituting for sub-clause (3), the following—

"(3) A licensing officer shall, in determining an application for a licence or permit, have regard to the purposes of this Act."

Justification

- The replacement of sub-clause (2) is a consequential amendment arising from the introduction of the phrase "licensing officer" to take care of provisions that apply to both Chief Fisheries Officer and District Fisheries Officer.
- To introduce timelines within which applications for a licence are to be determined.
- To ensure clarity, transparency and accountability in the application process.
- The substitution of sub-clause (3) is a consequential amendment arising from the division of the licensing roles between the Chief Fisheries Officer and District Fisheries Officer, and the deletion of clauses 30 and 31.

CLAUSE 40: FISHING VESSEL LICENCE

Clause 40 is amended—

(a) by substituting for sub-clause (1), the following—

"(1) A vessel shall not be used for fishing unless there is in force, in respect of that vessel, a valid fishing vessel licence issued by the Chief Fisheries Officer."

(b) in sub-clause (2), by substituting for the words "five thousand currency points" and "three years, the words "one thousand currency points" and "one year" respectively.

Justification

- To allow the Ministry of Agriculture, Animal Industry and Fisheries oversee the entire regulation of fishing vessels.
- The current penalty is too harsh and not commensurate to the prescribed offence.

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CLAUSE 41: FISHING VESSEL LICENCE CONDITIONS

Clause 41 is amended—

(a) by inserting a new sub-clause immediately after sub-clause (1) as follows—

"Notwithstanding subsection (1), the licence issued under section 40 shall specify the species, fishing gear type and size, the number of each target species based on the state of stocks and the number of crew."

(b) in sub-clause (2), by substituting for the words "three thousand currency points" and "three years, the words "one thousand currency points" and "one year" respectively.

Justification

- To prevent issuance of multiple licences and ease implementation by requiring the regulation of fishing effort through the fishing vessel licences.
- To make penalty commensurate to the prescribed offence.

CLAUSE 42: FISH TRANSPORT LICENCE

Clause 42 is amended—

(a) in sub-clause (1)(a), by substituting for the words "Vessel (Registration) Act", the words "Inland Water Transport Act, 2021";

(b) by inserting immediately after sub-clause (1), the following new sub-clauses—

"The Chief Fisheries Officer may delegate the power to issue a fish transport licence under subsection (1) to a District Fisheries Officer."

"This section does not apply to the transportation of fish or fish product for subsistence purposes."

(c) in sub-clause (2), by substituting for the words "five thousand currency points" and "three years, the words "two thousand currency points" and "two years" respectively.

Justification

- The Vessel (Registration) Act was repealed by the Inland Water Transport Act, 2021.

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- To permit the Chief Fisheries Officer delegate the power to issue fish transport licence to a District Fisheries Officer whenever necessary to ease accessibility especially the transportation of fish or fish products on motorcycles, bicycles, tricycles, among others.
- To exempt vehicles used in the transportation of fish or fish products for home consumption from the requirement of transport licence.
- The current penalty is too harsh and not commensurate to the offence.

CLAUSE 43: FISH TRADE LICENCE

Clause 43 is amended—

- (a) in the headnote, by substituting for the word "trade", the word "mongers";
- (b) in sub-clause (1), by substituting for the word "trade" appearing in line two, the word "mongers";
- (c) by inserting a new sub-clause immediately after sub-clause (1), the following—

"The Chief Fisheries Officer may delegate the power to issue a fish mongers licence under subsection (1) to a District Fisheries Officer."

- (d) by substituting for sub-clause (2), the following—

"A person who trades in fish or fish products without a fish mongers licence commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment not exceeding two years, or both."

Justification

- To replace the fish trade licences with fish mongers licence since trade licences are already provided for under the Trade (Licensing) Act.
- To provide for a fish mongers licence, the issuance of which is based on technical assessment of public health issues and hygienic conditions.
- To allow the Chief Fisheries Officer delegate the power to issue fish mongers licence to a District Fisheries Officer for ease of accessibility.
- The current fine and penalty is too harsh and not commensurate to the offence.

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CLAUSE 44: FISH STORAGE FACILITY LICENCE

Delete clause 44.

Justification

- The requirement for approval of fish processing establishments under clause 94 is sufficient given that fish processing establishments include fish storage premises.
- To avoid over-regulation through issuance of multiple licences which will make the cost of doing business expensive and ultimately stifle business growth in the fisheries sub-sector.

CLAUSE 46: FISH MOVEMENT PERMIT

Clause 46 is amended—

(a) in sub-clause (1)—

- (i) by inserting the word "fish" immediately before the word "movement"; and
- (ii) by substituting for the words "Chief Fisheries Officer", the words "District Fisheries Officer".

(b) by deleting sub-clause (2);

(c) in sub-clause (3), by inserting the words "or fish product" immediately after the word "fish" appearing in line one.

Justification

- The inclusion of the word "fish" is to ensure clarity and consistency with the entire provision.
- The substitution of the words "Chief Fisheries Officer" with "District Fisheries Officer" is to devolve the mandate of the issuance of fish movement permits to local governments to enable people easily access the permits.
- The deletion of sub-clause (2) is a consequential to the substitution of "Chief Fisheries Officer" with "District Fisheries Officer" as the issuer of the fish movement permit.
- To ensure consistency with sub-clause (1) given that a movement permit is required for both fish and fish products.

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CLAUSE 47: FISHING CONTROL PERMIT

Delete clause 47.

Justification

Licensing of fishers is not necessary since the fishing vessel licence covers the fishing effort, including the number of crew.

CLAUSE 48: RESEARCH FISHING PERMIT

Clause 48 is amended—

(a) by substituting for the headnote, the following—

“Fishing permit for research purposes”

(b) by substituting for sub-clause (1), the following—

“(1) A person shall not undertake fishing for research purposes without a valid fishing permit issued by the Chief Fisheries Officer.”

(c) in sub-clause (3), by deleting the word “research” appearing in line one;

(d) in sub-clause (4) and paragraph (a), by deleting the word “research” appearing before the word “fishing”;

(e) in sub-clause (5), by substituting for the words “research fishing”, the words “fishing for research purposes”; and

(f) in sub-clause (6), by substituting for the words “research fishing without a research fishing”, the words “fishing for research purposes without”;

Justification

- To ensure clarity by aligning the name of the fishing permit required for research purposes to achieve the intended object of the provision.
- Consequential amendments arising from aligning the name of the fishing permit required for research purposes.

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The bottom of the page contains several handwritten signatures and initials in black ink. These include a large signature that appears to be 'Amos', a signature that looks like 'J. J. M.', and several other illegible signatures and initials. A page number '24' is printed in the center of this section.

CLAUSE 49: ORNAMENTAL FISHING PERMIT

Clause 49 is amended—

(a) by inserting a new sub-clause immediately after sub-clause (1), as follows—

“The Chief Fisheries Officer may delegate the power to issue an ornamental fishing permit under subsection (1) to a District Fisheries Officer.”

(b) in sub-clause (2), by substituting for the words “one thousand currency points” and “one year”, the words “five hundred currency points” and “six months” respectively.

Justification

- To allow the Chief Fisheries Officer delegate the power to issue an ornamental fishing permit to local governments for ease of accessibility.
- To make the penalty commensurate to the offence.

CLAUSE 52: PERMITS FOR STOCKING, TRANSFER AND INTRODUCTION OF FISH AND AQUATIC PLANTS

Clause 52 is amended—

(a) in sub-clause (1)(a), by inserting the words “water body” immediately after the word “that”;

(b) in sub-clause (2), by substituting for the words “aquaculture facility” and wherever the words appear in the Bill, the words “aquaculture establishment”;

(c) in sub-clause (3)(a), by inserting the words “Fisheries Research Institute” immediately after the word “with”.

Justification

- For clarity.
- The substitution of the words “aquaculture facility” with the words “aquaculture establishment” is to avoid repetition since the phrase has been deleted under clause 4 because it is adequately covered under the interpretation of the phrase “aquaculture establishment”.
- To ensure that decisions relating to stocking, transfer and introduction of fish and aquatic plants into a water body are guided and informed by research.

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CLAUSE 53: LOCAL FISHING

Substitute for clause 53, the following—

"Local fishing shall be regulated in accordance with the Local Governments Act, subject to any restrictions imposed by the Chief Fisheries Officer as may be required to minimise threats to fisheries resources."

Justification

It is a consequential amendment arising from the deletion of clause 31.

CLAUSE 54: DURATION AND FORM OF LICENCES AND PERMITS

Clause 54 is amended in sub-clause (1), by deleting the words "and shall be in a form and subject to conditions, either generally or in respect of any particular licence, as may be prescribed by regulations".

Justification

To avoid duplication since clause 39 provides for the form and conditions for licences and permits.

NEW CLAUSE

Insert a new clause immediately after clause 54 as follows—

"Renewal of licence

(1) A person may apply for renewal of a licence issued under this Act.

(2) An application for renewal of a licence shall be made in accordance with the regulations made under this Act."

Justification

To provide for the renewal of a licence to ensure clarity.

CLAUSE 55: LICENCE OR PERMIT NOT TO BE BORROWED

Delete clause 55.

Justification

Clause 59 which prohibits transfer and assignment of licences and permits is sufficient.

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CLAUSE 56: PROCEDURE ON LOSS OF LICENCE OR PERMIT

Substitute for clause 56, the following—

"(1) Where a licence or permit issued under this Act is destroyed, defaced or lost, the licensing officer may, if satisfied as to the destruction, defacement or loss of the licence or permit, and on payment of the prescribed fee, issue to the person a certificate setting out the purpose and effect of the licence or permit, and reciting the destruction, defacement or loss.

(2) Where a person makes an application to the licensing officer for the issuance of a certificate under subsection (1), the person is permitted to carry out any activity authorised under the destroyed, defaced or lost licence or permit pending the issuance of a certificate.

(3) The certificate issued under this section shall have the same force and effect as the original licence or permit."

Justification

- The splitting of the provision is to ensure clarity.
- The substitution of "Chief Fisheries Officer" with "licensing officer" is to take care of the shared licensing role between the Chief Fisheries Officer and the District Fisheries Officer.
- To broaden the application of the provision by removing the word "accidentally" which is restrictive since there may be other circumstances leading to the destruction, defacement or loss of a licence or permit.
- The introduction of a new sub-clause (3) is to enable continuity of business while the replacement process of a licence or permit is on-going.

CLAUSE 57: POWER TO RESTRICT NUMBER OF LICENCES AND PERMITS

Clause 57 is amended by substituting for the word "particular waters or area of Uganda", the words "fishing waters".

Justification

For clarity and consistency since the phrase "fishing waters" is defined under the interpretation clause.

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CLAUSE 59: PROHIBITION OF TRANSFER OR ASSIGNMENT OF LICENCE OR PERMIT

Clause 59 is amended in sub-clause (2)—

- (a) by substituting for the words "one thousand", the words "two hundred and fifty"; and
- (b) by deleting the words "the purported".

Justification

- To make the fines commensurate to the offence.
- The deletion of the phrase "the purported" is to achieve consistency and clarity since the provision seeks to create an offence for transfer or assignment of licence or permit, and not purported transfer or assignment.

CLAUSE 61: VARIATION OF LICENCES AND PERMITS

Clause 61 is amended by substituting for the words "Chief Fisheries Officer", the words "licensing officer".

Justification

It is a consequential amendment given that this is a shared mandate by both the Chief Fisheries Officer and the District Fisheries Officer as licensing officers.

CLAUSE 62: SUSPENSION AND CANCELLATION OF LICENCES AND PERMITS

Clause 62 is amended—

(a) in sub-clause (1)—

- (i) by substituting for the words 'Chief Fisheries Officer', the words "licensing officer";
- (ii) in paragraph (c), by deleting the words "a serious or";

(b) by substituting for sub-clause (2), the following—

"(2) The licensing officer shall, before suspending or cancelling a licence or permit under subsection (1), give the licensee or permit holder fourteen days' notice requiring him or her to give reasons, if any, why his or her licence or permit should not be suspended or cancelled."

Handwritten signatures and initials are present at the bottom of the page. On the far left is a large, stylized signature. To its right is a signature that appears to read 'Amos'. Further right is a signature with the number '28' written below it. To the right of that is a signature that appears to read 'Bunby'. Below these are several other signatures and initials, including 'DS' and 'BC'.

Justification

- It is a consequential amendment given that this is a shared mandate by both the Chief Fisheries Officer and the District Fisheries Officer.
- What amounts to a serious breach is subjective and therefore prone to abuse.

CLAUSE 63: REGISTERS

Clause 63 is amended by substituting for sub-clause (2), the following—

“(2) The Chief Fisheries Officer shall, by notice in the Gazette, prescribe the manner in which the register shall be kept and maintained.”

Justification

To broaden the provision to take care of the technological advancement by accommodating other means of keeping the register like electronic means besides physical registers.

CLAUSE 64: REGULATION OF AQUACULTURE PRACTICES

Clause 64 is substituted for the following—

“The regulation of aquaculture and the approval of aquaculture establishments shall be carried out in collaboration with relevant stakeholders.”

Justification

To ensure consistency and clarity given that the regulation of aquaculture does not vest in only the Chief Fisheries Officer.

CLAUSE 65: FISH BREEDING PERMIT

Delete clause 65.

Justification

To avoid duplication and conflicting provisions since fish breeding is an aquaculture activity which is already regulated under clause 70 through issuance of licence.

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CLAUSE 66: PROVISION OF ADEQUATE MEASURES FOR CONFINEMENT

Delete the words "institution, organisation or establishment".

Justification

The use of the phrase "person" is sufficient and takes care of all the other words "institution, organisation or establishment".

CLAUSE 67: ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

Delete the words "or establishment".

Justification

The use of the phrase "person" is adequate.

CLAUSE 69: PREVENTION AND CONTROL OF CONTAMINANTS AND OTHER DISEASE-CAUSING AGENTS

Clause 69 is amended—

- (a) in sub-clause (1), by deleting the words "or establishment"; and
- (b) in sub-clause (2), by substituting for the words "All persons and establishment", the words "A person";

Justification

The use of the word "person" is adequate.

CLAUSE 70: AQUACULTURE LICENCE

Clause 70 is substituted for the following—

"70. Aquaculture activity licence

- (1) A person shall not engage in an aquaculture activity without a valid licence issued in respect of that aquaculture activity, under this Part.
- (2) An aquaculture activity licence in respect of—

- (a) cage culture or commercial land based culture shall be issued by the Chief Fisheries Officer; and
- (b) subsistence land based culture shall be issued by the District Fisheries Officer.

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- (3) An application for an aquaculture activity licence shall be made to a licensing officer in the prescribed form and shall be accompanied by the prescribed application fee.
- (4) The licensing officer shall, before determining an application under this section, ensure that consultations with stakeholders are carried out in accordance with such procedures as may be prescribed by regulations.
- (5) The procedures under subsection (4) may require the costs of, and ancillary to consultation, to be borne wholly or partly by the applicant.
- (6) The licensing officer shall not issue a licence under this section unless he or she is satisfied that—
 - (a) the applicant has the legal right to occupy any land required for the operation of the aquaculture establishment, and to use the land for that purpose;
 - (b) the applicant has the legal right to abstract or use any water required for the operation of the aquaculture establishment and to discharge any waste water or effluent from that establishment;
 - (c) the aquaculture establishment is in public interest; and
 - (d) the applicant has complied with the National Environment Act, 2019 and any other applicable written law.
- (7) The provisions relating to licensing under Part V to this Act shall apply to an aquaculture activity licence with the necessary modifications.
- (8) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding two years, or both."

Justification

- Clauses 70 and 71 have been merged to achieve clarity by providing for one licence and avoid contradictions between the two clauses.
- The proposal to have subsistence land based culture licence issued by the District Fisheries Officer is to decentralize the service since the aquaculture activity is small-scale.

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- The substitution of the phrase "aquaculture facility" with "aquaculture establishment" is a consequential amendment arising from the deletion of the phrase under clause 4.

CLAUSE 71: APPLICATION FOR AQUACULTURE ESTABLISHMENT LICENCE

Delete clause 71.

Justification

It is a consequential amendment having merged clause 71 with clause 70.

CLAUSE 72: CONDITIONS OF AQUACULTURE ESTABLISHMENT LICENCE

Clause 72 is amended—

(a) in sub-clause (1)—

(i) by inserting the word "activity" before the word licence; and

(ii) by substituting for the words "Chief Fisheries Officer, the words "licensing officer";

(b) in sub-clause (2), by substituting for the words "guidelines as may be issued", the words "the regulations as may be prescribed";

(c) by deleting sub-clause (3);

(d) in sub-clause (4)—

(i) by substituting for the word "permit", the word "activity licence";

(ii) by substituting for "five thousand currency points" and "three years", the words "two thousand five hundred currency points" and "two years" respectively.

Justification

- To ensure consistency given that the issuance of aquaculture activity licence is shared between the Chief Fisheries Officer and the District Fisheries Officer.
- The deletion of sub-clause (3) is to ensure consistency since clause 59 prohibits the transfer and assignment of all licences.

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- The substitution of the word "permit" with the words "activity licence" is to achieve consistency through the use of the appropriate title of the licence as used in the Bill.
- To make the penalty commensurate to the prescribed offence.

CLAUSE 73: ALTERATIONS TO COMMERCIAL AQUACULTURE FACILITY

Clause 73 is substituted for the following—

"73. Alterations to aquaculture establishment

An aquaculture establishment shall not be altered without the prior consent, in writing, of the licensing officer."

Justification

To broaden the application of the regulation relating to alterations to aquaculture establishments to apply to all establishments, whether for commercial or subsistence aquaculture given the risks that may be posed by either establishment to the environment.

CLAUSE 75: NOTICE OF EPIDEMIC DISEASE

Substitute for clause 75, the following—

"75. Notice of disease

(1) An owner or a person in charge of an aquaculture establishment who suspects fish, aquatic plant or aquaculture product in the aquaculture establishment to be infected with a disease shall notify an authorised officer.

(2) The authorised officer shall, as soon as practicable, notify the Chief Fisheries Officer of the disease.

(3) Where the Chief Fisheries Officer is satisfied that any fish, aquatic plants or aquaculture product in the aquaculture establishment is infected with any disease, the Chief Fisheries Officer shall, in consultation with the Commissioner responsible for animal health and the Fisheries Research Institute, give notice in writing to the owner or person in charge of the aquaculture establishment, requiring—

(a) the destruction of all fish, aquatic plants or aquaculture products in the establishment; or

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(b) the taking of such measures as the Chief Fisheries Officer may specify in the notice."

Justification

- To avoid restricting the provision to only epidemic diseases affecting fish, aquatic plants or aquaculture product given the impact of any disease on the aquatic organisms and ultimately on people.
- To ensure consistency with clause 136(2)(r) and (mm).
- To provide for the chronological flow of information relating to fish, aquatic plants or aquaculture product diseases to enhance clarity.
- To provide for the involvement of the Commissioner for animal health and NaFFIRI to ensure that the decision to destroy fish or aquatic plants in an aquaculture establishment is well-informed.

CLAUSE 76: COMPLIANCE WITH GUIDELINES AND CODES OF PRACTICE

Substitute for the word "aquatic", the word "aquaculture".

Justification

To ensure consistency

CLAUSE 77: REFUSAL TO APPROVE AQUACULTURE ESTABLISHMENT

Delete clause 77.

Justification

- Provisions relating to refusal to grant a licence by a licensing officers and the appeal to the Minister are already catered for under clause 39 and apply to all licences under the Bill.
- The requirement for the aquaculture establishment to be in public interest has been provided for under clause 70 as one of the conditions for grant of an aquaculture activity licence.

CLAUSE 78: MONITORING AND INSPECTION OF AQUACULTURE ESTABLISHMENT

Delete Clause 78

Justification

This is a function of the Directorate which has been transferred to clause 7 for proper chronological flow.

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CLAUSE 79: IMPORT OR EXPORT PERMIT FOR LIVE FISH

Clause 79 is amended—

- (a) in sub-clause (1), by inserting the words "or any other purpose" immediately after the word "aquaculture"; and
- (b) by inserting a new sub-clause immediately after sub-clause (3) as follows—

"The Chief Fisheries Officer shall, before granting an import permit, require an applicant to carry out a risk assessment study in respect of the fish to be imported."

Justification

- The importation of live fish, regardless of the purpose, poses a risk on the biosafety and biosecurity of Uganda's fisheries resources and therefore the prohibition should not be restricted to only live fish imported for purposes of aquaculture.
- To ensure well controlled imports of high quality genetics which are key to local production of highly productive seed for competitive fish farming.

CLAUSE 81: AQUACULTURE INPUTS

Clause 81 is amended—

- (a) by substituting for sub-clause (1), the following—

"(1) A person who intends to engage in production for sale and distribution or importation of aquaculture inputs including fish seed, aquaculture feeds, aquaculture fertilizers, hormones or antibiotics for aquaculture use shall apply to the Chief Fisheries Officer for certification."

- (b) in sub-clause (2), by deleting the words "or establishment";

- (c) by substituting for sub-clause (3), the following—

"(3) An application under this section shall be in a manner prescribed by regulations."

Justification

- To make the provision clear.
- The word person suffices.

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- To broaden the application of sub-clause (3) to apply to all applications under the provision.

CLAUSE 82: FISH FEEDS PERMITTED IN AQUACULTURE

Clause 82 is substituted for the following—

"A person shall not use fish feeds in an aquaculture establishment that do not contain all the nutrients in the proportions required for optimum growth of the target fish as prescribed by regulations."

Justification

For clarity

CLAUSE 83: APPROVAL OF VETERINARY PRODUCTS AND MEDICINAL PREMIXES

Clause 83 is substituted for the following—

"A person shall not use veterinary therapeutic products and medicinal premixes in fish feeds unless the veterinary therapeutic products and medicinal premixes are approved for use by the Chief Fisheries Officer, in consultation with the Commissioner responsible for animal health."

Justification

- For clarity
- The title, Chief Veterinary Officer does not exist within the established structures.

CLAUSE 84: QUALITY ASSURANCE PRINCIPLE

Clause 84 is amended in sub-clause (2), by substituting for the words "Chief Fisheries Officer", the word "Directorate".

Justification

For clarity since the competent authority is the Directorate of Fisheries Resources and not the Chief Fisheries Officer.

CLAUSE 85: RESPONSIBILITY FOR QUALITY ASSURANCE

Clause 85 is amended by substituting for the words "Every person or establishment", the words "A person".

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Justification

For clarity since the use of the word "person" is adequate.

CLAUSE 86: CONDITIONS FOR QUALITY MANAGEMENT

Clause 86 is amended—

(a) by substituting for sub-clause (2), the following—

"(2) The Chief Fisheries Officer shall prescribe—

(a) standards for hygienic and quality production of fish and fish products; and

(b) minimum standards for safety and quality assurance of fish and fish products."

(b) by inserting a new sub-clause immediately after sub-clause (3) as follows—

"The Chief Fisheries Officer shall ensure that the standards and conditions prescribed under this section are applied throughout the production, harvesting, handling, transportation, storage, processing and marketing of fish and fish products."

Justification

For clarity and to require the Chief Fisheries Officer to ensure the application of the standards and conditions prescribed under the entire provision.

CLAUSE 87: PREVENTION OF COMMERCIAL FRAUD

Clause 87 is substituted for the following—

"The Chief Fisheries Officer shall establish and maintain effective systems to detect and prevent commercial fraud of fish or fish products placed on the market in a manner prescribed by regulations."

Justification

The requirement for a sanitary mark on every batch or consignment is an impediment to trade given that fish and fish products placed on the market are processed in licensed facilities and clearly labelled according to UNBS standard for labelling of pre-packaged foods.

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CLAUSE 88: FISH MARKETING

Clause 88 is amended by inserting the words "or fish products" immediately after the word "fish".

Justification

To broaden the provision to apply to fish products as well.

CLAUSE 89: PRODUCT TRACEABILITY

Clause 89 is substituted for the following—

"The Chief Fisheries Officer and every District Fisheries Officer shall ensure that all steps in the supply chain for each batch or consignment of fish, fish products or raw material is clearly labelled and traceable to the supplier of the fish, fish products or raw material in a manner prescribed by regulations."

Justification

- For clarity.
- To remove the requirement for traceability of fish, products or raw material to customers since it is not practicable.

CLAUSE 90: EXPORT OF FISH AND FISHERY PRODUCTS

Clause 90 is amended—

(a) by substituting for sub-clause (2), the following—

"(2) A person shall not process for export or attempt to export any fish or fish product unless the fish or fish product is processed in a fish processing establishment approved in accordance with this Act."

(b) by deleting sub-clause (4).

Justification

- For clarity
- The deletion of sub-clause (4) is to avoid duplication since inspection of fish and fish products before export by fisheries inspectors is provided for under clause 93.

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CLAUSE 91: GENERAL REQUIREMENTS FOR FISH IMPORT

Clause 91 is amended—

- (a) in sub-clause (1), by deleting the words "or establishment";
- (b) in sub-clause (4), by substituting for the words "an establishment", the words "a person";
- (c) in sub-clause (5), by substituting for the words "five thousand currency points" and "three years, the words "two thousand five hundred currency points" and "two years" respectively.

Justification

- The word "person" is adequate.
- To make the penalty commensurate to the prescribed offence.

CLAUSE 92: FOOD ADDITIVES AND THERAPEUTANTS

Clause 92 is amended—

- (a) in the headnote, by deleting the words "and therapeutants";
- (b) by substituting for sub-clause (1), the following—

"(1) A person who engages in fisheries activity or aquaculture activity shall not be in possession of food additives without the approval of the Chief Fisheries Officer."
- (c) by substituting for sub-clause (2), the following—

"(2) A person shall not use permitted food additives in fish, fish products or aquaculture products, in amounts exceeding the permissible levels prescribed by regulations."
- (d) in sub-clause (3)—
 - (i) by substituting for the words "and fishery products", the words "fish products or aquaculture products";
 - (ii) by deleting the words "prescribed by the Chief Fisheries Officer";
- (e) by substituting for sub-clause (4), the following—

"(4) A person shall, where food additives are used in fish, fish products or aquaculture products, indicate in an indelible manner on the

A collection of handwritten signatures and initials in black ink, including 'Am3', 'WP', '39', 'use', 'D.S.', 'BE', and several other illegible marks.

packaging of the fish, fish products or aquaculture products, the type and name of the food additive used."

(f) by inserting a new sub-clause immediately after sub-clause (5) as follows—

"The Minister shall, in making regulations under this section, consult with the Uganda National Bureau of Standards and National Drug Authority."

Justification

- The word "therapeutants is redundant since it is only used in the headnote. The use of therapeutic products is provided for under clause 83.
- For clarity and specificity since the provision seeks to regulate the use of food additives used in fish, fish products and aquaculture products.
- The deletion of the words "prescribed by the Chief Fisheries Officer" in sub-clause (3) is to avoid contradiction with sub-clauses (2) and (5) which empower the Minister to prescribe, by regulations, permissible levels of food additives and the use of food additives in fish or fish products.
- To ensure efficacy of food additives used in fish, fish products or aquaculture products by requiring the Minister to consult with the relevant standards agencies.

CLAUSE 93: INSPECTION OF FISH AND FISHERY PRODUCTS FOR EXPORT

Clause 93 is amended in sub-clause (1), by substituting for the words "fish processing establishment", the word "person".

Justification

For clarity since the word "person" is all-encompassing.

CLAUSE 95: APPROVAL OF ARTISANAL FISH PROCESSING FACILITY

Clause 95 is amended—

- (a) in sub-clause (1), by substituting for the words "Chief Fisheries Officer", the words "District Fisheries Officer";
- (b) in sub-clause (3), by inserting the words "Notwithstanding section 63(1)" at the beginning of sub-clause (3);
- (c) by inserting a new sub-clause immediately after sub-clause (4) as follows—

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"The Chief Fisheries Officer shall prepare and publish in the Gazette, the Code of Practice for Safety and Quality Assurance in the Artisanal Fisheries Subsector."

(d) in sub-clause (5), by substituting for the words "one thousand currency points" and "one year, the words "one hundred currency points" and "six months" respectively.

Justification

- To decentralize the licensing of artisanal fish processing facility to ease accessibility to the services.
- To prevent conflict between the Chief Fisheries Officer and District Fisheries Officer given that clause 63(1) obligates the Chief Fisheries Officer to keep and maintain a register of licences, among others.
- To be specific on who to prescribe the minimum hygiene requirements and the mode that ensures public awareness about the Code of Practice for Safety and Quality Assurance.
- To make the penalty commensurate to the prescribed offence.

CLAUSE 96: LICENSING OF FISH MAW, PROCESSORS AND EXPORTERS

Clause 96 is amended—

(a) by substituting for sub-clause (3), the following—

"(3) A person licenced under subsection (1) shall—

*(a) comply with the requirements prescribed in the regulations;
and*

(b) before placing the fish maws on the market, ensure that fish maws meet the export and import requirements specified in regulations."

(b) by deleting sub-clause (4);

(c) by substituting for sub-clause (5), the following—

"The Minister shall, in consultation with relevant stakeholders, by regulations, prescribe conditions for storage and transportation of fish maws."

(d) by inserting a new clause immediately after sub-clause (5) as follows—

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"A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or to imprisonment not exceeding three years, or both."

Justification

- To ensure clarity and consistency with sub-clause (1).
- Sub-clause (4) has been merged with sub-clause (3).
- To enable the involvement of key stakeholders in the formulation of regulations for fish maws.
- To make provision for a sanction by prescribing a penalty.

CLAUSE 97: APPROVAL OF INDEPENDENT ICE PRODUCERS FOR FISH INDUSTRY

Clause 97 is substituted for the following—

"97. Approval of ice producers for fish industry

The Chief Fisheries Officer shall approve producers of ice to the fishing industry which meet the conditions prescribed in the Manual of Standard Operating Procedures for Fish and Aquaculture Inspection and Quality Assurance issued by the Chief Fisheries Officer."

Justification

- To make the requirement for approval of ice producers for fish industry mandatory.
- To ensure consistency since the approval applies to ice producers and not suppliers.

CLAUSE 99: AUTHORISED OFFICERS

Clause 99 is amended in sub-clause (2), by inserting the words "in consultation with the relevant Ministry, department or agency of government" immediately after the words "public officers".

Justification

Given that the public officers to be designated are employed by or under other Ministries, departments or agencies of government, it is prudent that those agencies are consulted before the designation is made.

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CLAUSE 100: IDENTIFICATION OF AUTHORISED OFFICERS

Delete clause 100.

Justification

It is a duplication of clauses 13(3)(c) and (d), 17 and 22, yet according to clause 99(3) these provisions apply to all authorized officers.

CLAUSE 101: SECURITY FOR RELEASE OF VEHICLES, FISHING VESSELS AND GEAR

Clause 101 is amended—

(a) by substituting for sub-clause (1), the following—

"(1) Where a vehicle, vessel or fishing gear is seized, impounded or confiscated and the owner, operator or hirer of the vehicle, vessel or fishing gear is charged with an offence under this Act, the owner, operator or hirer of the vehicle, vessel or fishing gear may apply to the court to release the vehicle, vessel or fishing gear."

(b) by substituting for sub-clause (3), the following—

"(3) Where the owner, operator or hirer of the seized, impounded or confiscated vehicle, vessel or fishing gear does not apply for the release of the vehicle, vessel or fishing gear under subsection (1), the Chief Fisheries Officer or authorised officer may apply to a magistrate—

(a) for an order for the delivery of the vehicle, vessel or fishing gear to the owner, operator or hirer; or

(b) if the owner, operator or hirer of the of the vehicle, vessel or fishing gear cannot be ascertained or found, order the vehicle, vessel or fishing gear to be sold by auction or destroyed.

(c) by inserting a new sub-clause immediately after sub-clause (3) as follows—

"Where a magistrate makes an order for the sale of vehicle, vessel or fishing gear under subsection (3), the Chief Fisheries Officer shall cause a notice of the intention to sell the vehicle, vessel or fishing gear by auction to be published in the Gazette and in at least two newspapers of national circulation."

(c) in sub-clause (4), by substituting for the word "thirty", the word "ninety";

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(d) in sub-clause (5)(b), by substituting for the words "trailer or engineering plant", the words "vessel or fishing gear";

(e) by inserting a new sub-clause immediately after sub-clause (5) as follows—

"Where, after applying the proceeds of sale under subsection (5), remains a balance from the proceeds of sale, the Chief Fisheries Officer shall pay the balance into the Consolidated Fund."

Justification

- To achieve clarity and consistency.
- To allow for due process before any sale or destruction of vehicle, vessel or fishing gear.
- To allow reasonable time before the sale of a vehicle, vessel or fishing gear.
- To cater for situations where a balance remains after distributing the proceeds of sale.

CLAUSE 102: DISPOSAL OF SEIZED FISH AND OTHER PERISHABLES

Clause 102 is amended—

(a) in sub-clause (1)—

(i) by substituting for paragraph (a), the following—

"(a) release the fish or perishable fish products on obtaining adequate security from the person from whom the fish or perishable fish products were seized;"

(ii) in paragraph (b), by inserting the word "fish" immediately after the word "perishable";

(iii) in paragraph (c), by deleting the words "or fisheries product";

(b) by substituting for sub-clause (2), the following—

"(2) Where the fish is of a species listed in Appendix 1 to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the fish shall not be disposed of by way of sale."

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Justification

- For clarity and consistency.
- The amendment to sub-clause (1)(a) is consequential having proposed to delete clause 128.
- The requirement to release the fish or perishable fish products on obtaining adequate security is sufficient.
- To achieve consistency by restricting the regulation of size of fish to only fish and not fish products.
- The amendment to sub-clause (2) is to delete the first part of the provision since sub-clause (1) covers all fish or perishable fish products under which live fish falls.

CLAUSE 103: DEALINGS WITH ARRESTED PERSONS, SEIZED VESSELS OR GEAR

Clause 103 is amended—

- (a) in sub-clause (1), by inserting the words “where practicable” immediately after the word “court”; and
- (b) by deleting sub-clauses (3), (4) and (5).

Justification

- It may not practical to produce heavy seized vessels in Court.
- The deletion of sub-clauses (3), (4) and (5) is to avoid contradiction with clause 101. The procedures for dealing with seized property under clause 101 allow due process and are therefore sufficient.

CLAUSE 104: ABANDONED VESSEL, VEHICLE, GEAR, FISH AND FISH PRODUCTS

Clause 104 is amended in sub-clause (1) by inserting the word “vehicle” immediately after the word “vessel” wherever the word appears.

Justification

For consistency since the provision covers abandoned vehicles as well.

A collection of handwritten signatures and initials in black ink, including names like 'Ana', 'John', and 'D.J.', and a circled '40'.

CLAUSE 105: GENERAL OFFENCES

Clause 105 is amended—

(a) by deleting paragraphs (b) and (c); and

(b) by substituting for the words "three thousand currency points", the words "one thousand currency points".

Justification

- The deletion of paragraph (b) is a consequential amendment arising from the deletion of clause 30.
- Paragraph (c) is a duplication of clause 111(a).
- To make the fine commensurate to the offence.

CLAUSE 106: COUNTERFEITING AND SIMILAR OFFENCES

Clause 106 is amended—

(a) by deleting paragraph (b);

(b) in paragraph (e), by inserting the words "fish or" immediately after the word "any";

(c) by substituting for the words "five thousand currency points" and "three years", the words "one thousand currency points" and "one year" respectively.

Justification

- Fraudulent issuance of licence cannot be imputed on the licensee.
- To make paragraph (e) all-inclusive.
- To make the penalty commensurate to the offence.

CLAUSE 107: FALSE STATEMENTS AND EVIDENCE OF APPLICATION

Clause 107 is amended in sub-clause (1), by substituting for the words "three thousand currency points", the words "one thousand currency points".

Justification

To make the fine commensurate to the offence.

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CLAUSE 108: PROHIBITED FISHING METHODS AND GEAR

Clause 108 is amended—

(a) by substituting for sub-clause (4), the following—

“(4) Subsections (1)(a) and (b) do not apply to the use of prohibited fishing methods or gear for purposes of research in accordance with this Act.”

(b) by deleting sub-clause (7).

Justification

- Both sub-clauses (1)(a) and (b) prohibit the use of unlawful fishing methods and fishing gear which sub-clause (4) seeks to exempt from applying to fishing permits for purposes of research.
- Sub-clause (7) is susceptible to abuse.

CLAUSE 109: UNDERSIZE FISH

Clause 109 is amended—

(a) In paragraph (a), by deleting the words “or injures”;

(b) by substituting for paragraph (b), the following—

“(b) buys, sells, exposes for sale or is in possession of any undersize fish taken from any fishing water;”

(c) by substituting for the words “ten thousand” and “seven years”, the words “one thousand” and “three years” respectively; and

(d) by numbering the current provision as sub-clause (1) and thereafter insert a new sub-clause immediately after sub-clause (1) as follows—

“(2) In addition to the penalty under subsection (1), court may order the person to make good any loss occasioned by paying an amount equivalent to the value of the undersize fish in question at the rate of permitted size, to court.”

Justification

- Injuring undersize fish through by-catch may be unavoidable.
- It is impracticable to determine the size of a body part of a fish since the size of fish body parts has no correlation with the size of fish.
- The proposed penalty is not commensurate with the offence.

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- To provide for additional penalty given the risk posed by fishing undersize fish on the fisheries resources.

CLAUSE 110: POLLUTION

Clause 110 is amended in paragraph (a), by inserting the words "hazardous" immediately before the word "substance" appearing in line six.

Justification

For clarity and specificity since the word "substance" is broad.

CLAUSE 111: OFFENCES RELATING TO AUTHORISED OFFICERS

Clause 111 is amended—

(a) in paragraph (g), by deleting the words "answer questions or";

(b) by substituting for the words "three thousand" and "two years", the words "one thousand" and "one year" respectively.

Justification

- Determination of failure to answer questions is subjective and therefore prone to abuse.
- To reduce the penalty to make it commensurate to the offence.

CLAUSE 113: PENALTY FOR VIOLATING FISH QUALITY STANDARDS

Clause 113 is amended—

(a) by substituting for paragraph (a), the following—

"(a) for supply of fish to a fish processing establishment for the export market, to a fine not exceeding two thousand currency points or imprisonment not exceeding one years, or both for a first offence and for a subsequent offence, a fine not exceeding three thousand currency points or to imprisonment not exceeding two years, or both;"

(b) in paragraph (b), by substituting for the words "two thousand" and "two years", the words "two hundred" and "six months" respectively.

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Justification

- To achieve clarity and consistency.
- To reduce the penalties prescribed under paragraphs (a) and (b) to make them commensurate to the offences.

CLAUSE 114: BRIBERY

Clause 114 is amended—

(a) in sub-clause (1), by inserting the word "authorised" immediately before the word "officer" appearing in the first line;

(b) by substituting for the words "ten thousand currency points", the words "two hundred forty currency points".

Justification

- For clarity and consistency since persons involved in the enforcement of the provisions of this Act are authorised officers.
- To harmonise the penalty with the penalty prescribed for related offence under the Anti-Corruption Act, 2009.

CLAUSE 116: REMOVING OR DEFACING SEAL

Clause 116 is amended—

(a) in paragraphs (a) and (b), by deleting the words "or fisheries inspector";

(b) by substituting for the words "two thousand" and "three years", the words "one thousand" and "one year" respectively.

Justification

- To avoid repetition given that the fisheries inspector is also an authorised officer according to the interpretation of phrase "authorised officer" proposed in the Bill.
- To reduce the penalty to make it commensurate to the offence.

Amos.

49

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CLAUSE 117: ALERTING OFFENDER

Clause 117 is amended by deleting the words "a fisheries inspector".

Justification

To avoid being repetitive since fisheries inspectors are part of authorised officers.

CLAUSE 118: CONSPIRACY TO COMMIT AN OFFENCE

Clause 118 is amended by substituting for the words "five thousand" and "five years", the words "one thousand" and "one year" respectively.

Justification

To reduce the penalty to make it commensurate to the offence.

CLAUSE 119: CONTINUING OR SUBSEQUENT OFFENCES

Clause 119 is amended by deleting sub-clause (1).

Justification

Sub-clause (1) is redundant since continuing offences are sufficiently covered under sub-clause (3).

CLAUSE 120: GENERAL PENALTY

Clause 120 is amended—

(a) in paragraph (a), by substituting for the words "five thousand", the words "one thousand";

(b) in paragraph (b), by substituting for the words "fifty thousand", the words "ten thousand".

Justification

To reduce the penalty to make it commensurate to the offence.

The bottom of the page contains several handwritten signatures and initials in black ink. On the left, there is a signature that appears to be 'Amos'. In the center, there is a signature that looks like 'Bundy'. To the right of that, there is another signature that is partially obscured. Below these, there are several other initials and signatures, including one that looks like 'J. J. M.', 'D.S.', and 'A.L.'. The number '50' is written in the center of the page, below the 'Bundy' signature.

CLAUSE 131: COOPERATION IN FISHERIES MANAGEMENT

Clause 131 is amended in sub-clause (2) by inserting the word "resources" immediately after the word "fisheries".

Justification

To ensure consistent usage of the phrase "transboundary fisheries resources" as defined under the Bill.

CLAUSE 132: RESEARCH AND TRAINING

Clause 132 is amended by inserting the words "research and training institutions" immediately before the word "relevant".

Justification

To provide for the involvement of institutions mandated to conduct research.

CLAUSE 133: INFORMATION

Clause 133 is amended in sub-clause (1) by inserting the words "relating to the licence or permit".

Justification

The information required from the applicant should be information that relates to any activity under the applicant's licence or permit. The activities under the Bill are too broad.

CLAUSE 136: REGULATIONS

Clause 136 is amended—

(a) in sub-clause (1), by inserting the words "in consultation with the relevant stakeholders" immediately after the word "may";

(b) in sub-clause (2)—

(i) by deleting paragraph (a);

(ii) in paragraph (b), by inserting the words "fishing activities at the" immediately before the word "landing";

(iii) in paragraph (m), by substituting for the words "better providing for recreational fishing", the words "sustainable management of fisheries resources";

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(iv) in paragraph (aa), by inserting the words "transportation and storage of baits" immediately after the word "fishing";

(v) in paragraph (cc), by inserting the words "and artisanal fish processing facilities" immediately after the word "establishment";

(vi) in paragraph (ll), by inserting the words "any specie of fish or" immediately after the word "any";

(vii) by inserting a new paragraph immediately after paragraph (ll) as follows—

"permitted by-catch or non-target fish species"

(c) in sub-clause (4)—

(i) in paragraph (c), by substituting for the words "ten thousand" and "seven years", the words "one thousand" and "three years" respectively;

(ii) in paragraph (d), by substituting for the words "one thousand", the words "five hundred"; and

(iii) in paragraph (e), by substituting for the words "twenty thousand", the words "two thousand".

(d) by inserting three new sub-clauses immediately after sub-clause (4) as follows—

"The Minister shall present the regulations made subsection (2)(e), (i) (u), (w), (x), (y), (z), (aa) and (bb) to Parliament for approval.

Parliament shall approve the regulations under subsection (5) within thirty days from the date of presenting the regulations.

Where Parliament does not approve the regulations within the prescribed period, the regulations shall be deemed approved."

Justification

- To allow participation of key stakeholders in the process of formulating regulation.
- Paragraph (a) defeats the spirit of the right of association which is granted by law.

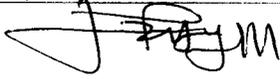
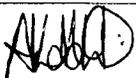
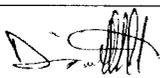
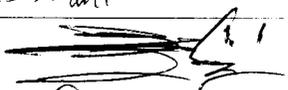
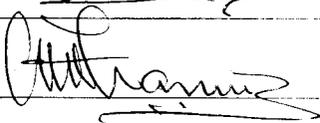
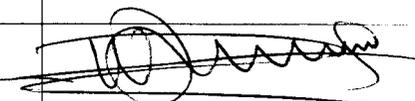
A collection of handwritten signatures and initials in black ink, including the name 'Amos' and various scribbles and initials.

- The amendment to sub-clause (2)(b) is a consequential amendment arising from the amendment made to clause 37.
- To ensure sustainable management of fisheries resources.
- To provide for the regulation of transportation and storage of baits to guarantee their safety and proper hygiene.
- To include the regulation of artisanal fish processing facilities to ensure proper hygienic conditions for safety.
- To include the regulation of undersize fish in relation to the type of fish.
- To provide for the regulation of permitted by-catch or non-target fish species given that by-catch occurs inadvertently.
- To align the range of penalties to be created under the regulations with the offences created under the Bill.
- The areas of regulation requiring Parliament approval are the most controversial areas amongst stakeholders in the fisheries subsector and should therefore be checked by Parliament.

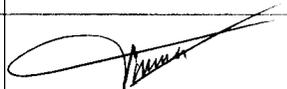
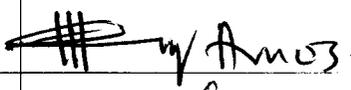
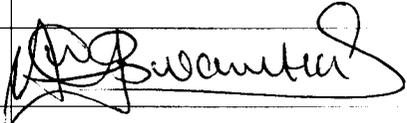
Handwritten signatures and initials are present on the page, including:

- A large stylized signature in the center.
- Initials "Amos" written below the center signature.
- A signature to the right of the center signature.
- A signature below the center signature.
- A signature to the right of the signature below the center signature.
- Initials "DJ" and "AL" at the bottom right.
- Other various initials and marks scattered across the lower half of the page.

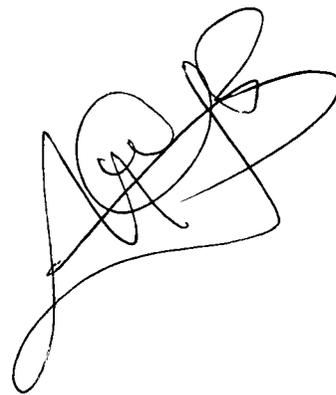
**REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, ANIMAL
INDUSTRY AND FISHERIES ON THE FISHERIES AND AQUACULTURE BILL,
2021**

NO	NAME	CONSTITUENCY	PARTY	SIGNATURE
1	Hon. Okori-Moe Janet Grace Akech	DWR Abim	NRM	
2	Hon. Dr. Atim Agnes Apea	DWR Amolatar	NRM	
3	Hon. Dr. Aber Lilian	DWR kitgum	NRM	
4	Hon. Akello Christine	Erute County North	NRM	
5	Hon. Driwaru Jennifer	DWR Maracha	NRM	
6	HON. Dr. Lokii John Baptist	Matheniko County	NRM	
7	Hon. Nyongore Enock	Nakaseke North	NRM	
8	Hon. Kamukama Davis	Bunyangabu County	NRM	
9	Hon. Kabuura Derrick Baimukye	Bushenyi- Ishaka Municipality	NRM	
10	Hon. Komol Joseph Miidi	Dodoth North County	NRM	
11	Hon. Kesande Grace Bataringaya	Bunyaruguru County	NRM	
12	Hon. Wakabi Pius	Bugahya County	NRM	
13	Hon. Magoola Rachel Miriel	DWR Bugweri	NRM	
14	Hon. Migadde Robert Ndugwa	Buvuma Islands	NRM	



15	Hon. Muhumuza David	Mwenge County North	NRM	
16	Hon. Begumisa Mary	DWR Sembabule	NRM	
17	Hon. Okumu Gabriel	Okoro County	NRM	
18	Hon. Okot John Amos	Agago North County	NRM	
19	Hon. Akora Maxwell Ebong Patrick	Maruzi County	UPC	
20	Hon. Okot Santa	DWR Aruu North County	PPP	
21	Hon. Apolot Stella Isodo	DWR Ngora	FDC	
22	Hon. Walyomu Muwanika Moses	Kagoma County	INDEPENDENT	
23	Hon. Tusiime Julius Karuhanga	Rwampara East County	INDEPENDENT	
24	Hon. Ojara Martin Mapenduza	Bardege-Layibi Division	INDEPENDENT	
25	Hon. Mukasa Julius Opondo	Bujumba County	INDEPENDENT	
26	Hon. Kayanga Baroda	Kamuli Municipality	INDEPENDENT	
27	Hon. Maj. Gen. Kavuma Sam	UPDF Representative		
28	Hon. Bwanika Abed	Kimanya Kabonera	NUP	
29	Hon. Mugabi Susan	DWR Buvuma	NUP	
30	Hon. Kyebatutika Manjeri	DWR Jinja	NUP	
31	Hon. Matovu Charles	Busiro South	NUP	

32	Hon. Ekanya Geoffrey	Tororo North County	FDC	
33	Hon. Lukwago John Paul Mpalanyi	Kyotera	DP	
34.	Hon. Anywar Ricky	Kilak County North	FDC	

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves.

AMS.