

THE DEEP SEA FISHING AUTHORITY (AMENDMENT)
ACT, 2007

ARRANGEMENT OF SECTIONS

<i>Section</i>	<i>Title</i>
1.	Short title.
2.	Amendment of section 2.
3.	Amendment of section 3.
4.	Amendment of section 4.
5.	Amendment of section 5.
6.	Amendment of section 6.
7.	Amendment of section 8.
8.	Amendment of section 10.
9.	Amendment of section 11.
10.	Amendment of section 13.
11.	Amendment of section 15.
12.	Amendment of section 16.
13.	Amendment of section 18.
14.	Repeal of section 20.

THE UNITED REPUBLIC OF TANZANIA



No. 17 of 2007

I ASSENT,
Jakaya Mwisho Kilimete
 President
 30th March, 2007

An Act to amend the Deep Sea Fishing Authority Act.

ENACTED by Parliament of the United Republic of Tanzania

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Deep Sea Fishing Authority (Amendment) Act, 2007 and shall be read as one with the Deep Sea Fishing Authority Act, hereinafter referred to as the "principal Act". Short title
Cap.388
2. Section 2 of the principal Act is amended in subsection (2) by deleting the word "all" and substituting for it the word "fishing". Amend-
ment of
section 2
3. Section 3 of the principal Act is amended by: Amend-
ment of
section 3
 - (a) deleting references to the definition of the term "Advisory Committee" and substituting for it the following definition: "Technical Advisory Committee" means the Technical Advisory Committee referred to in Section 4(3);"

- (b) inserting the acronym “KMKM” between the words “force,” and “officers” appearing in the definition of the “authorized officers”;
- (c) deleting references to the definition of the term “Minister” and substituting for it the following:
 “Minister” means the Minister responsible for fisheries in Mainland Tanzania;
- (d) inserting the following definitions in their appropriate alphabetical order:
 “court” means the High Court of Tanzania or the High Court of Zanzibar, as the case may be;
 “deep sea zone” means an area beyond twelve nautical miles;
 “deep sea fishing ground” means an area beyond twelve nautical miles from territorial water.”Ministers” means the ministers responsible for fisheries in Tanzania Zanzibar and Mainland Tanzania.

Amend-
ment of
section 4

- 4. Section 4 subsection (4) of the principal Act is amended -
 - (a) in paragraph “(c)”, by deleting the word “enforcement” and substituting for it the word “implementation”;
 - (b) in paragraph “(e)”, by deleting the word “policies” and substituting for it the word “guidelines”;
 - (c) inserting new paragraphs, (g) and (h) as follows:
 - ‘(g) safeguard Exclusive Economic Zones environment;
 - (h) to implement any agreement reached at regional and other international levels which the United Republic is a party; and’
 - (d) by renumbering existing paragraph (g), as (i).

Amend-
ment of
section 5

- 5. Section 5 of the principal Act is amended by:
 - (a) in subsection (1), deleting paragraph (c) and substituting for it the following:
 - “(c) the Permanent Secretary of the Ministry responsible for defence;
 - (d) the Permanent Secretary of the Vice President’s Office responsible for Union matters;”
 - (e) the Director-General, who shall be a Secretary of the Committee;

- (f) Principal Secretary of the Chief Minister's Office;
- (g) the Principal Secretary responsible for KMKM.
- (b) in subsection (3):
 - (a) deleting the words "Director-General and other" appearing in paragraph "(a)";
 - (b) deleting paragraph (d) and (e) and substituting for them the following:
 - "(d) to approve and determine fisheries policies; and
 - (e) to approve criteria for issuance of licences.'
- (c) deleting subsections (5), (6) and (7) substituting for them the following:

"(5) Quorum at any meeting of the Committee shall be two thirds of members from each side of the Union.

(6) The Committee may make its own procedures.

"(7) Where the Executive Committee fails, for any reason, to reach a decision on any matter within its jurisdiction, the Chairman shall refer that matter to the Minister who, shall make consultations with the Minister responsible for fisheries in Tanzania Zanzibar and the Minister responsible for foreign affairs and international cooperation in the United Republic, and the decision reached thereof shall be binding upon both sides of the Union.

- (8) The Technical Advisory Committee shall consist of the following members:-
 - (a) the Director of Fisheries in the Government of the United Republic;
 - (b) the Director of Fisheries in the Revolutionary Government of Zanzibar;
 - (c) two lawyers, representing:
 - (i) the office of the Attorney General in the Government of the United Republic;
 - (ii) the office of the Attorney General in the Revolutionary Government of Zanzibar.

- (d) two marine economists, appointed by the Minister after consultation with the minister responsible for fisheries in the Revolutionary Government of Zanzibar, one each from the two sides of the union;
- (e) two marine scientific researchers from research institutions, one from each side of the Union;
- (f) two other members appointed by the Minister, one each from Mainland Tanzania and Tanzania Zanzibar, being persons having knowledge and experience in the fishing industry.

(9) The functions of the Technical Advisory Committee shall be to:

- (a) make proposals for fisheries policies to be formulated by the Executive Committee;
 - (b) evaluate fisheries projects and advise the Executive Committee for consideration thereof before its approval;
 - (c) advise on the type of fishing vessels, fishing gears and sustainable fishing methods; and
 - (d) evaluate reports of performance by the management of its functions and consider the budget and submit it to the Executive Committee for its consideration and approval.”
- (d) by renumbering the existing subsections (8), (9) and (10) as (10), (11) and (12) respectively.
 - (e) in subsection (10) as renumbered by—
 - (i) inserting the word “Technical” between the words “The” and “Advisory” appearing at the beginning of that subsection; and
 - (ii) inserting the words “twice yearly” between the words “meet” and “and may” appearing in the first and second line of that subsection.

- (f) deleting subsection (11) as renumbered and substituting for it the following:

“(9) The Chairmanship of the Technical Advisory Committee shall alternate annually between the Director of Fisheries of Mainland Tanzania and the Director of Fisheries of Tanzania Zanzibar.”

- (g) by inserting in subsection (12) as renumbered the words “Deputy Director- General” immediately after the words “Director-General” appearing in that subsection.

6. The principal Act is amended by adding the following provision after section 5:

Addition
of
section
5A

“Secretariat

5A.—(1) There shall be a Secretariat of the Executive Committee to be headed by the Director- General.

(2) The Deputy Director-General and officers from fisheries departments from either side of the Union shall be members of the Secretariat”

7. Section 6 of the principal Act is amended—

Amend-
ment of
section 6

- (a) by deleting subsection (1) and substituting for it the following:

“(1) There shall be a Director-General and Deputy Director-General to be appointed by the President.

- (b) by deleting subsection (2) and substituting for it the following:

(2) The Director-General and Deputy Director-General shall be qualified and well experienced in fisheries activities.

- (c) in subsection (3) by:

- (i) deleting the phrase “be responsible to the Executive Committee and to the Minister” and substituting for it a phrase “be answerable to the Executive Committee”;

(ii) deleting paragraph “(a)” and substituting for it the following:

“(a) receipt of application forms, issuance of licences in accordance to the criteria approved by the Executive Committee and revocation of such licences in case of breach of any provision of this Act;”

(iii) adding a new paragraph “(e)” as follows:

“(e) monitoring and surveillance in Exclusive Economic Zone beyond twelve nautical miles and territorial sea.

(d) by adding new subsections “(4)” and “(5)” as follows:

“(4) Where the Director- General hails from Tanzania Mainland, the Deputy Director- General shall hail from Tanzania Zanzibar, and vice versa.

(5) The tenure of office for the Director-General and Deputy Director-General shall be three year only.”

Amend-
ment of
section 8

8. Section 8 of the principal Act is amended in subsection (1) by inserting the word “Technical” between the words “The” and “Advisory” appearing at the beginning of that subsection.

Amend-
ment of
section
10

9. Section 10 of the principal Act is amended—

(a) in subsection (1), by deleting paragraphs -

“(a)” and “(e)” and substituting for them, in their respective order, the following:

“(a) may be appropriated by Parliament and the House of Representatives for the purposes of the Authority;

(e) may be allocated for conservation of natural resources and conduct of scientific research.

(b) in subsection (2) by:

(i) inserting the word “fifty” at the beginning of paragraph “(a)”; and

(ii) deleting paragraph “(b)” and substituting for it the following:

“(b) the remainder under paragraph (a) shall be divided as follows:

- (i) the Government of the United Republic shall retain thirty percentum; and
- (ii) the Revolutionary Government of Zanzibar shall retain twenty percentum.”

(c) by adding immediately after subsection (2) the following:

“(3) The funds of the Authority shall be used as budgeted for.”

10. Section 11 of the principal Act is amended—

Amend-
ment of
section
11

- (a) in subsection (3), by adding the words “of the Authority” at the end of paragraph (a);
- (b) in subsection (4), by deleting the word “estimates” between the words “supplementary” and “approved” and substituting for it the word “budget; and
- (c) by deleting subsection “(5)” and substituting for it the following subsection:

“(5) A copy of annual budget, supplementary budget and audited report of accounts approved by the Executive Committee shall be submitted to the Minister one month after commencement of financial year.”

“(6) A copy of the report under subsection (5) shall be submitted to the minister responsible for fisheries in the Revolutionary Government of Zanzibar”.

11. Section 13 of the principal Act is amended by deleting the word “Minister” and substituting for it the word “Ministers”

Amend-
ment of
section
13

12. Section 15 of the principal Act is amended by:

Amend-
ment of
section
15

- (a) deleting the word “Minister” and substituting for it the word “Ministers”; and
- (b) inserting a phrase “and the House of Representatives, as the case may be,” between the words “Assembly” and “, and such” appearing in that section.

13. Section 16 of the principal Act is amended by—

Amend-
ment of
section
16

- (a) re-designating figure “16” as figure “16(1)”
- (b) adding a new subsection “(2)” as follows:
“(2) The report referred to under subsection (1) shall contain:

- (a) activities conducted by the Authority;
- (b) activities conducted jointly with other organizations; and
- (c) financial position of the Authority.”

Amend-
ment of
section 18

14. Section 18 of the principal Act is amended by -

- (a) re-designating figure “18” as figure “18(1)”;
- (b) adding subsections “(2)” and “(3)” as follows:

“(2) Without prejudice to any other written law, where a person admits in writing, commission of the offence under subsection (1), the Authority may compound the offence by accepting a sum of money not exceeding the minimum fine specified for the offence and may subsequently order the release of any vessel or property seized in connection with the offence.

(3) The sums of money received under this section shall be remitted to the Treasury.”

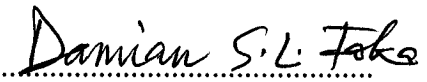
Repeal of
section 20

15. Section 20 of the principal Act is repealed and replaced as follows:

“**20.** The Authority shall, in the performance of its functions, hold consultations with the ministries responsible for fisheries in Tanzania Mainland and Tanzania Zanzibar.”

16. Section 23 of the principal Act is amended by inserting a “comma” between the words “may” and “after”.

Passed in the National Assembly on the 5th February, 2007.


.....
Clerk of the National Assembly