

**ACTS SUPPLEMENT**

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**Act 4**

*Public Health (Amendment) Act*

**2023**

**THE PUBLIC HEALTH (AMENDMENT) ACT, 2023**

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## **THE PUBLIC HEALTH (AMENDMENT) ACT, 2023**

**An Act to amend the Public Health Act; to provide for the repeal of obsolete provisions; to provide for the revision of the fines payable for offences committed in contravention of the Act; to provide for the repeal of the Part on venereal diseases; to provide for the repeal of references to construction and public sewers; to repeal the Venereal Diseases Act, Cap. 284 and the Immunisation Act, 2017 and for related matters.**

DATE OF ASSENT: 8th February, 2023

*Date of Commencement: 24th March, 2023*

BE IT ENACTED by Parliament as follows:

### **PART I—PRELIMINARY**

#### **1. Short title**

This Act may be cited as the Public Health (Amendment) Act, 2022.

## PART II—AMENDMENTS TO PART I OF PRINCIPAL ACT

**2. Amendment of section 1 of the Public Health Act**

The Public Health Act, in this Act referred to as the principal Act, is amended in section 1—

- (a) by repealing the definition of “basement”, “board”, “cellar”, “dairy”, “dairyperson”, “erect”, “health inspector”, “local authority”, “meat inspector”, “medical officer of health”, “offensive trade”, “public latrine” and “veterinary officer”;
- (b) in paragraph (a), by substituting for the definition of “adult”, the following—  
““adult” means a person above the age of eighteen years;”;
- (c) in paragraph (h), by substituting for the definition of “child”, the following—  
““child” means a person below the age of eighteen years;”;
- (d) in paragraph (i), by substituting for the definition of “court” or “court of competent jurisdiction”, the following—  
““court” means a court of competent jurisdiction;”;
- (e) in paragraph (ee), by substituting for the definition of “medical officer”, the following—  
““medical officer” means a medical officer in the employment of the Authority, a local government and the Government;”;
- (f) by inserting immediately after paragraph (hh), the following—  
“(hha) “Minister” means the Minister responsible for health;”;

(g) in paragraph (ii), by substituting for the definition of “municipality”, the following—  
““municipality” has the meaning assigned to it in the Local Governments Act;”;

(h) in paragraph (mm), by substituting for the definition of “parent”, the following—  
““parent” means the biological mother or father of a child and includes, a guardian, a person who has lawful custody of a child or an adult person who has parental responsibility for a child;”;

(i) by inserting immediately after paragraph (mm), the following—  
“(mma) “parental responsibility” means the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child;”;

(j) by inserting immediately after paragraph (nn), the following—  
“(nna) “pre-primary school” means an establishment set up for the purpose of providing education to children below the age of six years;

(nnb) “primary school” means an establishment set up for the purpose of providing education to children aged six years or more;”;

(k) by inserting immediately after paragraph (oo), the following—  
“(ooa) “public health” means the art and science of preventing disease, prolonging life and promoting health through the organised efforts of society;”;

(l) in paragraph (uu), by substituting for the definition of “town”, the following—  
““town” has the meaning assigned to it in the Local Governments Act;”;

(m) by inserting immediately after paragraph (vv), the following—

“(vva) “vaccination” means the process or act of administering a vaccine to a person;

(vvb) “vaccination card” means the document issued by a vaccinator to a parent of a child, showing the record of vaccination of the child;

(vvc) “vaccine” means any preparation intended to produce immunity to a disease by stimulating the production of antibodies;”;

(n) by inserting the following definition in the section, appropriately—  
“Authority” means the Kampala Capital City Authority;  
“currency point” has the meaning assigned to it in the Schedule to this Act;  
“local government” has the meaning assigned to it in the Local Governments Act.

### PART III—AMENDMENTS TO PART II OF PRINCIPAL ACT

#### **3. Repeal of section 4 of principal Act**

Section 4 of the principal Act is repealed.

**4. Amendment of section 5 of principal Act**

Section 5 of the principal Act is amended by—

- (a) numbering the provision as subsection (1);
- (b) substituting for the phrase “Every local authority”, the phrase “The Authority and every local government council”; and
- (c) inserting immediately after subsection (1), the following—

“(2) A medical officer shall immediately inform the Director General of Health Services of the outbreak of any infectious, communicable or preventable disease within the Authority or a local government, as the case may be.”

**5. Insertion of section 5A in principal Act**

The principal Act is amended by inserting immediately after section 5, the following—

**“5A. Powers and duties of medical officers in the employment of Government**

(1) A medical officer in the employment of the Government shall take all lawful, necessary and reasonably practicable measures for preventing the occurrence of, or for dealing with any outbreak or prevalence of, any infectious, communicable or preventable disease.

(2) The actions taken by the medical officer in subsection (1) are for safeguarding, promoting public health; and for the exercise of the powers and performance of the duties in respect of the public health conferred or imposed by this Act or by any other Act.

(3) Where the occurrence of, or outbreak of a disease is within the jurisdiction of a local government, the medical officer shall exercise the powers and perform the duties in subsection (1) with the authority of the Director General of Health Services.”

## 6. Substitution of section 8 of principal Act

Section 8 of the principal Act is substituted for the following—

### “8. Advisory committee of health

(1) The Minister shall, when necessary, establish a committee known as the advisory committee of health comprising the Director General of Health Services or his or her representative as the chairperson and such other members as the Minister may deem fit to appoint.

(2) The tenure of the members of the advisory committee of health shall be on an adhoc basis.

(3) The chairperson of the committee shall appoint such person as he or she may deem fit to be the secretary to the committee.

(4) The Minister may vary or terminate the membership of the committee.

(5) The Minister may make rules for the governance of the functions of the committee.”

## PART IV—AMENDMENTS TO PART III OF PRINCIPAL ACT

## 7. Amendment of section 10 of principal Act

Section 10 of the principal Act is amended in paragraph (c), by substituting for the phrase “the local government of any local authority”, the phrase “the Authority or any local government”.

**8. Amendment of section 11 of principal Act**

Section 11 of the principal Act is amended—

- (a) by substituting for subsection (1) (c), the following—
  - “(c) the duties of owners or persons in charge of letting houses, the duties of owners or persons in charge of workplaces and the duties of employers;”;
- (b) in paragraph (d), by substituting for the words “mission or missionary institution, the words “institution of higher learning”;
- (c) by repealing subsections (1) (f) and (g);
- (d) by inserting immediately after subsection (1), the following—
  - “(1a) The rules made under this section shall apply to notifiable diseases or to only the notifiable disease specified in the rules.”; and
- (e) by substituting for subsection (2), the following—
  - “(2) A person who contravenes any rule made under this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred fifty currency points or to imprisonment not exceeding twelve months, or both.”

**PART V—AMENDMENTS TO PART IV OF PRINCIPAL ACT****9. Insertion of section 11A in principal Act**

The principal Act is amended by inserting immediately before section 12, the following—

**“11A. Infectious diseases**

This Part shall apply to any disease which the Minister may, by statutory order, declare to be an infectious disease for the purposes of this Part.”

**10. Amendment of section 13 of principal Act**

Section 13 of the principal Act is amended—

- (a) in subsection (1), by substituting for the phrase “cleansing and disinfecting”, the word “decontaminating” and for the phrase “cleanse and disinfect”, the word “decontaminate”;
- (b) in subsection (2), by—
  - (i) substituting for the phrase, “two hundred shillings”, the phrase “five currency points”;
  - (ii) substituting for the phrase “a local authority”, the phrase “the Authority or local government council”; and
  - (iii) substituting for the words “cleansed and disinfected”, the word “decontaminate”; and
- (c) in subsection (3), by—
  - (i) substituting for the phrase “a local authority” and “authority”, the phrase “the Authority or local government council”; and
  - (ii) substituting for the words “cleanse and disinfect”, the word “decontaminate”.

**11. Amendment of section 14 of principal Act**

Section 14 of the principal Act is amended—

- (a) in the headnote, by substituting for the phrase “Destruction of infected building, bedding, etc”, the

phrase “Destruction of contaminated bedding, clothing or articles”; and

(b) by substituting for subsection (1), the following—

“(1) Where any beddings, clothing or any other articles are infected with an infectious disease or are exposed to infection from any infectious disease and in the opinion of the medical officer the beddings, clothing or articles have to be destroyed, the medical officer shall destroy the beddings, clothing or articles or cause the beddings, clothing or articles to be destroyed.”

## **12. Substitution of section 17 of principal Act**

Section 17 of the principal Act is substituted for the following—

### **“17. Provision of means of decontamination**

The Authority or a local government council shall provide a proper place, with all necessary apparatus and attendance, for the decontamination of bedding, clothing or other articles which have become contaminated, and shall cause any articles brought for decontamination to be dealt with free of charge.”

## **13. Substitution of section 18 of principal Act**

Section 18 of the principal Act is substituted for the following—

### **“18. Provision of conveyance for infected person or thing**

The Authority or a local government council shall provide and maintain conveyances for the carriage of persons suffering from any infectious disease or for the removal of any contaminated bedding, clothing or other articles and shall pay the expenses of carriage in such conveyance of any person so suffering to a health facility or other place of quarantine.”

**14. Substitution of section 19 of principal Act**

Section 19 of the principal Act is substituted for the following—

**“19. Removal to health facility of infected person**

Where a medical officer or a medical practitioner certifies that a person is suffering from an infectious disease, which in order to guard against its spread, can only be treated or managed in a health facility, the medical officer or medical practitioner, as the case may be, shall cause the person—

- (a) to be moved to a health facility or to any other place which, in the opinion of the medical officer or medical practitioner, is suitable for the reception of the person; and
- (b) to be confined in that health facility or place until the medical officer or medical practitioner, as the case may be, is satisfied that the person is free from infection or that the person may be discharged without being a danger to the public.”

**15. Amendment of section 20 of principal Act**

Section 20 of the principal Act is amended by substituting for the phrase “three hundred shillings”, the phrase “one hundred and fifty currency points”.

**16. Amendment of section 21 of principal Act**

Section 21 of the principal Act is amended by substituting for the phrase “four hundred shillings”, the phrase “five currency points”.

**17. Amendment of section 22 of principal Act**

Section 22 of the principal Act is amended by substituting for the phrase “one thousand shillings”, the phrase “five currency points”.

**18. Amendment of section 23 of principal Act**

Section 23 of the principal Act is amended by substituting for the phrase “one thousand shillings”, the phrase “five currency points”.

**19. Amendment of section 27 of principal Act**

Section 27 of the principal Act is amended—

- (a) by numbering the provision as subsection (1);
- (b) in paragraph (e), by substituting for the phrase “owners of land on which persons reside and of employers of labour, and of chiefs or herdsmen and others”, the phrase “heads of families, owners or persons in charge of work places and employers”;
- (c) in paragraph (f), by substituting for the phrase “cholera, human trypanosomiasis, typhoid fever, typus, plague, acute poliomyelitis, tuberculosis or any other”, the word “any”;
- (d) in paragraph (g), by repealing the phrase “by rail or otherwise”;
- (e) in paragraph (h), by substituting for the words “rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other”, the word “any”;
- (f) in paragraph (k), by substituting for the words “ankylostomiasis, schistosomiasis or any other”, the word “any”;
- (g) in paragraph (n), by repealing the phrase “except into receptacles provided for the purpose”;
- (h) in paragraph (p), by repealing the phrase “the establishment, maintenance and management of cleansing stations and the cleansing of dirty and verminous persons”;

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

“(r) the giving compulsorily of any information or the production compulsorily of any documentary or other evidence required for the purpose of tracing the source or preventing the spread of any infectious disease;”;

(j) inserting immediately after paragraph (r), the following—

“(s) the giving, compulsorily, by any person, of the telephone number, physical address and other personal details of any person where this is required for the purpose of locating that other person, for purposes of tracing the source or preventing the spread, of any infectious disease; and

(t) generally for better carrying out the provisions and attaining the objects and purposes of this Part.”; and

(k) by inserting immediately after subsection (1), the following—

“(2) The rules made under subsection (1) (h) and (k) shall be made in consultation with the Minister responsible for plant and animal health.

(3) A person who contravenes any rule made under this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred fifty currency points or to imprisonment for a period not exceeding twelve months, or both.”

## PART VI—AMENDMENTS TO PART V OF PRINCIPAL ACT

**20. Insertion of section 27A in principal Act**

The principal Act is amended by inserting immediately before section 28, the following—

**“27A. Administration of Part V**

The Government shall be responsible for the control and management of epidemics except where the Government delegates the control and management to the Authority or local government or where the Authority or local government requests and is allowed to control and manage an epidemic.”

**21. Substitution of section 28 of principal Act**

Section 28 of the principal Act is substituted for the following—

**“28. Epidemic diseases**

The provisions of this Part shall apply to any disease which the Minister may by statutory order declare to be an epidemic disease for purposes of this Part.”

**22. Amendment of section 29 of principal Act**

Section 29 of the principal Act is amended—

- (a) by numbering the provision as subsection (1);
- (b) by substituting for the phrase “described in section 28”, the phrase “declared an epidemic disease under section 28”;
- (c) in paragraph (d), by substituting for the phrase “observation camp or station”, the phrase “quarantine centre”;
- (d) in paragraphs (e) and (k), by substituting for the phrase “observation camps or stations”, the phrase “quarantine centres”;

- (e) by repealing paragraphs (r), (s) and (u); and
- (f) by inserting immediately after subsection (1), the following—

“(2) A person who contravenes a rule made under this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred fifty currency points or to imprisonment for a period not exceeding twelve months, or both.”

### **23. Substitution of section 30 of principal Act**

Section 30 of the principal Act is substituted for the following—

#### **“30. Minister may authorise Authority and local government councils to execute rules**

The Minister may request the Authority or a local government council, as may be applicable, to execute the rules made under this Part or to aid in the execution of the rules or to do and provide all such acts, matters and things as may be necessary for mitigating an infectious disease.”

### **24. Amendment of section 31 of principal Act**

Section 31 of the principal Act is amended—

- (a) in the headnote, by substituting for the words “local authority or medical officer of health”, the words “Authority or local government council”; and
- (b) by substituting for the phrase “Any local authority or medical officer of health or any person duly authorised by any local authority or medical officer of health”, the phrase “For the purposes of section 30, the Authority or a local government council or any person duly authorised by the Authority or a local government council”.

**25. Substitution of section 32 of principal Act**

Section 32 of the principal Act is substituted for the following—

**“32. Notification of sickness or mortality in animals suspected of any of the diseases notified under this Act**

(1) A person who becomes aware of any unusual sickness or mortality among any animals which are susceptible to any of the diseases notified under this Act, shall immediately report the fact to the Authority or to a local government council, as the case may be, or to any person duly authorised by the Authority or a local government council.

(2) A person who fails or neglects to report commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or to imprisonment for a period not exceeding six months, or both.”

**26. Substitution of section 33 of principal Act**

Section 33 of the principal Act is substituted for the following—

**“33. Report of notification of epidemic diseases**

The Authority and a local government council shall immediately report to the Director General of Health Services, particulars of every notification received by the Authority or local government council of every case or suspected case of any epidemic disease, or of any unusual sickness or mortality in animals made under section 32.”

**27. Repeal of sections 34 and 35 of principal Act**

Sections 34 and 35 of the principal Act are repealed.

**PART VII—AMENDMENTS TO PART VI OF PRINCIPAL ACT****28. Amendment of section 36 of principal Act**

Section 36 of the principal Act is amended—

- (a) in subsection (1)(b), by inserting immediately after the word “thing”, the phrase “and regulate the inspection, isolation, quarantine and decontamination of any animal, article or thing”; and
- (b) by substituting for subsection (2), the following—

“(2) A person who contravenes any statutory order made under this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred fifty currency points or to imprisonment for a period not exceeding twelve months, or both.”
- (c) by inserting immediately after subsection (2), the following—

“(3) Where the offence is committed by a body corporate, the body corporate shall be liable to a fine not exceeding two thousand five hundred currency points.”

## PART VIII—AMENDMENTS TO PART VII OF PRINCIPAL ACT

### **29. Amendment to title of Part VII**

The title of the Part is substituted with the word, “VACCINATION”.

### **30. Amendment of section 37 of principal Act**

Section 37 of the principal Act is amended—

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

“(a) “vaccinator” means the medical officer, and a medical practitioner and includes a person assigned by the Director General of Health Services or a medical officer, to be a vaccinator;”; and
- (b) by repealing paragraph (b).

**31. Substitution of section 38 of principal Act**

Section 38 of the principal Act is substituted for the following—

**“38. Vaccination of children**

(1) Subject to subsection (2), a parent of a child who is resident in Uganda, shall have the child vaccinated against any disease declared to be an immunisable disease by the Minister, by statutory instrument and the vaccination under this section shall be conducted at no cost.

(2) Where the vaccinator is of the opinion that a child is not in a fit state to be vaccinated, the vaccinator shall issue in respect of that child, a certificate to that effect and indicate, where applicable, the date at which the child is to be vaccinated.

(3) A vaccinator shall, immediately after the vaccination of the child mentioned in subsection (1), issue to the parent of the child, a vaccination card in the prescribed form which form shall be presented by the parent each time the child is due for vaccination.

(4) The vaccination card issued under subsection (3) shall be signed by the vaccinator every time the child is vaccinated.

(5) A parent of a child to whom a vaccination card has been issued shall keep it for at least fifteen years.”

**32. Repeal of section 39 of principal Act**

Section 39 of the principal Act is repealed.

**33. Substitution of section 40 of principal Act**

Section 40 of the principal Act is substituted for the following—

**“40. Certificate to be given to adult not fit for vaccination**

Where a vaccinator is of the opinion that any adult is not in a fit state to be vaccinated or revaccinated, the vaccinator shall

issue in respect of that adult, a certificate stating that that adult is not fit for vaccination or revaccination and where applicable, the date at which the adult is to be vaccinated or revaccinated.”

### **34. Repeal of section 41 of principal Act**

Section 41 of the principal Act is repealed.

### **35. Amendment of section 42 of principal Act**

Section 42 of the principal Act is amended by—

- (a) repealing the phrase “and has ascertained that the vaccination has been successful”; and
- (b) substituting for the phrase “in the form in the Third Schedule to this Act, or to the like effect”, the phrase “in the prescribed form”.

### **36. Repeal of section 43 of principal Act**

Section 43 of the principal Act is repealed.

### **37. Substitution of section 45 of principal Act**

Section 45 of the principal Act is substituted for the following—

#### **“45. Admission for education**

- (1) Subject to subsection (2), a head teacher or any other person responsible for admission of a child to a—

- (a) daycare centre;
- (b) pre-primary school; or
- (c) primary school,

shall not admit a child unless a vaccination card certifying that the required vaccinations were given to the child is produced to him or her by the parent or guardian of that child.

(2) Where a parent of a child produces a certificate signed by a vaccinator certifying that vaccination against any of the immunisable diseases is not advisable on medical grounds, a vaccination card shall be produced by the parent showing that the child has undergone vaccination with respect to other immunisable diseases.

(3) A person responsible for admission of a child under subsection (1) shall keep a copy of a vaccination card of every child who is admitted to daycare centre, pre-primary or primary education.”

### **38. Insertion of section 45A in principal Act**

The principal Act is amended by inserting immediately after section 45 the following—

#### **“45A. Penalties**

A person who contravenes section 38(1) or section 45 (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a period not exceeding three months or both.”

### **39. Repeal of section 46 of principal Act**

Section 46 of the principal Act is repealed.

### **40. Substitution of section 47 of principal Act**

Section 47 of the principal Act is substituted for the following—

#### **“47. Mass vaccination and revaccination**

In the event of the occurrence or threatened outbreak of any disease in the Authority or a local government or where it is necessary to conduct vaccination or revaccination in the Authority or a local government for all the residents of the Authority or a local government or for a specified category of persons—

- (a) the Minister shall by notice in the gazette, a copy of which shall be posted in a newspaper of wide circulation in the affected Authority or local government, request all persons specified in the notice, to be vaccinated or revaccinated; and
- (b) the Minister shall within seventy two hours of making the request in paragraph (a), notify the Authority or local government under whose jurisdiction the request has been made.

#### **41. Amendment of section 48 of principal Act**

Section 48 of the principal Act is amended by repealing paragraphs (d), (e) and (f).

#### **42. Insertion of sections 48A and 48B in principal Act**

The principal Act is amended by inserting immediately after section 48, the following—

##### **“48A. Conditions for vaccination or revaccination**

(1) The Minister shall not require any person to be vaccinated or revaccinated unless—

- (a) the vaccine to be administered is approved by the National Drug Authority and is safe for the health of the person required to be vaccinated or revaccinated;
- (b) Government has provided the vaccine and other related services free of charge to the person; and
- (c) Government has ensured that the person required to be vaccinated or revaccinated has access to the vaccines.

(2) The Minister shall, by statutory instrument, issue rules regarding the accessibility to and administration of vaccines for other immunisable diseases of public health interest.

**48B. Misleading information about vaccines**

(1) A person shall not make, cause to be made, or publish any misleading statement or information regarding the use or effect of any vaccine.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or imprisonment not exceeding six months, or both.”

**PART IX—SUBSTITUTION OF PART VIII OF PRINCIPAL ACT****43. Substitution of Part VIII of principal Act**

Part VIII of the principal Act is substituted for the following—

“Part VIII—NON-COMMUNICABLE DISEASES

**49. Health promotion and awareness**

(1) In the implementation of this Act, the Minister shall adopt a preventive approach to disease control.

(2) The Minister shall, by statutory instrument, make regulations to institutionalise health promotion and awareness in the public domain.

(3) Where applicable, the Government shall make financial provisions for the promotion of national health and wellness programmes.

**50. Collaboration with other entities**

In the implementation of this Act, the Minister shall have power to require any Government Ministry, department or agency or any person to institute mechanisms and implement this Act to give full effect to the prevention and control of non-communicable diseases.”

## PART X—AMENDMENTS TO PART IX OF PRINCIPAL ACT

**44. Amendment of section 55 of principal Act**

Section 55 of the principal Act is amended by substituting for the phrase “Every local authority”, the phrase “The Authority or a local government council”.

**45. Amendment of section 56 of principal Act**

Section 56 of the principal Act is amended—

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

**“56. Duty of Authority and local government councils to prevent or remedy danger to health arising from unsuitable dwellings”**

(b) by substituting for subsection (1), the following—

“(1) The Authority or a local government council shall take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the occupation of unhealthy dwellings or premises or from overcrowding or from the condition or manner of use of any factory or trade premises and to take proceedings under the law against any person causing or responsible for the continuance of such condition.”; and

(c) in subsection (2)—

(i) by substituting for the phrase “chief inspector appointed under the Factories Act”, the phrase “inspector appointed under the Occupational Safety and Health Act”; and

- (ii) by substituting for the phrase “any local authority”, the phrase “the Authority or a local government council”.

#### **46. Amendment of section 57 of principal Act**

Section 57 of the principal Act is amended—

- (a) by repealing paragraph (a);
- (b) in paragraph (b), by repealing the words “of such construction or”;
- (c) in paragraph (c), by repealing the words “or so situated or constructed”;
- (d) by substituting for paragraph (e), the following—
  - “(e) any well or other source of water supply or cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be for drinking for human beings or animals or for domestic use or for use in connection with the manufacture or preparation of any article of food intended for human or animal consumption, which is in a condition liable to render any such water injurious or dangerous to human or animal health;”;
- (e) in paragraph (j), by repealing the word “constructed”;
- (f) in paragraph (n), by inserting the words “other vermin” at the end of the paragraph;
- (g) in paragraph (o), by substituting for the phrase “medical officer of health”, the phrase “the Authority or a local government council”; and
- (h) in paragraph (p), by repealing the word “constructed”.

**47. Amendment of section 58 of principal Act**

Section 58 of the principal Act is amended by substituting for the words “he or she”, the words “the author”.

**48. Amendment of section 59 of principal Act**

Section 59 of the principal Act is amended by substituting for the words “he or she” and “him or her”, the words “the author”.

**49. Amendment of section 60 of principal Act**

Section 60 of the principal Act is amended in subsection (3), by substituting for the phrase “four hundred shillings”, the phrase “two hundred currency points”.

**50. Amendment of section 61 of principal Act**

Section 61 of the principal Act is amended in subsections (1) and (2), by substituting for the phrase “eighty shillings”, the phrase “one hundred currency points”.

**51. Repeal of section 64 of principal Act**

Section 64 of the principal Act is repealed.

**52. Amendment of section 66 of principal Act**

Section 66 of the principal Act is amended—

(a) by substituting for subsection (3), the following—

“(3) Where any person fails to comply with an order for demolition, the person commits an offence and is liable to pay the daily fine provided in section 61 (2); and the Authority or local government council, as the case may be, may apply to court for an order for demolition and the Authority or local government council may recover from the owner the expense incurred in doing so, after deducting the net proceeds of the sale of the materials which the Authority or the local government may sell by auction.”; and

- (b) by repealing subsection (5).

### **53. Repeal of section 67 of principal Act**

Section 67 of the principal Act is repealed.

### **54. Amendment of section 70 of principal Act**

Section 70 of the principal Act is amended—

- (a) by numbering the provision as subsection (1);
- (b) by repealing paragraphs (b), (e) and (h);
- (c) by substituting for paragraph (c), the following—
  - “(c) the regulation of the cleaning and painting of premises and the maintenance of the land attached to premises and the removal of refuse and waste matters from the premises;”;
- (d) in paragraph (g), by repealing the phrase “the establishment and carrying on of offensive trades”;
- (e) by substituting for paragraph (i), the following—
  - “(i) the inspection by the Authority or a local government council of any land or building within the jurisdiction of the Authority or local government council, as the case may be, with a view to ascertain whether the lands or buildings are in a state injurious or dangerous to health;”;
- (f) by substituting for paragraph (j), the following—
  - “(j) the general control of trade premises, hotels and other lodging houses, for adequate ventilation and lighting, cleaning and for the provision of adequate sanitary appliances and other requirements, necessary for the

protection of the health of the inhabitants, tenants or lodgers and the neighbouring inhabitants, as may be applicable;”; and

(g) by inserting immediately after subsection (1), the following—

“(2) The rules made under subsection (1) (g) shall be made in consultation with the Minister responsible for occupational safety and health and the Minister responsible for the environment.”

### **55. Repeal of sections 71, 72 and 73 of principal Act**

Sections 71, 72, and 73 of the principal Act are repealed.

### **PART XI—AMENDMENTS TO PART X OF PRINCIPAL ACT**

### **56. Repeal of sections 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 of principal Act**

Sections 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 and 85 of the principal Act are repealed.

### **57. Amendment of section 86 of principal Act**

Section 86 of the principal Act is amended by substituting for subsection (2), the following—

“(2) Except in cases where the Authority or a local government council is satisfied that in the case of any particular building it may properly dispense with any provision for drainage, for the purposes of subsection (1), “satisfactory provision for drainage” means that the drainage systems and appliances of the building comply with the requirements of the Building Control Act, 2013, relating to drainage and that the drainage systems of the premises discharge into cesspools or other places which the Authority or local government council approves.”

**58. Repeal of section 87 of principal Act**

Section 87 of the principal Act is repealed.

**59. Amendment of section 88 of principal Act**

Section 88 of the principal Act is amended by—

- (a) substituting for the phrases “a local authority” and “the authority”, the phrases “the Authority or a local government council”;
- (b) substituting for the words “him or her”, the words “the owner”; and
- (c) repealing the word “public”.

**60. Amendment of section 89 of principal Act**

Section 89 of the principal Act is amended—

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

“(2) Where an owner or an occupier fails to comply with the notice served under subsection (1), the owner or the occupier, as the case may be, commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”; and

- (b) by inserting immediately after subsection (2), the following—

“(3) In any proceedings under this section—

- (a) the owner, where the owner is the defendant, may question the decision to address the notice to the owner and not to the occupant, and the occupant may also question the decision, where the notice is addressed to the occupant and not the owner; and

(b) the defendant may question the reasonableness of the requirements of the Authority or the local government council, as the case may be.”

## 61. Repeal of sections 90, 91 and 92 of principal Act

Sections 90, 91 and 92 of the principal Act are repealed.

## PART XII—AMENDMENTS TO PART XI OF PRINCIPAL ACT

### 62. Amendment of section 94 of principal Act

Section 94 of the principal Act is amended in subsection (2), by substituting for the phrase “one hundred shillings”, the phrase “ten currency points”.

### 63. Amendment of section 95 of principal Act

Section 95 of the principal Act is amended by—

- (a) numbering the provision as subsection (1);
- (b) substituting for the words “him or her” and “he or she”, the words “that person”;
- (c) substituting for the phrase “a medical officer of health”, the phrase “the municipal council or town council, as the case may be”; and
- (d) inserting immediately after subsection (1), the following—

“(2) An owner or an occupier who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points and to a further fine not exceeding one currency point for each day on which the offence continues after conviction.”

**64. Amendment of section 96 of principal Act**

Section 96 of the principal Act is amended by substituting for subsection (2), the following—

“(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”

**65. Amendment of section 97 of principal Act**

Section 97 of the principal Act is amended by substituting for subsection (2), the following—

“(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”

**66. Amendment of section 98 of principal Act**

Section 98 of the principal Act is amended by substituting for the phrase “the local authority or medical officer of health”, the phrase “the Authority or local government council, as the case may be”.

**67. Repeal of sections 99 and 100 of principal Act**

Sections 99 and 100 of the principal Act are repealed.

**PART XIII—AMENDMENTS TO PART XII OF PRINCIPAL ACT****68. Amendment of section 101 of principal Act**

Section 101 of the principal Act is amended—

(a) by substituting for subsection (1), the following—

“(1) A warehouse or building used for, or to be used for, the storage of foodstuffs, for trade or public consumption, shall be constructed with materials and in a manner that renders the warehouse or building verminproof.”;

(b) in subsection (2)—

- (i) by inserting immediately after the phrase “rat invasion”, the phrase “or contamination by any agent”; and
- (ii) by substituting for the phrase “the local authority may enter upon the premises”, the phrase “the Authority or local government council, as the case may be, may seize and seal the premises or enter upon the premises”.

## 69. Amendment of section 102 of principal Act

Section 102 of the principal Act is amended in subsection (2), by inserting at the end of the subsection the following—

“and is liable, on conviction, to a fine not exceeding one hundred fifty currency points and to a further fine not exceeding fifty currency points for each day on which the offence continues after conviction.”

## PART XIV—AMENDMENTS TO PART XIII OF PRINCIPAL ACT

## 70. Amendment of section 103 of principal Act

Section 103 of the principal Act is amended by substituting for the phrase “every local authority”, the phrase “the Authority or a local government council, as the case may be”.

**71. Amendment of section 104 of principal Act**

Section 104 of the principal Act is amended in subsection (2)—

- (a) by repealing paragraphs (a), (b), (c), (d), (e), (f), (i), (k) and (o);
- (b) in paragraph (l), by inserting at the end of the paragraph, the phrase “and lodging houses”;
- (c) in paragraph (n), by substituting for the phrase “aerated water and ice manufacture”, the phrase “the manufacture, preparation, storage and transmission of any liquid and semi liquid articles of food”;
- (d) in paragraph (s), by inserting at the end of the paragraph, the phrase “and dry cleaners”; and
- (e) in paragraph (u), by inserting at the end of the paragraph, the phrase “and the licensing, regulation and inspection of mortuaries, funeral homes and services”.

**72. Substitution of section 105 of principal Act**

Section 105 is substituted for the following—

**“105. Medical officer’s powers for the protection of public health**

A medical officer may, if he or she considers it necessary for the protection of the public health—

- (a) require the medical examination of any person in any premises in which any article of food which is intended for sale is collected, kept, sold or exposed for sale, or of any person who is or has been engaged in the collection, preparation, keeping, conveyancing or distribution of any article of food; or

(b) prohibit the employment of any person in connection with the collection, preparation, storage, distribution or sale of any article of food, where that person is proved to be a carrier of an infectious disease.”

### 73. Substitution of section 106 of principal Act

Section 106 of the principal Act is substituted for the following—

#### “106. Minister may make orders

The Minister may make a statutory order closing any restaurant, market, wholesale outlet, retail outlet or butcher’s, where any article of food sold at the restaurant, market, wholesale outlet, retail outlet or butcher’s, as the case may, is believed to have conveyed or to be liable to convey any infectious disease.”

### PART XV—AMENDMENTS TO PART XIV OF PRINCIPAL ACT

### 74. Amendment of section 108 of principal Act

The principal Act is amended by—

(a) numbering the provision as subsection (1); and  
(b) inserting immediately after subsection (1), the following—

“(2) Where a cemetery is authorised under subsection (1), the Minister shall remain so authorised until the Minister prescribes otherwise.”

### 75. Amendment of section 109 of principal Act

Section 109 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “the district commissioner”, the word “Court”; and

(b) in subsection (2)—

- (i) by substituting for the words “three thousand shillings”, the words “twenty five currency points”;
- (ii) by substituting for the words “The permitting authority”, the word “Court”.

#### **76. Insertion of section 110A in principal Act**

The principal Act is amended by inserting immediately after section 110, the following—

#### **“110A. Government’s obligation in public health services**

The Government shall—

- (a) take all practical measures to ensure the provision of basic medical services to the population;
- (b) ensure that all Ugandans have access to health services;
- (c) provide health facilities and opportunities necessary to enhance the welfare of women to enable the women realise their full potential and advancement;
- (d) ensure that no child is deprived of medical treatment for any reason; and
- (e) take appropriate measures to ensure that persons with disabilities realise their full mental and physical potential.”

#### **77. Repeal of sections 111, 112 and 113 of principal Act**

Sections 111, 112 and 113 of the principal Act are repealed.

#### **PART XVI—REPEAL OF PART XV OF PRINCIPAL ACT**

#### **78. Repeal of Part XV of principal Act**

Part XV of the principal Act is repealed.

## PART XVII—AMENDMENTS TO PART XVI OF PRINCIPAL ACT

**79. Amendment of section 122 of principal Act**

Section 122 of the principal Act is amended by substituting for subsection (1), the following—

“(1) Any notice, order, consent, demand, complaint or other document which is required or authorised by or under this Act may be signed or authenticated by an officer so authorised, in writing, by the Authority or a local government, as the case may be, to sign documents of the particular kind or the particular document, as the case may be.”

**80. Amendment of section 123 of principal Act**

Section 123 of the principal Act is amended—

- (a) by substituting for the phrase “it may also be served by post in a registered letter”, the phrase “and where efforts to effect service using these means fails, notice may be served by publication of the notice in a newspaper of wide circulation in Uganda or using the electronic address of the person to be served”; and
- (b) by substituting for the phrase “put in the post”, the word “served”.

**81. Repeal of section 124 of principal Act**

Section 124 of the principal Act is repealed.

**82. Amendment of section 126 of principal Act**

Section 126 of the principal Act is amended—

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

“(1) Any person with powers of entry and inspection of premises under this Act and a person authorised, in writing, by a person with powers of entry and inspection,

may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorised by this Act, if the inspection, work or thing is necessary for or incidental to the performance of his or her duties or the exercise of his or her powers.”; and

(b) by inserting at the end of subsection (2), the following—  
“and is liable, on conviction, to a fine not exceeding one hundred fifty currency points.”

### **83. Insertion of section 126A in principal Act**

The principal Act is amended by inserting immediately after section 126, the following—

#### **“126A. Closure of premises by local governments**

A local government may seal premises that are open in contravention of this Act or rules made under this Act.”

### **84. Amendment of section 127 of principal Act**

Section 127 of the principal Act is amended in subsection (7), by substituting for the phrase “a local authority”, the phrase “the Authority or a local government council, as the case may be.”.

### **85. Amendment of section 128 of principal Act**

Section 128 of the principal Act is amended by substituting for the phrases “one hundred shillings” and “forty shillings”, the phrases “two hundred currency points” and “fifty currency points” respectively.

### **86. Amendment of section 129 of principal Act**

Section 129 of the principal Act is amended by repealing subsections (2) to (13).

### **87. Repeal of section 130 of principal Act**

Section 130 of the principal Act is repealed.

**88. Substitution of section 132 of principal Act**

Section 132 is substituted for the following—

**“132. Protection of the Authority and local governments and the employees from personal liability**

No matter or thing done by the Authority or a local government or by a member of the council of the Authority or a local government or by any person acting under the direction of the Authority or a local government, shall, if the matter or thing is done in good faith, for the purpose of executing this Act, subject the member of the council or the person acting under the direction of the Authority or a local government to any liability.”

**89. Amendment of section 133 of principal Act**

Section 133 of the principal Act is amended by substituting for the phrases “two thousand shillings” and “sixty shillings”, the phrases “two hundred currency points” and “fifty currency points”, respectively.

**90. Insertion of new sections 133A, 133B and 133C in principal Act**

The principal Act is amended by inserting immediately after section 133, the following—

**“133A. Punishment without prosecution**

(1) The Minister may, in consultation with the Ministers responsible for internal affairs, the Authority and local governments, make rules for offences created by this Act or under rules made under this Act, for which a person who commits the offence may be given a notice in writing offering that person the opportunity to discharge any liability to conviction for the offence by payment of a fixed penalty.

(2) The rules made under subsection (1) shall prescribe—

- (a) the offences to which this section applies;

- (b) the officer who may issue notice and the information to be supplied to them;
- (c) the fixed penalty which shall not be more than two hundred currency points; and
- (d) the form of the notice to be issued under this section.

**133B. Penalty for subsequent offences and continuing offences**

For any subsequent or continuing offence under this Act or rules made under this Act, a person is liable, on conviction, to a fine not exceeding one hundred fifty currency points.

**133C. Offences committed by body corporate**

Where an offence under this Act or rules made under this Act is committed by a body corporate, the body corporate is liable to a fine not exceeding five hundred currency points.”

**91. Repeal of sections 136 and 137 of principal Act**

Sections 136 and 137 of the principal Act are repealed.

**92. Amendment of section 138 of principal Act**

Section 138 of the principal Act is amended by inserting immediately after subsection (1), the following—

“(2) The Minister shall, in consultation with other Ministers connected to promoting public health, make rules under this section.”

**PART XVIII—MISCELLANEOUS AMENDMENTS  
TO PRINCIPAL ACT**

**93. Insertion of section 139 in principal Act**

The principal Act is amended by inserting immediately after section 138, the following—

**“139. Amendment of Schedule**

The Minister may, with the approval of Cabinet, by statutory instrument, amend the Schedule to this Act.”

**94. Substitution of First Schedule to principal Act**

The First Schedule is substituted for the following—

“*Section 1*

Schedule

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.”

**95. Repeal of Second Schedule and Third Schedule**

The principal Act is amended by repealing the Second Schedule and the Third Schedule.

**96. Miscellaneous amendments to principal Act**

The principal Act is amended by—

(a) substituting for the phrase “a local authority” appearing in the provisions indicated in this paragraph, the phrase “the Authority or a local government”—

- (i) section 1 (rr);
- (ii) section 14 (2);
- (iii) section 25;
- (iv) section 86 (1);
- (v) section 88; and
- (vi) section 89 (1);

- (b) substituting for the phrase “local authorities” appearing in the provisions indicated in this paragraph, the phrase “the Authority or the local government councils”—
  - (i) the headnote to section 5;
  - (ii) section 48 (a) and (b);
  - (iii) the headnote of section 55;
  - (iv) section 70; and
  - (v) headnote of section 103;
- (c) substituting for the phrase “medical officer of health” appearing in the provisions indicated in this paragraph, the phrase “medical officer”—
  - (i) the headnote to section 12; and
  - (ii) the headnote of section 13;
- (d) substituting for the phrase “medical officer of health” appearing in the provisions indicated in this paragraph, the phrase “medical officer or a person authorised by the medical officer”—
  - (i) section 12;
  - (ii) section 13 (1);
  - (iii) section 21;
  - (iv) section 22;
  - (v) section 26;
  - (vi) section 29 (m); and
  - (v) section 102 (2);

- (e) substituting for the phrase “a local authority or a medical officer of health” appearing in the provisions indicated in this paragraph, the phrase “the Authority or a local government council”—
  - (i) section 24;
  - (ii) section 59;
  - (iii) section 61 (1); and
  - (iv) section 69;
- (f) substituting for the phrase “a local authority” appearing in the provisions indicated in this paragraph, the phrase “the Authority or a local government council”—
  - (i) section 63;
  - (ii) section 65;
  - (iii) section 68;
  - (iv) section 128 (2);
  - (v) section 129 (1); and
  - (vi) section 131 (1);
- (g) substituting for the phrase “the local authority” appearing in the provisions indicated in this paragraph, the phrase “the Authority or a local government council”—
  - (i) section 14 (1);
  - (ii) section 24;
  - (iii) section 60 (1);
  - (iv) section 61 (3);
  - (v) section 62;
  - (vi) section 69;

- (vii) section 110 (5); and
- (viii) section 128 (1);

(h) substituting for the word “authority” appearing in the provisions indicated in this paragraph, the phrase “the Authority or a local government council”—

- (i) section 88;
- (ii) section 89 (1);
- (iii) section 128 (2); and
- (iv) section 129 (1); and

(i) substituting for the phrase “medical officer of health” appearing in the provisions indicated in this paragraph, the phrase “the Authority or a local government council, as the case may be,”—

- (i) section 25;
- (ii) section 96 (1);
- (iii) section 97 (1); and
- (iv) section 101 (3).

(j) substituting for the word “hospital”, the words “health facility” wherever it appears in the Act.

(k) substituting for the phrase “public vaccinator”, the word “vaccinator” wherever it appears in the Act.

## **97. Repeal of Venereal Diseases Act, Cap. 284 and Immunisation Act, 2017**

The Venereal Diseases Act, Cap. 284 and the Immunisation Act, 2017 are repealed.



**ACTS SUPPLEMENT**

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**Act 5**

*Fisheries and Aquaculture Act*

**2023**

**THE FISHERIES AND AQUACULTURE ACT, 2023**

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**SCHEDULE - CURRENCY POINT**

## **THE FISHERIES AND AQUACULTURE ACT, 2023**

**An Act to consolidate and reform the law relating to fisheries and fish products; to provide for the conservation, sustainable management, utilisation and development of the fisheries subsector; to provide for the integrated management of the fisheries subsector in order to facilitate the achievement of sustainable increases in economic, social and environmental benefits from fisheries; to provide for the conservation, capture, farming, rearing, processing and marketing of fish; to provide for the licensing, control and regulation of fisheries and aquaculture production activities and practices, the methods of fishing and fishing gear; to enhance and strengthen the Directorate of Fisheries Resources; to provide an enabling environment for equitable sharing of increased benefits from the fisheries subsector; to provide for the establishment and regulation of lake management organisations and gazetting of landing sites; to allow for fisheries mechanisation; to provide for fish breeding and breeding areas; to provide for the regulation of fish feeds; to provide for private sector engagement in the fisheries subsector; to repeal the Fish Act, Cap. 197 and the Trout Protection Act, Cap. 199; and for related matters.**

DATE OF ASSENT: 8th February, 2023

*Date of Commencement: 24th March, 2023*

**BE IT ENACTED** by Parliament as follows:

**PART I—PRELIMINARY**

**1. Application of Act**

This Act applies—

- (a) to all waters where fish is found or can be farmed within the jurisdiction of Uganda;
- (b) to all fisheries and aquaculture activities; and
- (c) to any fishing vessel registered in Uganda and to any act or omission occurring on or by that vessel, wherever the vessel may be.

**2. Purpose of Act**

The purpose of this Act is—

- (a) to provide 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;
- (b) to provide for the administration, management and coordination of fisheries and aquaculture with local governments and other stakeholders at all levels;
- (c) to create a sustainably financed Directorate for the management of the fisheries subsector with clearly defined structures and linkages between the mandates of central and local governments and the private sector;
- (d) to promote and guide public participation in the management and conservation of fisheries resources, including women, youth and other vulnerable groups;

- (e) to promote the competitiveness of the fisheries and aquaculture subsector and the diversification of fish and fish products;
- (f) to promote and guide public private partnerships in fish production, value addition and marketing;
- (g) to guarantee quality and safety of fish and fish products, including biosafety and biosecurity;
- (h) to promote research-based decision making and sharing of information and data; and
- (i) to provide for the mechanisation of fisheries, aquaculture and aquatic weed management.

### **3. Environmental principles**

All persons involved in fisheries or aquaculture activities or any other person performing functions, duties or powers under this Act in relation to the development and utilisation of fisheries resources or ensuring sustainability shall take into account and give effect to the principles of environment management prescribed under the National Environment Act, 2019.

### **4. Interpretation**

In this Act, unless the context otherwise requires—

“aquaculture” means the planned and controlled farming of fish, molluscs, crustaceans and aquatic plants for nutrition, income and livelihoods;

“aquaculture activity” means breeding fish, hatchery operation, aquaculture farming, fish feed manufacturing and trade, live fish trade, transportation of live fish, processing of farmed fish and plants, live fish storage, provision of aquaculture service, aquaculture net manufacturing and trade in aquaculture appliances and inputs;

“aquaculture establishment” means a facility or premises on land or water approved for the production of fish through aquaculture or products used in aquaculture, but does not include a personal aquarium;

“aquarium” means an artificial pond or tank used for keeping or displaying live fish and aquatic plants for decorative, ornamental or entertainment purposes;

“artisanal fish processing facility” means any local facility in a fishing community or a designated place where fish, fish or aquaculture products are prepared, handled, processed, chilled, frozen, packaged or stored;

“authorised officer” means any person or category of persons prescribed under section 88;

“breeding ground” means an area in the natural aquatic environment, where fish lay their eggs or spawn;

“Chief Fisheries Officer” means the technical head of the Directorate of Fisheries Resources;

“commercial fishing” means fishing for monetary gain, including trade, business or profit, where all or part of the catch is sold or bartered, but does not include subsistence or sport fishing;

“Committee” means the Fisheries and Aquaculture Advisory Committee established under section 9;

“currency point” has the value assigned to it in the Schedule to this Act;

“Directorate” means the Directorate of Fisheries Resources existing in the Ministry;

“fish” means any aquatic organism and includes any crustacean or mollusc, as well as their eggs, fry, fingerlings, or young but does not include reptiles or mammals;

“fish processing establishment” means any premises where fish, fish or aquaculture products are prepared, handled, processed, chilled, frozen, packaged or stored, but does not include an auction or wholesale market in which only display and sale by wholesale takes place;

“fish product” means any derivative of fish and includes dried, frozen or chilled fish and molluscs and aquatic plants;

“fisheries activity” means fishing, transportation of fish, artisanal processing of fish, industrial fish processing, trade in fish maw, fish trade and other fish products, operating a fish processing establishment, manufacturing of fishing gear, fishing vessel building and recreational fishing and trading in fishing gear;

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

“fishing” means the catching, attracting, taking or harvesting of fish by any method and includes attempts to catch and searching for fish, but does not include aquaculture or the transportation of fish;

“fishing gear” means a tool used to capture aquatic resources; including a net, basket, trap, hook, line, spear or other implement;

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

- (a) the transport of fish or for aquaculture; or
- (b) local fishing;

“fishing waters” includes all permanent or seasonal water bodies within the land borders of Uganda, capable of supporting

fish and those parts of lakes, rivers and other water bodies shared with neighbouring countries, and over which Uganda exercises sovereignty;

“fishmonger” means a person who trades in or sells fish or fish products;

“foreign fishing vessel” means any fishing vessel licensed or registered in a foreign country;

“Hazard Analysis and Critical Control Point (HACCP)” means a proactive food safety management system which identifies, evaluates and controls hazards that are significant and likely to occur at specific points in the food production chain;

“lake management organisation” means a local government association established to co-ordinate the integrated planning and management of a lake under this Act;

“landing site” means a landing site established in accordance with section 31;

“licence” means a licence issued under this Act;

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

“local government” means a local council established under section 3(2) to (5) of the Local Governments Act;

“Minister” means the Minister responsible for fisheries and aquaculture;

“Ministry” means the Ministry responsible for fisheries;

“minor lake” means a lake other than Lake Victoria, Lake Albert, Lake Edward, Lake George and Lake Kyoga;

“ornamental fish” means fish for display for leisure;

“processing” includes cleaning, filleting, canning, salting, smoking, drying, cooking, pickling, grilling or otherwise preserving or preparing fish for the purpose of commercial purposes;

“recreational fishing” means fishing for sport, recreation or amusement which does not lead to the sale or barter of the fish;

“shared lake” means a lake that cuts across the administrative boundary of two or more districts;

“Surveillance Unit” means the Fisheries Monitoring Control and Surveillance Unit established by section 13;

“transboundary fisheries resources” means fisheries resources; including wetlands, rivers, lakes or other water bodies shared by Uganda and any other country;

“undersize fish” in relation to capture fisheries means fish of a length less than a length as may be prescribed by regulations;

“vehicle” includes a machine or implement of any kind drawn or propelled along a road, whether by animal, mechanical, electrical or other motive power.

## PART II—ADMINISTRATIVE STRUCTURE FOR FISHERIES AND AQUACULTURE MANAGEMENT

### **5. Administration, management and development**

The administration, management and development of fisheries and aquaculture under this Act shall be undertaken by the Directorate of Fisheries Resources, subject to the overall guidance of the Minister in collaboration with local governments and other stakeholders.

*The Minister*

## 6. Functions and powers of Minister

(1) The Minister shall—

- (a) be responsible for the formulation of policy and legislation relating to the fisheries and aquaculture subsector, in consultation with stakeholders;
- (b) issue regulations for the fisheries and aquaculture subsector;
- (c) monitor the implementation of policies on fisheries and aquaculture and the enforcement of this Act;
- (d) represent Uganda in its relationships with foreign countries in connection with fisheries and aquaculture;
- (e) mobilise financial and other resources for the management and development of the fisheries and aquaculture subsector; and
- (f) perform any other function incidental to the purposes of this Act.

(2) The Minister may, for the purposes of this Act, establish lake-based management plans with lake-based management regional offices.

*Directorate of Fisheries Resources*

## 7. Functions of Directorate

The Directorate shall—

- (a) ensure the appropriate conservation and development of standards on the management, sustainable use, development and protection of all fisheries and aquaculture resources;

- (b) monitor and inspect aquaculture establishments under this Act;
- (c) develop guidelines for the preparation of fisheries and lake-based management plans for the fishing waters;
- (d) issue licences and permits and regulate all fishing vessels and fishing gears in all fishing waters in accordance with this Act;
- (e) create public awareness and provide support for fisheries conservation, management, development and sustainable use;
- (f) in consultation with the Fisheries Research Institute, approve and co-ordinate research activities in relation to matters falling within the scope of this Act;
- (g) collect, analyse and disseminate data in relation to resources and activities falling within the scope of this Act;
- (h) establish, manage and maintain information management systems and databases on fisheries and aquaculture;
- (i) identify human resource requirements and recommend recruitment of staff at all levels for the Directorate;
- (j) ensure safety and quality of fish, fish products and aquaculture products in both the domestic and international market;
- (k) liaise, as appropriate, with agencies and persons, including stakeholders, industry, government agencies, regional and international organisations and experts, whether local or foreign, on matters falling within the scope of this Act;

- (l) regulate fish safety and quality in consultation with relevant stakeholders;
- (m) identify, promote and undertake the development of appropriate fisheries and aquaculture infrastructure;
- (n) facilitate investment in commercial fisheries and aquaculture, in collaboration with relevant agencies, persons or bodies, including Government departments;
- (o) promote the development and introduction of appropriate technologies in fisheries and aquaculture production, processing and preservation in collaboration with relevant stakeholders;
- (p) identify opportunities and promote all aspects of fisheries and aquaculture marketing;
- (q) coordinate and undertake monitoring, control and surveillance of all activities within the scope of this Act; and
- (r) perform such other duties and functions consistent with the provisions of this Act as may be necessary for the fulfilment of the objectives of this Act.

## **8. Chief Fisheries Officer**

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

(2) The Chief Fisheries Officer shall have qualifications and considerable experience in fisheries sciences.

(3) The Chief Fisheries Officer shall be responsible for the administration of this Act and the exercise of the functions of the Directorate as provided for under this Act.

(4) The Chief Fisheries Officer may, in writing, delegate the exercise of any of the powers and functions conferred upon him or her by this Act to an authorised officer.

(5) The Chief Fisheries Officer may, in writing, revoke or vary any delegation made under subsection (4).

(6) The Chief Fisheries Officer may issue and publish circulars and directives that are in conformity with the provisions of this Act for the purposes of facilitating the implementation of this Act.

*Fisheries and Aquaculture Advisory Committee*

**9. Fisheries and Aquaculture Advisory Committee**

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

(2) The Committee shall comprise the following members appointed by the Minister—

- (a) the Chief Fisheries Officer;
- (b) one representative of the Ministry responsible for trade, not below the level of a principal officer;
- (c) one representative of the Ministry responsible for water and environment, not below the level of a principal officer;
- (d) one representative of the Ministry responsible for local governments, not below the level of a principal officer;
- (e) one representative of the Ministry responsible for finance, not below the level of a principal officer;
- (f) a representative of the Ministry responsible for East African Community, not below the level of a principal officer;

- (g) one representative of the Ministry responsible for transport;
- (h) one representative of the Fisheries Research Institute;
- (i) one representative of fish processors;
- (j) one representative of the aquaculture subsector;
- (k) two representatives of the capture fisheries subsector;
- (l) one representative from the academia with considerable experience in fisheries sciences or aquaculture research; and
- (m) one representative of the fisheries civil society organisations.

(3) The Minister shall appoint a Chairperson and Vice-Chairperson of the Committee from amongst members of the Committee.

(4) The Minister shall, in appointing the members of the Committee, ensure that there is a balance of gender, skills and experience among the members.

(5) A member of the Committee, except the Chief Fisheries Officer, shall serve for a period of three years and shall be eligible for reappointment for one more term only.

(6) The Chief Fisheries Officer shall be the Secretary to the Committee.

(7) The Committee shall be under the general guidance of the Minister.

## 10. Functions of Committee

(1) The Committee shall ensure that fisheries and aquaculture resources are developed and managed on a sustainable basis.

(2) Without limiting the general effect of subsection (1), the Committee shall advise the Minister on—

- (a) effective planning, financing, co-ordination and service delivery in the fisheries and aquaculture subsector;
- (b) mechanisms for conflict resolution in the development and management of fisheries and aquaculture; and
- (c) the formulation of specific measures for the fisheries and aquaculture management and development.

(3) The Committee shall prepare and submit to the Minister a quarterly report of all its activities.

## **11. Meetings of Committee**

The Minister shall, by regulation, prescribe the procedure of meetings of the Committee.

## **12. Removal of member of Committee**

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

- (a) if the member is declared bankrupt;
- (b) if the member is withdrawn by the organisation or institution that he or she represents on the Committee; or
- (c) if the member is convicted of an offence under this Act.

*Fisheries Monitoring, Control and Surveillance Unit*

## **13. Establishment of Fisheries Monitoring, Control and Surveillance Unit**

(1) There is established a Fisheries Monitoring, Control and Surveillance Unit within the Directorate.

(2) The Surveillance Unit shall comprise persons appointed by the Public Service Commission.

(3) The Minister may, in consultation with the Minister responsible for internal affairs, by statutory instrument, make regulations for—

- (a) the organisation and deployment of the Surveillance Unit;
- (b) the functions and duties of officers of the Surveillance Unit;
- (c) the terms and conditions of service, grades, ranks and appointment and discipline of officers of the Surveillance Unit;
- (d) the description and issue of arms, ammunition, accoutrements, uniforms, authority cards and other necessary supplies to officers of the Surveillance Unit; and
- (e) matters relating generally to the good order and administration of the Surveillance Unit.

(4) 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—

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

**14. Functions of Surveillance Unit**

The Surveillance Unit shall—

- (a) monitor, control and carry out surveillance, including enforcement of compliance with this Act and any other written law relating to activities under this Act;
- (b) protect fish and their environment, fish products and aquatic flora and fauna against fisheries malpractices; and
- (d) generally, enforce the provisions of this Act.

*Powers of Surveillance Unit***15. 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.

**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;
- (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 any person in his or her employment;
- (f) require a person 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.

**17. Powers of hot pursuit**

The powers of the Surveillance Unit shall include the power, after hot pursuit and pursuant to Uganda's rights under international law, to board a foreign or Ugandan vessel outside the fishing waters and to bring that vessel back within the fishing waters if the authorised officer has reasonable grounds to suspect that the vessel has been used to commit an offence within the fishing waters.

**18. Search warrant**

(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 a road for the purpose of carrying out a search of a vehicle or person.

**19. Officers of Surveillance Unit to have powers of public prosecutor**

In any prosecution for an offence under this Act, an officer of the Surveillance Unit may, subject to the express directions of the Director of Public Prosecutions, have and exercise all the powers of a public prosecutor appointed by the Director of Public Prosecutions under section 223 of the Magistrates Courts Act.

**20. 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.

**PART III—ROLE OF LOCAL GOVERNMENTS****21. Mandate of Directorate in relation to local governments**

For the purposes of ensuring the implementation of national policies with respect to the fisheries and aquaculture subsector and

adherence to performance standards by local governments and in accordance with the Local Governments Act, the Directorate shall be responsible for—

- (a) inspecting, monitoring and co-ordinating of Government initiatives and policies in the fisheries and aquaculture subsector as the initiatives and policies apply to local governments;
- (b) co-ordinating and advising persons and organisations in relation to fisheries and aquaculture projects involving direct relations with local governments; and
- (c) assisting in the provision of technical advice, support, supervision and training to local governments to enable the local governments carry out the delivery of fisheries and aquaculture services in their respective areas, and to develop their capacity to manage fisheries resources and aquaculture development.

## 22. Functions of local governments

A local government shall—

- (a) collaborate, through lake management organisations to ensure the sustainable management of fisheries on shared lakes;
- (b) manage the fisheries resources within its jurisdiction under the guidance of the Chief Fisheries Officer;
- (c) coordinate the development of aquaculture within its jurisdiction;
- (d) participate in the planning and development of fish landing sites;
- (e) make bylaws and ordinances for sustainable fisheries and aquaculture management;

- (f) where there are no lake management organisations, collaborate with landing site fisheries management committees as partners in the management of minor lakes;
- (g) in consultation with the relevant ministries, departments and agencies, identify activities in the catchment area of any lake or water body that lie entirely within its administrative boundaries and which may impact on the biodiversity of the lake or water body or on the livelihoods of persons who depend on fisheries and, in relation to those activities, incorporate into local development plans, measures, including those relating to land use and natural resources, to prevent or mitigate such impacts;
- (h) develop a district Fisheries and Aquaculture Management Plan in accordance with this Act;
- (i) perform fisheries and aquaculture related tasks conferred by this Act or any other law; and
- (j) perform such functions as may be delegated by the Chief Fisheries Officer under this Act.

### **23. District Fisheries Office**

(1) A District Council shall, in accordance with the Local Governments Act, establish a District Fisheries Office.

(2) A District Service Commission shall appoint a District Fisheries Officer and such other officers, as may be required for the proper functioning of the District Fisheries Office.

### **24. Functions of District Fisheries Officers**

- (1) The functions of a District Fisheries Officer are—
  - (a) to co-ordinate with the Directorate and other relevant stakeholders on matters relating to fisheries and aquaculture;

- (b) to advise and guide the District Council on all matters relating to fisheries and aquaculture;
- (c) to sensitise, promote, guide and support the establishment and operation of landing site fisheries management committees and lake management organisations;
- (d) to provide technical guidance and collaborate in the collection, analysis, use, storage and transfer of fisheries data and information for management purposes and to link the data to wider information management systems and development planning systems of the local government;
- (e) to provide such information to the Directorate as may be required for the purposes of fisheries management and aquaculture development;
- (f) to provide technical guidance and collaborate with relevant stakeholders in the development of fisheries management and aquaculture development strategies;
- (g) to support and promote extension and other related services in the development and provision of advisory services, including research relating to fisheries and aquaculture;
- (h) to ensure, in collaboration with lake management organisations and landing site fisheries management committees, that this Act and the regulations made under it are enforced; and
- (i) to ensure, in collaboration with lake management organisations, fishing communities, civil society organisations and landing site fisheries management committees that licences and permits required under this Act are obtained.

(2) In addition to any report filed by the District Fisheries Officer under any written law, a District Fisheries Officer shall submit a quarterly report to the Chief Fisheries Officer on activities relating to fisheries management in the District.

#### PART IV—SUSTAINABLE USE AND MANAGEMENT OF FISHERIES AND AQUACULTURE RESOURCES

##### **25. Fisheries regulation and control**

(1) The regulation and control of fisheries and aquaculture activities, including monitoring and surveillance of all water bodies, fish handling, storage and processing facilities, fish markets, roads, air, entry and exit border points shall be under the Directorate.

(2) The Directorate shall, in the performance of its functions under subsection (1), consult the relevant Government ministries, departments and agencies, local governments and other relevant stakeholders, as appropriate.

##### **26. Fisheries co-management structures**

The Minister shall, by regulations, establish and prescribe functions of fisheries co-management committees from the landing site up to national level with linkages to the regional level including—

- (a) landing site fisheries management committee;
- (b) sub-county fisheries management committee;
- (c) district fisheries management committee;
- (d) lake wide fisheries management committees;
- (e) national fisheries management committees; and
- (f) regional fisheries management committees.

*Sustainable Fisheries and Aquaculture Management***27. Information and planning**

The Chief Fisheries Officer shall, in consultation with the Minister, issue guidelines and directions to local governments, lake management organisations, landing site fisheries management committee and civil society organisations relating to—

- (a) the collection, analysis, use, transfer and storage of fisheries and aquaculture information; and
- (b) social, economic and environmental information for the purposes of effective and sustainable fisheries and aquaculture management and planning.

**28. Trans-boundary fisheries resources**

The Chief Fisheries Officer shall co-operate with lake management organisations and fisheries management organisations at international, regional, national levels, local governments and landing site fisheries management committees in the management of transboundary fisheries resources.

**29. Management and development of natural fisheries resources stock**

(1) The Minister shall, by regulations, prescribe methods and processes for the management and development of natural fisheries resources stock.

(2) Subject to subsection (1), the Chief Fisheries Officer shall—

- (a) develop a fisheries management and development plan for the natural fisheries resources for each existing and identified potential fisheries public water body and where applicable, develop a species specific plan;

- (b) in collaboration with the Fisheries Research Institute, conduct and coordinate stock assessment, fisheries frame surveys, fisheries catch assessment exercises, and manage and disseminate the resultant databases;
- (c) manage and coordinate the removal of physical or natural barriers on public water bodies that may impede the production, management and development of fisheries from such waters;
- (d) develop management and control measures for sustainable production and development of the natural fisheries resources;
- (e) plan, set up and coordinate co-management structures for the effective involvement of fishing communities, traders, processors and exporters in the management and development of the fisheries;
- (f) institute and manage closed fishing grounds, demarcating and management of fish breeding and spawning grounds, and establishment and management of natural fisheries protection parks; and
- (g) control and regulate all activities pertaining to fisheries production and development.

- (3) The Chief Fisheries Officer shall, in each financial year, prepare a comprehensive status report on fisheries resources which shall include data on the annual fisheries production.

### **30. Management of fishing capacity**

The Chief Fisheries Officer shall, in consultation with the Minister, through the issuance of licences, control entry to the fisheries resources and determine the maximum allowed fishing effort in each district, based on available scientific data and where there is no data, a precautionary approach shall be applied.

**31. Landing sites**

(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.

(2) A landing site shall be a clearly defined area adjacent to a water body that is used principally for fisheries purposes.

(3) Activities at the 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.

(4) The Chief Fisheries Officer shall cause to be collected, fishing landing data and information data from all gazetted landing sites.

(5) The Minister may, by regulations, prescribe additional requirements for landing sites.

(6) 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.

**PART V—LICENCES AND PERMITS****32. Prohibition of fisheries and aquaculture activities without licence or permit**

A person shall not engage in any fisheries or aquaculture activity without the relevant licence or permit issued under this Act.

**33. Application for licence or permit**

(1) An application for a licence or permit under this Act shall be in the manner prescribed by regulations.

(2) Subject to this Act, the Chief Fisheries 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.

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

(4) Where the Chief Fisheries Officer refuses to issue a licence, he or she shall, within thirty days from the date of the application, inform the applicant, in writing, giving reasons for the refusal.

(5) A licence shall be deemed to have been issued where the Chief Fisheries Officer does not—

- (a) issue a licence within the prescribed time; and
- (b) inform the applicant, in writing, of the reasons for the refusal.

(6) A person who is aggrieved by the refusal of the Chief Fisheries Officer to issue a licence may appeal to the Minister within fourteen days from the date of communication of the refusal.

(7) The Chief Fisheries Officer shall, in determining an application for a licence or permit, have regard to the purposes of this Act.

#### **34. Fishing vessel licence**

- (1) A vessel shall not be used for fishing unless—
  - (a) the vessel is registered under the Inland Water Transport Act, 2021; and
  - (b) there is in force, in respect of that vessel, a valid fishing vessel licence.

(2) The owner and crew of a vessel used in contravention of subsection (1) each commit an offence and are each liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment for a term not exceeding three years, or both.

### **35. Fishing vessel licence conditions**

(1) A fishing vessel licence may be subject to general or special conditions and shall have a unique fishing vessel identification plate for the vessel to which it relates as may be prescribed by regulations.

(2) Notwithstanding subsection (1), a license issued under section 34 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.

(3) The owner and crew of a vessel used in contravention of any condition relating to the fishing vessel licence, each commit an offence and are each liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term not exceeding one year, or both.

### **36. Fish transport licence**

(1) A vessel or vehicle shall not be used to transport fish unless—

- (a) the vessel or vehicle is registered under the Inland Water Transport Act, 2021 or the Traffic and Road Safety Act, 1998 respectively; and
- (b) there is in force in respect of that vessel or vehicle, a valid fish transport licence.

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

(3) The owner and crew of a vessel or vehicle which transports fish without a valid fish transport licence contrary to subsection (1) or in breach of any condition applicable to the licence, each commit an offence and are each liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment for a term not exceeding two years, or both.

(4) This section does not apply to the transportation of fish or fish products for subsistence purposes.

### **37. Fishmonger licence**

(1) A person shall not trade in fish or fish products unless he or she is in possession of a valid fishmonger licence issued by the Chief Fisheries Officer.

(2) The Chief Fisheries Officer may delegate the power to issue a fishmonger licence under subsection (1) to a District Fisheries Officer.

(3) A person who trades in fish or fish products without a fishmonger 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.

### **38. Prohibition of foreign fishing vessels**

(1) A foreign fishing vessel shall not be used for commercial fishing in the waters of Uganda.

(2) A person who contravenes subsection (1) 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.

### **39. Fish movement permit**

(1) A person shall not, for purposes of trade, move fish or fish products from one place to another unless he or she is in possession of a valid fish movement permit issued by a District Fisheries Officer.

(2) A person who, for purposes of trade, moves fish or fish products without a fish movement permit commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or to imprisonment not exceeding one year, or both.

(3) The holder of a fish movement permit shall cause the permit to be carried and exhibited at all times.

(4) A fish movement permit shall be in the form prescribed by regulations.

### *Special Permits*

#### **40. Fishing permit for research purposes**

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

(2) The Minister may, by notice in the Gazette, exempt any public institution or person from the requirement under subsection (1).

(3) The Chief Fisheries Officer shall, before issuing a fishing permit under this section—

(a) consult the relevant local governments and the lake management organisation with responsibility for the lake or water body on which the research is proposed to be conducted; and

(b) have regard to the purposes of this Act.

(4) A fishing permit granted under this section—

(a) shall specify the water body or water bodies on which the fishing is permitted;

- (b) shall be valid for a period of up to one year and is renewable;
- (c) shall, where it is issued to a person who is not a citizen of Uganda, include a condition that at least one Ugandan scientist must be included in the research project to which the permit relates, at the expense of the person to whom the permit is issued;
- (d) shall require the research findings and data to be communicated to the Chief Fisheries Officer within a specified period;
- (e) may impose such terms and conditions as the Chief Fisheries Officer considers fit;
- (f) shall be issued on the payment of a prescribed fee; and
- (g) may permit the use of prohibited fishing gear and methods.

(5) For the purposes of this section, “fishing for research purposes” means fishing for scientific or experimental purposes and includes the collection of fish for museums.

(6) A person who undertakes fishing for research purposes without a permit commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding six months, or both.

#### **41. Ornamental fishing permit**

(1) A person shall not engage in fishing for ornamental fish without a valid ornamental fishing permit issued by the Chief Fisheries Officer.

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

(3) A person who engages in fishing for ornamental fish without an ornamental fishing permit commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment not exceeding six months, or both.

## 42. Aquarium permit

(1) A person shall not keep an aquarium without a valid aquarium permit issued by the Chief Fisheries Officer.

(2) A person who keeps an aquarium without an aquarium permit commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

## 43. Recreational fishing permit

(1) A person shall not engage in recreational fishing without a recreational fishing permit issued by the Chief Fisheries Officer.

(2) The Chief Fisheries Officer may delegate the power to issue a recreational fishing permit under subsection (1) to the Uganda Wildlife Authority.

(3) A person who engages in recreational fishing without a recreational fishing permit commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or to imprisonment not exceeding six months, or both.

## 44. Permits for stocking, transfer and introduction of fish and aquatic plants

(1) A person shall not, without a valid permit issued by the Chief Fisheries Officer—

- (a) stock a water body with live fish, whether taken from that water body or any other water body;
- (b) transfer live fish from one water body to another; or
- (c) introduce any non-native fish species into the fishing waters.

(2) For the purposes of this section, a reference to a water body in the context of stocking that water body or transferring live fish to the water body, does not include the stocking of or transfer of fish to an aquaculture establishment.

(3) The Chief Fisheries Officer shall, in determining an application under this section—

- (a) consult with the Fisheries Research Institute, local governments, the lake management organisation and the landing site fisheries management committee responsible for the affected water body or bodies; and
- (b) have regard to the purposes of this Act.

(4) The Chief Fisheries Officer shall not issue a permit under this section where there are reasonable grounds to believe that the introduction, transfer or stocking of native or non-native species may harm native fish stock, livelihoods, biodiversity or the environment.

(5) A permit issued under this section shall be subject to such general and specific conditions as may be prescribed in the permit, and as may be necessary to safeguard native fish stock, livelihoods, biodiversity and the environment.

(6) A person who contravenes subsection (1), or who fails to comply with the conditions of a permit issued under this section commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or to imprisonment not exceeding seven years, or both.

#### **45. Local fishing**

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.

*General Provisions Relating to Licences and Permits*

**46. Duration of licences and permits**

(1) A licence issued under this Act shall be valid for a calendar year.

(2) A permit issued under this Act shall be valid for the period specified in the permit.

**47. 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.

**48. Procedure on loss of licence or permit**

(1) Where a licence or permit issued under this Act is destroyed, defaced or lost, the Chief Fisheries 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 Chief Fisheries 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.

**49. Power to restrict number of licences and permits**

The Chief Fisheries Officer may, with the approval of the Minister, by notice in the *Gazette* and in a newspaper of nationwide circulation,

limit the number of all or any of the licences or permits which may be issued under this Act, either generally or in respect of any fishing waters.

## **50. Display and production of licences and permits**

(1) A licensee shall keep on board his or her vessel or carry his or her licence on him or her whenever and wherever he or she engages in the activities authorised by or under the licence and shall produce the licence on demand for examination by an authorised officer to enable the authorised officer to ascertain the name and address of the licensee, the date of issue of the licence and the competent body by which it was issued.

(2) The holder of a permit shall display or carry his or her permit on him or her whenever and wherever he or she engages in the activities authorised by or under the permit and shall produce a valid permit on demand for examination by an authorised officer to enable the authorised officer to ascertain the name and address of the holder of the permit, the date of issue of the permit and the competent body by which it was issued.

## **51. Prohibition of borrowing, pledging, inheriting, transfer or assignment of licence or permit**

(1) A licence or permit is personal to the holder of the licence or permit and shall not be borrowed, pledged, inherited, transferred or assigned.

(2) A person who—

(a) borrows or inherits a licence or permit from; or

(b) pledges, transfers or assigns a licence or permit to, another person commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points or to imprisonment not exceeding one year, or both and the licence or permit shall be deemed to have been cancelled as and from the date of transfer or assignment.

**52. Cancellation of fishing vessel licence on change of vessel ownership**

(1) Where there is a change of ownership of the vessel during the validity period of the fishing vessel licence, the person to whom the licence was issued shall surrender the licence to the Chief Fisheries Officer, who shall cancel the licence and the new owner shall apply for a licence under this Act.

(2) Any person who purports to transfer or assign a fishing vessel licence commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points, and the licence shall be deemed to have been cancelled as and from the date of the purported transfer or assignment.

(3) In any proceedings under this Act, the name of any person appearing in any valid fishing vessel licence shall be *prima facie* proof that the person is the owner of the fishing vessel in respect of which the licence was issued.

**53. Variation of licences and permits**

The Chief Fisheries Officer may vary a licence or permit—

- (a) on the request of the holder of the licence or permit, subject to such conditions as the Chief Fisheries Officer considers appropriate; or
- (b) if it is reasonably necessary for the effective management of fishing activities, the conservation or management of fisheries resources or for the economic benefit of Uganda.

**54. Suspension and cancellation of licences and permits**

(1) The Chief Fisheries Officer may suspend or cancel a licence or permit—

- (a) if the holder of the licence or permit has been convicted of an offence under this Act and sentenced to a penalty not

exceeding five hundred currency points or to imprisonment for a term not exceeding six months, or both;

- (b) if the licence or permit was granted in error or on the basis of false or misleading information; or
- (c) if there is repeated breach of any of the conditions of the licence or permit issued under this Act.

(2) The Chief Fisheries 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.

## 55. Correction of errors in licences and permits

(1) Where the Chief Fisheries Officer issues a licence or permit with an error, the licensee or permit holder shall apply to the Chief Fisheries Officer for the correction of the error in the licence or permit.

(2) Upon receipt of an application for correction of an error under subsection (1), the Chief Fisheries Officer shall, within fourteen days, correct the error.

## 56. Registers

(1) The Chief Fisheries Officer shall keep the following registers—

- (a) a Fishing Vessel Register;
- (b) a Licence Register; and
- (c) a Permit Register.

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

## PART VI—REGULATION OF AQUACULTURE

**57. Regulation of aquaculture practices**

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

**58. Provision of adequate measures for confinement**

A person shall not carry out aquaculture without adequate measures for confinement of the fish to prevent escape from the establishment.

**59. Environmental and social impact assessment**

A person shall not engage in aquaculture for commercial purposes without carrying out the relevant environmental and social impact assessment in accordance with the National Environment Act, 2019.

**60. Safety and quality measures**

A person engaged in the construction of an aquaculture establishment shall—

- (a) construct the aquaculture establishment in such a manner as to ensure the safety and quality of the live fish and fish products and the environment; and
- (b) put in place sanitary measures in a manner prescribed by regulations to ensure health for fish and other animals and aquatic plants, safety and quality of products and protection of the environment.

**61. Prevention and control of contaminants and other disease-causing agents**

(1) A person engaged in aquaculture shall not practice aquaculture without having in place measures to prevent and control contaminants and other disease-causing agents arising from the

air, soil, water, feed, fertilisers, fish stock, veterinary drugs, and agricultural chemicals, including pesticides or any other source of contaminants.

(2) A person engaged in aquaculture shall comply with the standard sanitary measures for aquaculture prescribed by guidelines issued by the Chief Fisheries Officer.

## 62. Aquaculture activity licence

(1) A person shall not engage in an aquaculture activity without a valid licence issued by the Chief Fisheries Officer in respect of that aquaculture activity, under this Part.

(2) An application for an aquaculture activity licence shall be made to the Chief Fisheries Officer in the prescribed form and shall be accompanied by the prescribed application fee.

(3) The Chief Fisheries 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.

(4) The procedures under subsection (4) may require the costs of, and ancillary to consultation, to be borne wholly or partly by the applicant.

(5) The Chief Fisheries 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 the public interest; and
- (d) the applicant has complied with the National Environment Act, 2019 and any other applicable written law.

(6) The provisions relating to licensing under Part V to this Act shall apply to an aquaculture activity licence with the necessary modifications.

(7) 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.

### **63. Conditions of aquaculture activity licence**

(1) An aquaculture activity licence may contain such conditions as the Chief Fisheries Officer considers necessary to ensure the protection of the environment and fish in adjacent or connected waters, including conditions relating to—

- (a) the species and quantities of fish that may be introduced into a particular aquaculture establishment;
- (b) the structure, equipment and maintenance practices pertaining to that aquaculture establishment;
- (c) measures relating to the health of fish maintained within the aquaculture establishment, including the use of any drugs or pharmaceutical applications;
- (d) the types of feed that may be used; and
- (e) the disposal of dead fish, waste or other materials resulting from aquaculture.

(2) The Chief Fisheries Officer shall, in determining the conditions to be included in an aquaculture activity licence, have regard to the regulations, as may be made by the Minister.

(3) A person who operates an aquaculture establishment in breach of the conditions of the relevant aquaculture activity licence commits an offence and is liable, on conviction, to a fine not exceeding two thousand five hundred currency points or to imprisonment not exceeding two years, or both.

#### **64. Alterations to aquaculture establishment**

An aquaculture establishment shall not be altered without the prior consent, in writing, of the Chief Fisheries Officer.

#### **65. Aquaculture not to impair other activities**

The Chief Fisheries Officer shall, in collaboration with local governments and other relevant bodies ensure that—

- (a) the development of aquaculture is ecologically sustainable and allows the rational use of the resource shared by aquaculture and other activities;
- (b) the livelihood, culture and traditions of local communities and their access to fishing grounds are not affected by aquaculture development; and
- (c) the siting of aquaculture establishments does not deprive local communities of access to fishing grounds.

#### **66. 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
- (b) the taking of such measures as the Chief Fisheries Officer may specify in the notice.

## **67. Compliance with guidelines and codes of practice**

The biosecurity mechanisms at an aquaculture establishment shall be in accordance with guidelines and the Code of Practice for Aquaculture issued by the Chief Fisheries Officer.

## **68. Import or export permit for live fish**

(1) A person shall not import live fish into Uganda for purposes of aquaculture or any other purpose without an import permit issued by the Chief Fisheries Officer and a fish health certificate from the country of origin.

(2) A person shall not export live fish from Uganda for purposes of aquaculture without an export permit and a fish health certificate issued by the Chief Fisheries Officer.

(3) A person who wishes to import or export fish shall apply to the Chief Fisheries Officer in the manner prescribed by regulations.

(4) 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.

(5) The Chief Fisheries Officer may refuse to grant an import permit if the fish to be imported—

- (a) presents a danger of degradation of native species through the influx of exotic genes that are less fit, either by means of hybridization or hypothetically by gene transfer; or
- (b) presents a danger of loss of native species or change in species composition through competition, predation and habitat degradation.

## 69. Tampering with aquaculture establishment

(1) A person shall not tamper with or add an item or organism or deleterious substance to an aquaculture establishment.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or to imprisonment not exceeding one year, or both.

## 70. Aquaculture inputs

(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.

(2) A person shall not produce, distribute or sell fish seed to fish farmers without a fish seed production certificate issued by the Chief Fisheries Officer.

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

(4) 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.

**71. Fish feeds permitted in aquaculture**

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.

**72. Approval of veterinary products and medicinal premixes**

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.

**PART VII—POST HARVEST MANAGEMENT***Fish Safety and Quality Assurance***73. Quality assurance**

(1) The Directorate shall be responsible for regulation and quality assurance under this Act and shall coordinate the development, regulation and control of fish quality and safety assurance and control activities and programmes.

(2) The Directorate shall be the competent authority on official fish quality control in Uganda.

**74. Responsibility for quality assurance**

A person handling or processing fish, fish products or aquaculture products is responsible for ensuring—

- (a) compliance with this Act, regulations made under this Act and any other applicable written law; and
- (b) the safety and quality of the fish, fish products or aquaculture products at all times.

**75. Conditions for quality management**

(1) The Chief Fisheries Officer shall ensure that consumers are supplied with safe, wholesome and unadulterated fish and fish products.

(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.

(3) The Minister may, by regulations, specify hygienic conditions for—

- (a) fish and fish products;
- (b) staff working in fish processing establishments;
- (c) thawing of fish products;
- (d) freezing of fish products;
- (e) fresh fish products; and
- (f) fish maws.

(4) 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.

## **76. Prevention of commercial adulteration**

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

## **77. Fish marketing**

The Chief Fisheries Officer shall, in collaboration with other stakeholders and the private sector, ensure the hygienic marketing and distribution of fish or fish products.

**78. Product traceability**

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 the manner prescribed by regulations.

**79. Export of fish and fish products**

(1) A person shall not export any fish or fish product from Uganda without an export permit and a fish health certificate issued by the Chief Fisheries Officer.

(2) A person shall not process for export, 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 and regulations made under this Act.

(3) A person shall not export fish or fish products that do not comply with the labelling requirements prescribed by regulations and standards issued by the Uganda National Bureau of Standards.

(4) Permissible standards for contaminants in fish and fish products shall be prescribed by regulations.

(5) 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.

**80. General requirements for fish import**

(1) A person shall not import into Uganda any fish or fish products without an import permit from the Chief Fisheries Officer and a fish health certificate from the country of origin.

(2) The import permit referred to in subsection (1) shall be in the form prescribed by regulations.

(3) All fish and fish products being imported into Uganda shall be verified by a fisheries inspector at the port of entry.

(4) Where a person imports fish or fish products, the transportation, processing, packaging or other manner of handling of the fish or fish products shall be in the manner prescribed by regulations and shall comply with any conditions prescribed by the Chief Fisheries Officer.

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

## 81. Food additives

(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.

(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.

(3) A person shall not import fish, fish products or aquaculture products containing prohibited levels of food additives or prohibited food additives.

(4) A person shall, where food additives are used in fish, fish products or aquaculture products, indicate in an indelible manner on the packaging of the fish, fish products or aquaculture products the type and name of the food additives used.

(5) The use of food additives in fish and fish products shall be in a manner prescribed by regulations.

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

(7) 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.

## **82. Inspection of fish and fish products for export.**

(1) A person shall, before the dispatch of a batch or consignment of fish or fish products for export, notify a fisheries inspector in a manner prescribed by regulations.

(2) Each batch or consignment of fish or fish products for export shall be inspected by a fisheries inspector at the fish processing establishment or port of exit.

(3) 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.

## **83. Approval of fish processing establishment**

A person shall, before constructing, reconstructing or adapting a fish processing establishment, submit to the Chief Fisheries Officer, for approval, the plan of the establishment and a list of activities to be carried out at the establishment.

## **84. Approval of artisanal fish processing facility**

(1) A person shall not operate an artisanal fish processing facility without a licence issued by the Chief Fisheries Officer under this Act.

(2) A person shall not handle fish or fish products in a manner that compromises the quality and safety of the fish, including placing fish or fish products on the bare-ground.

(3) All artisanal fish processors shall conform to the minimum hygiene requirements prescribed in the Code of Practice for Safety and Quality Assurance in the Artisanal Fisheries subsector.

(4) 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.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment not exceeding six months, or both.

## **85. Licensing of fish maw, processors and exporters**

(1) A person shall not deal in, trade, process or export fish maws without a licence issued by the Chief Fisheries Officer under this Act.

(2) An application for a licence under subsection (1) shall be in the manner prescribed by regulations.

(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.

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

(5) 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.

**86. Approval of ice producers for fish industry**

The Chief Fisheries Officer shall approve producers of ice for the fishing industry who 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.

**87. Licensed vessels to meet hygienic criteria**

(1) The operator or owner of a vessel or vehicle licensed under this Act shall meet the required hygienic criteria set out in regulations made under this Act.

(2) A fisheries inspector shall conduct a quarterly verification of licensed vessels or vehicles to ensure continuous compliance with the criteria set out in regulations made under this Act.

(3) The Chief Fisheries Officer may suspend a vessel or vehicle licence where standards are not maintained or where there is violation of the Act, regulations made under this Act and any other applicable law until such time as it can be demonstrated that the vessel is compliant.

**PART VIII—ENFORCEMENT****88. Authorised officers**

(1) For the purposes of this Act, the following persons are authorised officers—

- (a) fisheries inspectors and other officers of the Directorate;
- (b) local government fisheries officers designated, in writing, by the Chief Fisheries Officers; and
- (c) officers employed in the Surveillance Unit.

(2) Notwithstanding subsection (1), the Chief Fisheries Officer may, in consultation with the relevant ministry, department or agency of government, by statutory instrument, designate public officers as authorised officers.

(3) Authorised officers shall have the same powers as officers of the Surveillance Unit specified in sections 16, 17, 18, 19 and 20.

*Dealings in Motor Vehicles, Fish and Vessels*

**89. Security for release of vehicles, fishing vessels and fishing gear**

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

(2) The court may, on an application under subsection (1), release the vehicle, fishing vessel or fishing gear on the furnishing of reasonable security or the execution of a reasonable bond by the owner, operator or hirer.

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

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

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

(5) The vehicle, fishing vessel or fishing gear shall be sold by auction ninety days after the notice in subsection (4).

(6) The proceeds of any sale under subsection (5) shall be applied to—

- (a) payment of costs and charges relating to the sale, including advertisement; and
- (b) payment of expenses of the removal and storage of the vehicle, fishing vessel or fishing gear.

(7) Where, after applying the proceeds of sale under subsection (6), remains a balance from the proceeds of sale, the Chief Fisheries Officer shall pay the balance into the Consolidated Fund.

## **90. Disposal of seized fish and other perishable fish products**

(1) The Chief Fisheries Officer may, where fish or other perishable fish product is seized under this Act—

- (a) release the fish or perishable fish product on obtaining adequate security from the person from whom the fish or perishable fish product was seized;
- (b) where court proceedings have been instituted, sell the fish or perishable fish products and pay the proceeds into court; or
- (c) in case of under size fish, destroy the fish.

(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.

## **91. Dealings with arrested persons, seized vessels or fishing gear**

(1) A person arrested under this Act shall be brought before court without delay and, subject to section 89, anything seized during the arrest shall be produced in court, where practicable.

(2) Where a person is released without being charged or where prosecution is not instituted within thirty days after a person is charged, anything seized shall be returned to the person from whom it was seized.

(3) Where a person is fined by a court, anything seized from that person shall be detained until the fine is paid or sold to meet the fine or any proceeds from its earlier disposal applied in payment.

## 92. **Abandoned vessel, vehicle, fishing gear, fish and fish products**

(1) Where an authorised officer has reason to believe that any fishing vessel, vehicle, fishing gear, fish or fish product has been abandoned for the purpose of avoiding prosecution, he or she shall apply to court for an order to dispose of the fishing vessel, vehicle, fishing gear, fish or fish product.

(2) Where a fishing vessel, vehicle, fishing gear, fish or fish product is abandoned, and the authorised officer believes that any person is liable to be investigated, searched or arrested in connection with the commission of an offence under this Act and that person—

- (a) has absconded to any place within or outside Uganda; or
- (b) has concealed himself or herself so that he or she cannot be searched, arrested or otherwise investigated,

the authorised officer may cause an investigation to be taken in relation to the area or premises and property previously in possession, occupation or control of the suspect.

## PART IX—OFFENCES, PENALTIES, FEES, FINES AND OTHER CHARGES

## 93. **General offences**

A person who contravenes any of the terms or conditions of a licence or permit commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

**94. Counterfeiting and similar offences**

A person who—

- (a) counterfeits, or issues without authority, any licence or permit;
- (b) submits false information in an application for a licence or permit;
- (c) counterfeits, alters, obliterates or defaces any stamp, mark, sign, licence or permit;
- (d) knowingly receives or keeps in his or her possession, any fish or fish product acquired in contravention of this Act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

**95. False statements and evidence of application**

(1) A person who—

- (a) makes any statement which he or she knows to be false for the purpose of procuring, whether for himself or herself or any other person, the issue of a licence or permit under this Act; or
- (b) falsely represents himself or herself to be a person to whom a licence or permit has been issued under this Act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

(2) In any proceedings before a court, the fact that a licence or a permit has been issued to a person shall be evidence that the person, for the purpose of obtaining that licence or permit, made a declaration that he or she was not disqualified from holding or obtaining the licence or permit.

**96. Prohibited fishing methods and fishing gear**

(1) A person commits an offence who—

- (a) uses any explosive, fire-arm, any device capable of producing an electric current, poison; including poison made from a natural substance or other noxious substance for killing, stunning, disabling or catching fish;
- (b) uses any fishing method or fishing gear prescribed as unlawful;
- (c) carries anything referred to in paragraph (a) or (b) in circumstances that indicate an intention to use it; or
- (d) lands, sells, receives, transports or is found in possession of fish, knowing or having good cause to know it to have been taken using a method referred to in paragraph (a).

(2) A person who commits an offence under subsection (1) (a) is liable, on conviction, to imprisonment not exceeding eight years without the option of a fine.

(3) A person who commits an offence under subsection (1) (b), (c) or (d), is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

(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.

(5) The onus is on the person found with anything referred to in subsection 1(a) or (b) to prove that he or she was not intending to use it.

(6) Any person who—

- (a) manufactures, stocks or sells prohibited fishing gear, including nets with prohibited mesh sizes; or

(b) sells explosives or substances knowing or having good cause to know that they are likely to be used for illegal fishing, 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.

## 97. Undersize fish

(1) A person who—

(a) in fishing waters, captures or kills any fish which is undersize; or

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

commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding three years, or both.

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

## 98. Pollution

A person who—

(a) disturbs, injures, poisons, kills or detrimentally affects any fish, fish spawning ground, including any aquatic plant or animal or fish food in any part of the fishing waters, by casting, discharging or allowing to fall, flow or percolate into those waters, oil, chlorinated hydrocarbon, biocide, pesticide, toxic or any other hazardous substance, heavy metal or other material or rubbish; or

(b) places any pollutants in a place where, by natural means, they can be washed into or otherwise reach the fishing waters or any water body, commits an offence and is liable, on conviction, to a fine not exceeding ten thousand currency points or to imprisonment not exceeding five years, or both.

## 99. Offences relating to authorised officers

A person who—

- (a) fails to comply with a lawful order issued by an authorised officer in accordance with this Act;
- (b) refuses an authorised officer entry upon any land, water, premises, facility, vehicle or vessel which he or she is empowered to enter by this Act;
- (c) obstructs, intimidates, molests, hinders or wilfully delays an authorised officer in the exercise or performance of his or her powers and functions under this Act;
- (d) refuses an authorised officer access to records, including electronic records, kept in accordance with this Act;
- (e) knowingly or negligently misleads or gives wrongful or false information to an authorised officer under this Act;
- (f) knowingly makes a statement or produces a document that is false or misleading in a material particular to an authorised officer engaged in carrying out his or her duties and functions under this Act;
- (g) fails to produce anything required to be produced under this Act;
- (h) refuses or resists a lawful search or inspection; or

(i) fails to state or wrongly states his or her name or address to an authorised officer in the course of his or her duties under this Act,  
commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

#### **100. Impersonation of authorised officer.**

A person, not being an authorised officer or employee of the Directorate, who takes or assumes the name, designation, character or appearance of an authorised officer or employee of the Directorate for the purpose of—

- (a) obtaining admission to any premises;
- (b) doing or causing to be done any act which he or she is not entitled to do; or
- (c) doing any unlawful act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or to imprisonment not exceeding two years or both, in addition to any other punishment to which he or she may be liable for the commission of any offence under this Act.

#### **101. Penalty for violating fish quality standards**

A person who fails to comply with the fish quality standards prescribed under this Act, commits an offence and is liable, on conviction—

- (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 year, or both for a first offence and a subsequent offence, a fine not exceeding three thousand currency points or to imprisonment not exceeding two years, or both;

- (b) for supply of fish to the domestic market, to a fine not exceeding two hundred currency points or to imprisonment not exceeding six months, or both; and
- (c) for an exporter, in case of a first offence, to a fine not exceeding five thousand currency points or to imprisonment not exceeding three years, or both and, in addition, the court shall order the revocation of the export licence.

## 102. Unlawful seizure

A person who—

- (a) takes, or causes or permits to be taken, anything seized under this Act otherwise than in accordance with this Act;
- (b) breaks, destroys or throws overboard from any facility, aircraft, vessel or vehicle, anything for the purpose of preventing its seizure or for the purpose of preventing it from being secured after it has been seized; or
- (c) destroys or damages anything that is seized under this Act otherwise than in circumstances provided for in this Act or regulations made under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or to imprisonment not exceeding one year, or both.

## 103. Removing or defacing seal

A person who—

- (a) removes a seal of the Directorate from any premises, facility or package without the authority of an authorised officer; or

(b) willfully alters, defaces, obliterates or imitates, any mark placed by an authorised officer on any premises, facility or package, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

#### **104. Alerting offender**

A person who, with intent to obstruct an authorised officer or an employee of the Directorate in the execution of his or her duty, alerts, or does any act for the purpose of alerting any person engaged in the commission of an offence under this Act, whether or not that person is in a position to take advantage of such alert or act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

#### **105. Conspiracy to commit an offence**

A person who conspires with another person to contravene any of the provisions of this Act commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment not exceeding one year, or both.

#### **106. Continuing or subsequent offences**

(1) A person who continues to contravene any of the provisions of this Act or regulations made under the Acts commits an offence and is liable to an additional penalty—

- (a) in the case of an individual, of a fine not exceeding one thousand currency points for each day on which the offence continues; or
- (b) in the case of a body corporate, to a fine not exceeding ten thousand currency points for each day on which the offence continues.

(2) A person who commits a second or subsequent offence is liable to pay an additional penalty—

- (a) in the case of an individual, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years, or both; and
- (b) in the case of a body corporate, to a fine not exceeding one hundred thousand currency points.

### **107. General penalty**

A person who contravenes any provision of this Act for which no penalty is specifically provided, commits an offence and is liable, on conviction—

- (a) in the case of an individual, to a fine not exceeding one thousand currency points or to imprisonment not exceeding seven years, or both; and
- (b) in the case of a body corporate, to a fine not exceeding ten thousand currency points.

### **108. Power of court to confiscate and order forfeiture**

(1) The court which convicts a person of an offence under this Act may order the forfeiture of—

- (a) any fish or fish product in respect of which the offence was committed or which was found in the person's possession or his or her agent's possession; or
- (b) any vehicle, vessel or other conveyance, machinery, goods or equipment, fishing gear implement, appliance, material, container, weapon or other thing which was used to commit the offence or which was capable of being used to take fish or fish products found in his or her possession and used in respect of the commission of the offence.

(2) Any fish or fish product forfeited under subsection (1) shall, unless otherwise ordered by the court, be destroyed, sold or otherwise disposed of as the court may determine.

### **109. Power of court to order compensation**

The court may, where a person is convicted of an offence under this Act, order the person to—

- (a) pay to the Government, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage not exceeding five times the value of the fish; or
- (b) pay up to ten times the amount of any fees or other payment which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

### **110. Offences committed by body corporate**

(1) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine or to imprisonment prescribed by the relevant section.

### **111. Deprivation of monetary benefits**

A court convicting a person of an offence under this Act may summarily and without pleadings, inquire into the money benefit acquired or saved by the person as a result of the commission of the offence and may, in addition to any other penalty imposed, impose a fine equal to the court's estimation of that monetary benefit, notwithstanding any maximum penalty provided under this Act.

**112. Cancellation of licences and permits by court**

The court may, on convicting a person granted a licence or permit of an offence under this Act—

- (a) order that the licence or permit be cancelled; or
- (b) disqualify that person from obtaining a licence or permit for a period as the court thinks fit.

**113. Further powers of court**

A court, on convicting any person for an offence under this Act, may order that person, within a time specified in the order, to do any act that the person had failed, refused or neglected to do.

**114. Express penalties**

- (1) The Minister may, by regulations, prescribe an express penalty scheme for contravention of any provision of this Act.
- (2) For the avoidance of doubt, an express penalty prescribed under subsection (1) shall be deposited into the Consolidated Fund.

**PART X – MISCELLANEOUS****115. Cooperation in fisheries management**

(1) The Minister shall establish mechanisms for collaboration with the regional and international community to contribute towards a peaceful, healthier and better global fisheries management for the present and future generations.

(2) The Minister may, subject to the Constitution, collaborate with the Ministry responsible for foreign affairs, sector ministries and agencies, to initiate, coordinate and implement transboundary fisheries resources management programmes with other countries.

(3) Without prejudice to subsection (2), the Minister may, on the recommendation of the Chief Fisheries Officer, establish a

national focal point for the coordinated implementation of multilateral environmental agreements to enable effective preparation for negotiations, reporting, feedback and national implementation.

### **116. Research and training**

The Minister, in consultation with relevant research and training institutions, stakeholders and local governments—

- (a) may carry out or commission research for the purpose of conservation, development and utilisation of fisheries resources, and for the conservation of biological diversity resources; and
- (b) shall ensure the training of officers of the Directorate, authorised officers and other public officers and stakeholders for the development and sustainable management of fisheries resources.

### **117. Information**

(1) The Chief Fisheries Officer may require an applicant for a licence or a permit to provide him or her with information concerning any activity relating to the licence or permit applied for under this Act as he or she may deem necessary.

(2) The Chief Fisheries Officer may require commercial fishers, persons engaged in aquaculture, whether under a permit or not, fish wholesalers and retailers, fish processors, fish transporters, and owners of catering establishments or fish importers to make returns of fish caught, landed, transported, processed, bought or sold by them.

### **118. Management of fisheries information**

- (1) The Chief Fisheries Officer shall—

- (a) gather, document, evaluate and disseminate information on fisheries resources;

- (b) carry out public education and awareness on fisheries resources;
- (c) foster information exchange on fisheries with other ministries, departments, agencies of government, foreign agencies, international and nongovernmental agencies;
- (d) coordinate and support local governments in the management of fisheries information;
- (e) advise Government on fisheries information gaps and needs;
- (f) issue guidelines and establish principles for the gathering, documentation, evaluation and dissemination of fisheries information; and
- (g) require a local government or any person to submit fisheries information to the Chief Fisheries Officer.

(2) The Chief Fisheries Officer shall establish a national fisheries information resource centre to standardise fisheries information and to act as the central depository for fisheries information.

(3) The Chief Fisheries Officer may publish any fisheries information as he or she considers necessary for public education and awareness.

## **119. Access to information**

(1) Subject to article 41 of the Constitution and the Access to Information Act, 2005, every citizen has a right of access to any information relating to the implementation of this Act, submitted to or in the possession of the Directorate, a local government or any other relevant stakeholder.

(2) A citizen desiring information under subsection (1) shall apply to the Chief Fisheries Officer and shall be granted access to the information on the payment of the prescribed fee.

## 120. Regulations

(1) The Minister may, in consultation with the relevant stakeholders, by statutory instrument, make regulations generally for the better carrying out of the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations in respect of any or all of the following matters—

- (a) the establishment, management and closure of fishing activities at the landing sites;
- (b) measures to protect wetlands and fish breeding grounds from damage caused by specific fishing methods; the control and prohibition of methods of fishing and protection of fish stock and habitats from the effects of pollution or from the effects of measures taken to eliminate or control pollution;
- (c) the conservation, sustainable management or utilisation and protection of fisheries resources, including the establishment of closed areas and the declaration of closed seasons, the prescription of the limits on the amounts, sizes and weights of fish caught, retained or traded;
- (d) methods of fishing;
- (e) the procedure for application for licences and permits;
- (f) the marketing, purchase, sale, processing, canning or freezing of fish, either generally or in respect of any particular area or areas;
- (g) fish culture, aquatic pests and weed, fish farming and fish breeding;

- (h) the extraction, handling, processing, transportation and marketing of fish maws;
- (i) the importation, exportation and manufacture of fishing gear;
- (j) limiting the numbers of licences and permits; whether generally or specifically;
- (k) fees or charges payable under this Act, including landing site user fees;
- (l) closing an area or areas to commercial fishing, or prohibiting a method or methods of commercial fishing within an area or areas, for the purpose of sustainable management of fisheries resources;
- (m) recreational and local fishing, including restrictions on the amount of fish that may be caught;
- (n) the restocking of water bodies;
- (o) the introduction of alien and exotic species and regulating the import and export of live freshwater or marine fish and fry and their spawn, any other aquatic organisms and aquatic plants;
- (p) aquaculture and fish breeding, including the issue by the Chief Fisheries Officer of guidelines, instructions and codes of practice for the maintenance and operation of aquaculture facilities;
- (q) the control of diseases of fish, including the destruction of any live fish stock in aquaculture facilities;

- (r) the handling, sale, transport, storage, treatment, processing and labeling of fish and fish products to promote the value of fish and fish products, and to minimise or prevent risks to human health;
- (s) prescribing specifications for fish processing establishments, cold rooms, ice plants, fish transportation vehicles, boats and landing sites;
- (t) light fishing and the type of light fishing per water body;
- (u) equitable sharing of fisheries resources;
- (v) prescribing the standards for boats and boat size per water body;
- (w) prescribing the number of boats per person or company;
- (x) prescribing the number of nets per boat;
- (y) prescribing the type of fishing gear per water body;
- (z) bait fishing, transportation and storage of bait;
- (aa) the gazetting of closed seasons and fish breeding areas;
- (bb) the management of fish processing establishments and artisanal fish processing facilities to prepare and implement quality management programmes and own checks;
- (cc) monitoring quality management programmes and application of Hazard Analysis and Critical Control Point (HACCP);
- (dd) the performing of microbiological and chemical and physical analyses on fish and fish products before they are released for human consumption;

- (ee) certifying the quality of fish and fish products through issuance of sanitary certificate before they are placed on the market;
- (ff) prescribing the manner in which fish and fish products placed on the market shall be labelled;
- (gg) prescribing ornamental fish;
- (hh) prohibiting or regulating trade in fish or fish products;
- (ii) establishing a traceability system of fish and fish products at any stage;
- (jj) the methods, equipment, and devices to be used for determining the size or weight of any fish and regulating or prohibiting the possession or use of any kind of fishing gear, equipment, or device used for, or related to, fishing;
- (kk) prescribing undersize fish and regulating or prohibiting the catching of undersize fish, either generally or in respect of any species of fish or specified area;
- (ll) permitted by-catch or non-target fish species;
- (mm) the notification of diseases dangerous to fish and the measures to be taken to control or eradicate the notified diseases;
- (nn) prescribing details and conditions relating to the registration of fishing vessels and fish carriers and related matters, the method or methods of identifying fishing vessels and fish carriers, the identification marks or symbols or distinguishing flags to be carried by such vessels and by tenders and similar vessels carried by or attached to or used in conjunction with registered vessels,

and the identification marks on sails, nets or seines, and other fishing gear used in fishing, by vessels or otherwise;

- (oo) specifying information concerning fisheries activities to be provided to the Chief Fisheries Officer and the form, format and frequency within which the information is to be submitted;
- (pp) prescribing forms and other documents required for the purposes of this Act; and
- (qq) prescribing the form and contents of registers to be kept under this Act.

(3) Regulations made under this section may apply to all water bodies in Uganda, a single lake, water body or part of a water body.

(4) Regulations made under this section may, in respect of any contravention—

- (a) provide for additional enforcement powers of authorised officers;
- (b) provide for the forfeiture of anything used in the commission of an offence;
- (c) prescribe a penalty of a fine not exceeding one thousand currency points or imprisonment not exceeding three years, or both;
- (d) in the case of a continuing contravention, prescribe an additional penalty not exceeding five hundred currency points in respect of each day on which the offence continues; or
- (e) prescribe a higher penalty not exceeding two thousand currency points or imprisonment not exceeding ten years or both in respect of a second or subsequent contravention.

(5) The Minister shall lay the regulations made under subsection (2)(d), (h), (n), (t), (v), (w), (x), (y), (z) and (aa) before Parliament for approval.

(6) Regulations laid before Parliament under subsection (5) shall be approved by Parliament within sixty days from the date of laying.

(7) Where Parliament does not approve the regulations within the period prescribed under subsection (6), the regulations shall be deemed to have been approved.

## **121. Guidelines**

The Chief Fisheries Officer may issue guidelines and codes of practice relating to fisheries and fisheries management not inconsistent with this Act and regulations made under this Act.

## **122. Amendment of Schedule**

The Minister may, by statutory instrument, with the approval of Cabinet, amend the Schedule to this Act.

## **PART XI—REPEAL, SAVINGS AND TRANSITIONAL**

### **123. Repeal of Cap. 197 and Cap. 199**

(1) The Fish Act is repealed.

(2) The Trout Protection Act is repealed.

(3) A statutory instrument made under any of the Acts repealed by subsection (1) and (2), and which is in force immediately before the commencement of this Act, shall, unless a contrary intention appears, remain in force, so far as it is not inconsistent with this Act until it is revoked by regulations made under this Act and, until that revocation, shall be deemed to have been made under this Act.

**124. Existing licences, permits and agreements**

(1) A licence or permit issued under the Fish Act repealed by section 123, and which is in force immediately before the commencement of this Act—

- (a) shall have effect from the commencement of this Act as if granted under this Act; and
- (b) in the case of licence or permit for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

(2) Any agreement or similar arrangement made under any of the Acts repealed by section 123 shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

**SCHEDULE**

*Section 4 and 122*

**CURRENCY POINT**

One currency point is equivalent to twenty thousand shillings.

**Cross References**

Access to Information Act, 2005, Act 6 of 2005.

Criminal Procedure Code Act, Cap. 116.

Fish Act, Cap. 197.

Inland Water Transport Act, 2021, Act 18 of 2021.

Local Governments Act, Cap. 243.

Magistrates Courts Act, Cap. 16.

National Agricultural Advisory Services Act, 2001, Act 10 of 2001.

National Agricultural Research Act, 2005, Act 19 of 2005.

National Environment Act, 2019, Act 5 of 2019.

Ratification of Treaties Act, Cap. 204.

Traffic and Road Safety Act 1998, Cap. 361.

Trout Protection Act, Cap. 199.

Universities and Other Tertiary Institutions Act, 2001, Act 7 of 2001.

