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<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
50	Inland Fisheries Act Transfer of Certain Statutory Functions Order Under Section 2 Regulations, 2010	B957-969

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S. I. 50 of 2011.

INLAND FISHERIES ACT TRANSFER OF CERTAIN STATUTORY FUNCTIONS ORDER UNDER SECTION 2 COMMENCEMENT DATE

In exercise of the powers conferred on me by Section 315 (2) of the Constitution of the Federal Republic of Nigeria 1999 and Section 2(1) (a) (b) of the Minister's Statutory Powers and Duties (Miscellaneous Provisions) Act CAP. 228 Laws of the Federal Republic of Nigeria 1990 and all other powers enabling me in that behalf I, Dr Goodluck Ebele Jonathan, President of the Federal Republic of Nigeria hereby make the following Order :

The functions conferred on the Minister charged with the responsibility of Fisheries under the Inland Fisheries Act CAP. 110 Laws of the Federation of Nigeria 2004 with respect to the powers to make Regulations is hereby transferred to the Minister, Federal Capital Territory.

The Minister, Federal Capital Territory shall exercise the functions herein transferred only in respect of making Regulations to ensure the effective implementation of the provisions of the Inland Fisheries Act as it affects the Federal Capital Territory.

This Order may be cited as the Inland Fisheries (Transfer of Certain Statutory Functions) Order 2010.

MADE at Abuja this 13th day of August 2010.

DR GOODLUCK EBELE JONATHAN, GCFR,
President of the Federal Republic of Nigeria.

In the exercise of the powers conferred on me by the Inland Fisheries (Transfer of Powers to Make Regulations on Fisheries in the Federal Capital Territory) Order 2010, I hereby make the following Regulations :

Citation and
Commence-
ment.

These Regulations may be cited as the Federal Capital Territory Fisheries Regulations, 2010.

Interpreta-
tion.

In these Regulations, the following words shall have the following meanings as they appear in the body of the Regulations herein :

"*Barrier*" means an obstruction constructed in the course of a river or lake ;

"*Closed Season*" means a specific period during which fishing is prohibited ;

"*Gears*" means any net, hook, fishing line, fishing boat, vessels, traps, container of chemicals substances used for the purpose of catching or killing fish ;

"*Secretary*" means Secretary of Agriculture and Rural Development Secretariat ;

"*Fixed engine*" means any net or Barrier set across any water ;

"*License*" means a permit to engage in any fisheries business ;

"*Minister*" means the Minister of The Federal Capital Territory ;

"*Proceedings*" means legal proceedings before a court of competent Jurisdiction ;

"*Public Water*" means any water which is not private Water ;

"*Water Bodies*" means rivers, dams, springs, floods, ponds, natural lakes, hydro-electric power, reservoirs, domestic water reservoir irrigation reservoir and mining paddocks.

Fisheries
License.

1. No person shall catch, sell or farm fish within FCT unless he obtains a license to do so.

Application
and Catch
Permit to
engage in
Fisheries
Business.

2.—(i) Any person who desires to catch any of the fish species in the Territorial waters of FCT shall—

(a) Apply to the Head of Fisheries in the Form specified in Schedule I of these Regulations ;

(b) Upon being granted the Permit to do so, pay the registration fee as specified in Schedule II of these Regulations ;

(ii) Any person who desires to go into aquaculture in the FCT must declare his proposed farm site for inspection in addition to section 2 (a) and (b) above ;

(iii) Any person who desires to sell or distribute fish and fish products in the FCT shall comply with the provisions in Section 2 (a) and (b) above.

Prohibited
Methods of
Fishing,
Farming and
Marketing.

3.—(i) No person shall catch or destroy any fish in the water bodies of FCT by any of the following methods—

(a) Use of any explosive substance or electricity ;

- (b) Use of any poisons, poisonous herbs or noxious matter ;
- (c) Use of grill net or dragnet of less than 2 1/2 or 6.2 centimetres mesh size.
- (d) Use of hooks larger than size 17 and above.

(ii) No person shall farm or culture fish in the FCT using any of the following methods or in any of the following places :

(a) The use of contaminated or polluted Water e.g. sewage water :

- (a) The use of maggots from sewage as fish feeds ;
- (b) Industrial areas ;
- (c) Sewer lines ;

(iii) No person shall :

- (a) Preserve fish by the use of insecticide or other chemicals ;
- (b) Transport, display or sell fish under unhygienic conditions ;
- (c) Sell fish without aprons and protective gloves ;
- (d) Display smoked/frozen fish outside a showcase ;
- (e) Sell un-gutted fresh fish.

4.—(i) A fisherman must declare his catch crafts and gears.

Declaration of
Catch, Farm
Products and
Stock.

(ii) A fish farmer must declare his harvest to a nominated Government agent when required to do so.

(iii) Fish sellers and distributors must declare their stock to a nominated Government agent when required to do so.

5. The Secretary of Agriculture and Rural Development Secretariat may at his discretion or as the need arises declare as closed certain areas or seasons.

Prohibition on
Closed Areas
and Seasons.

6.—(i) All fresh and dried/smoked fish entering "FCT must land first at the approved fish depots for quality assessment.

Approved
Landing-Site/
Fish Depot.

(ii) Certificate of quality assurance shall be issued to such sellers and distributors whose products are found fit for consumption.

(iii) Any fisherman who fails to land in an approved site(s) shall be guilty of an offence.

7.—(1) The provisions of this Regulation shall be enforced by such officers as may be authorised by the Secretary of the Agriculture and Rural Development Secretariat.

Enforcement.

(2) An authorised officer may for the purpose of enforcing a provision of these Regulations :

(a) Require the seller/distributor, farmer or Fisherman in respect of which a license has been issued to exhibit his license.

(b) Collect data for statistical purpose.

(c) Where there is reason to suspect that an offence under these Regulations has been committed, the alleged offender and the Catch, harvest and product may be taken to the nearest Police Station.

Construction of
Weirs, Dams
and Barriers.

8.—(1) The appropriate authority shall regulate and control the building of dams, weirs or other fixed barriers or obstruction to ensure a free circulation of fish and where permission is granted to a person to build dams, weir or other fixed barriers or obstruction, fish ladders shall be built to ensure free movement of fish.

(2) No person shall fix stationary fishing structures across any river for the Purpose of cultivating/culturing or propagating fish.

Fish Size
Prohibition.

9. No person shall catch fish in the territorial waters of FCT below the sizes outlined in schedule III of these Regulations.

Exercise of
Power Vested
on
Government
Officials.

10. Any power vested in a government official may be exercised by him without warrant, summons or other process and any fishing boat or apparatus of fish taken from an alleged offender may be detained pending the sales of catch and the proceeds of the sale of the catch and the proceeds of the sale of the catch detained pending such trial.

Marketing
Ethics.

11.—(1) No person with open wound or infectious disease is allowed to sell fish or fish products in the FCT.

(2) Any person selling fish within the FCT shall have the following :

(a) waste bins ;

(b) disinfectants ;

(c) detergents.

Site Selection
for
Aquaculture.

12. Any person wishing to construct a pond within the Territory shall comply with the provisions of all the environmental and Lands Laws applicable in the Federal Capital Territory.

Sport Fishing
in FCT.

13.—(1) Any person wishing to go into sport fishing in designated water bodies in the FCT shall comply with the provisions of subsection 2, and 3 below.

(2) No sports fisherman is allowed to catch fish below the size provided in schedule III of these Regulations.

(3) Any person wishing to engage in sport fishing in the FCT must use hook and line between sizes 17 and 20.

Offences and
Penalty.

14.—(1) Any person who contravenes or fails to comply with any of these Regulations commits an offence.

(2) Any person who commits an offence under Section 1 of these Regulations shall be liable on conviction for a first offence to a fine of ₦10,000.00 (ten thousand naira only) or imprisonment for a term not exceeding one month and for a second or subsequent offence to a fine of ₦50,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding six months.

(3) Any person who commits any offence under Section 3 (1) of these Regulations shall be liable on conviction for a first offence to a fine of ₦50,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding two months.

In addition such fish shall be confiscated and destroyed. Conviction for a second or subsequent offence shall be a fine of ₦100,000.00 (one hundred thousand naira only) or imprisonment for a term not exceeding one year. In addition, such fish will be confiscated and destroyed.

(4) Any person who commits an offence under Section 3 (2) of these Regulations shall be liable on conviction for a first offence to a fine of ₦100,000.00 (one hundred thousand naira only) or imprisonment for a term not exceeding one year. In addition, the farm will be sealed.

(5) Any person who commits an offence under Section 3 (3) of these Regulations shall be liable on conviction for a first offence to a fine of ₦100,000.00 (one hundred thousand naira only) or imprisonment for a term not exceeding one month.

(6) In addition, the fish and fish product will be confiscated and destroyed. A second or subsequent offender shall be liable to a fine of ₦200,000.00 (two hundred thousand naira only) or imprisonment for a term not exceeding one year. In addition, the fish products will be confiscated and/or destroyed.

(7) Any person who commits an offence under Section 4 of these Regulations shall be liable on conviction for a first offence to a fine of ₦10,000.00 (ten thousand naira only) or imprisonment for a term not exceeding one month. A second or subsequent offender shall be liable to a fine of ₦50,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding three months.

(8) Any person who commits an offence under Section 5 of these Regulations shall be liable on conviction to a fine of ₦100,000.00 (one hundred thousand naira only) or imprisonment for a term not exceeding six months. In addition, the catch and fishing gears will be confiscated.

(9) Any person who commits an offence under section 6 (1) shall be liable on conviction for a first offence to a fine of ₦10,000.00 (ten thousand naira only) or imprisonment for a term not exceeding one month and for a second offence to a fine of ₦50,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding three months.

(10) Any person who commits an offence under Section 6 (2) of these Regulations shall be liable on conviction to a fine of ₦50,000.00 (Fifty thousand naira only) or imprisonment for a term not exceeding three months.

(11) Any person who commits an offence under Section 7 of these Regulations shall be liable on conviction to a fine of ₦10,000.00 (ten thousand naira only) or imprisonment for a term not exceeding one month.

(12) Any person who commits an offence under Section 8 of these Regulations shall be liable on conviction to a fine of ₦100,000.00 (One hundred thousand naira only) or imprisonment for a term of one year. In addition, the dams, weirs and/or other fixed barriers or obstructions shall be destroyed.

(13) Any person who commits an offence under Section 9 of these Regulations shall be liable on conviction for a first offence to a fine of ₦50,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding one month. In addition the catch and gears will be confiscated. For a second offence a fine of ₦100,000.00 (one hundred thousand naira only) or Imprisonment for a term not exceeding six weeks. In addition the catch and gears shall be confiscated.

(14) Any person who commits an offence under Section 11 of these Regulations will be liable on conviction for a first offence to a fine of ₦10,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding one month. A second offender shall be liable to a fine of ₦50,000.00 (five hundred thousand naira only) or imprisonment for a term not exceeding six months.

(15) Any person who commits an offence under Section 12 of these Regulations shall be liable on conviction to a fine of ₦100,000.00 (one hundred thousand naira only) or imprisonment for a term not exceeding six months.

(16) Any person who commits an offence under Section 13 of these Regulations shall be liable on conviction to a fine of ₦20,000.00 (twenty thousand naira only) or imprisonment for a term not exceeding two months.

(17) Any person who commits an offence under Section 13 (2) and (3) of these Regulations shall be liable on conviction to fine of ₦20,000.00 (twenty thousand naira only) or imprisonment for a term not exceeding one month. In addition, the catch and the gears will be confiscated.

(18) Any person caught selling naturally poisonous fish e.g. puffer fish, moray eel, etc shall be guilty of an offence under these Regulations and be liable on conviction to a fine of ₦50,000.00 (fifty thousand naira only) or imprisonment for a term not exceeding one year.

15.—(1) Any police officer authorized for that purpose or any person or persons empowered by these Regulations or any other law in that behalf may, without warrant, arrest any person found doing any act or omitting to do any act in contravention or breach of the provision of these Regulations.

(2) Where the name and address of the person committing the breach is not known to the person making the arrest or where the person committing the breach or omission declines to furnish his name and address to the officer or where there is reasonable ground to doubt the accuracy of the name and address so given, the person so arrested under this Section may be taken to the nearest Police Station and detained for such a reasonable time as his name and address may be correctly ascertained provide that no person so arrested shall be detained for a period longer than twenty four hours before bringing him before a court of law for trial.

(3) A fishing offence may be tried by a Magistrate Court having jurisdiction over the place where the fishing offence was committed subject to the provisions of any law for the time being in force in the Federal Capital Territory.

16.—(1) The Secretary, Agriculture and Rural Development Secretariat may make rules to enhance the intention of these Regulations and in the interest of the fishing industry in the Federal Capital Territory.

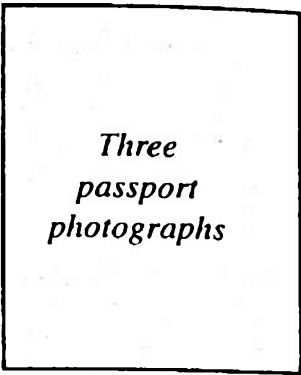
(2) Without prejudice to the foregoing provisions of these Regulations, rules made under this Section may—

(a) Regulate, prohibit or restrict fishing in any specific area in the Federal Capital Territory ;

(b) Provide for the destruction of any fish caught and preserved that is unfit for human consumption.

17. The forms set out in the schedules to these Regulations shall be used in all cases to which the forms are applicable. Schedules.

SCHEDULE 1



A. APPLICANTS PARTICULARS

- 1. Name of Applicant.....
- 2. Other Names.....
- 3. Address of Place of Resident of Applicant.....
- 4. Date of Birth.....
- 5. State of Origin.....
- 6. Type of Licence permit (Tick One)
 - (a) Fisheries Right []
 - (b) Sale of Fish and Fish product Permit []
 - (c) Sport fishing permit []
 - (d) Fish farming permit []
- 7. Address of Business premises.....
.....
- 8. Have you been in the trade before?
Yes/No.....
- 9. If yes, give details of place/address.....
.....
Period from.....to.....
- 10. Size of farm and species cultured (where applicable).....
.....

B.

DECLARATION

1. I do solemnly declare that all information provided overleaf are to the best of my knowledge correct. In the event of any of the above being found to be false, I hold myself liable to be prosecuted under the provisions of the Oaths Act of 1963 or if there are any amendments.
2. I also undertake to abide by all the rules and regulations governing fishing and fisheries activity in this territory.
3. I hold myself liable to punishment as prescribed in the event of breach of any of the provisions thereof.

Sign

Date

FOR OFFICE USE ONLY*Comment by Area Fisheries Officer.*

SCHEDULE II

REGISTRATION FEES

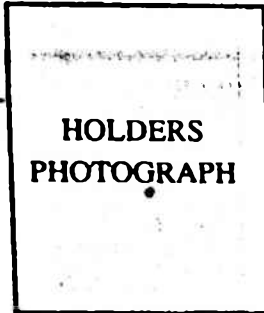
1.	Fisheries Right	..	..	..	..	..	₦400.00
	Renewal (Annually)	..	..	..	..	..	₦300.00
2.	Sale of Fish and Fish Products						
	(a) Retail	..	..	..	..	..	₦400.00
	Renewal (Annually)	..	..	..	..	..	₦300.00
	(b) Distributorship	..	..	..	..	..	₦1,000.00
	Renewal (Annually)	..	..	..	..	..	₦600.00
3.	Sport Fishing	..	..	..	..	..	₦1,200.00
	Renewal (Annually)	..	..	..	..	..	₦600.00
4.	Fish Farming	..	..	..	..	..	₦1,000.00
	Renewal (Annually)	..	..	..	..	..	₦600.00

SCHEDULE III

FISH SIZES

<i>S/No.</i>	<i>Species</i>	<i>Length in cm</i>
1.	<i>Lates niloticus</i>	20 cm and above
2.	<i>Gymnachus niloticus</i>	35 cm and above
3.	<i>Heterobranchus species</i>	30 cm and above
4.	<i>Hyrocynus species</i>	30 cm and above
5.	<i>Hepsetus species</i>	30 cm and above
6.	<i>Citharinus species</i>	23 cm and above
7.	<i>Distichodus species</i>	22 cm and above
8.	<i>Tilapia species</i>	12 cm and above
9.	<i>Heterotis species</i>	30 cm and above
10.	<i>Bagrus species</i>	30 cm and above
11.	<i>Claries species</i>	30 cm and above
12.	<i>Chrysichthys species</i>	12 cm and above
13.	<i>Synodontis species</i>	12 cm and above
14.	<i>Momyrops species</i>	20 cm and above
15.	<i>Cyprinus species</i>	30 cm and above

SCHEDULE IV



Name
(Block Letter)

Address
.....

Signature or Mark

Witness to Mark

Date

FEDERAL CAPITAL TERRITORY, ABUJA**FISHERIES TRADE AND BUSINESS PERMITS**

1. Registration No
2. Date Trade and Permit Approved
3. New or Renewal
4. Type of Trade and Permit
.....
5. Name and Approved Address
.....

.....
Official Stamp and Signature

MADE at Abuja this 25th Day of November, 2010.

SENATOR BALA ABDULKADIR MUHAMMED
Minister, Federal Capital Territory, Abuja