

Statutory Instrument of 2023

**CAP. 29:13**

Manyame Rural District Council Fishing By-laws, 2023

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IT is hereby notified that the Minister of Local Government and Public Works, in terms of section 90 of the Rural District Councils Act [*Chapter 29:13*], approved the following by-laws made by Manyame Rural District Council

*Title*

1. These by-laws may be cited as the Manyame Rural District Council Fishing By-Laws

*Interpretation*

2.(1) In these by-laws—

“chief executive officer” means the person holding office under the council as chief executive and includes an employee of the council who is authorized by the chief executive officer to perform any of the functions or exercise any of the powers assigned to the chief executive officer by these by-laws;

“council” Manyame Rural District Council

“dam” means any stationary water body within the area of the wards of the council area

“River” means any stream or flowing water body within the area of the wards of the council area

(2) Any reference in these by-laws to—

- (a) an applicant for permission to fish in, or take fish from, a dam or river; or
- (b) a person to whom such permission has been granted;

shall include, where such applicant or person is an association of persons, a member of such association.

*Permission to fish*

3.(1) No person shall fish in, or take fish from, a river or a dam unless he has been granted permission to do so in terms of subsection (3) and he complied with the terms and conditions of such permission.

(2) Any person who, or association of persons which wishes to fish in, or take fish from, a dam or a river shall apply to the chief executive officer in writing for permission to do so and, where permission is sought to fish in, or take fish from, more than one river or dam, shall make a separate application in respect of each river or dam.

(3) On receipt of an application in terms of subsection (2), the chief executive officer may—

- (a) grant written permission to the applicant to fish in, or take fish from, the rivers or dams concerned, subject to these by-laws and to such terms and conditions as the chief executive officer may specify in the permission; or

(4) Permission granted in terms of subsection (3) shall remain in force for such period as may be specified therein.

(5) Any person or association shall pay quarterly permit fees as prescribed in the approved Council budget.

#### *Restrictions as to fishing tackle*

5. No person shall fish in any river or dam using—

- (a) any fishing-gear other than a rod and line or hand-line to which—

- (i) Not more than three single hooks are attached; or

- (ii) Not more than one conventional lure is attached, having not more than three single or three double or three treble hooks;

or

- (b) more than two rods at any one time; or

- (c) use at any dam or river nets exceeding 20 metres in length.

- (d) use at any dam or river nets with openings not exceeding 10 mm in diameter.

#### *Powers of council*

6.(1) A council employee duly authorized by the council, who finds a person in the vicinity of a dam or river which in such circumstances as to afford reasonable grounds for believing that the person is or has been fishing in the dam or river, may require that person—

(a) to give their name and address; and

(b) to furnish evidence of—

(i) them having been granted permission in terms of section 3 to fish in the river or dam; or

(ii) their membership of an association of persons that has been granted permission in terms of section 3 to fish in the dam; or

(iii) his/her having been lawfully admitted to the vicinity of the dam; as may be appropriate in the circumstances; and

(c) to produce for the inspection of the council employee—

(i) any fish; and

(ii) any fishing tackle, bait, net, machine, instrument or appliance for taking or destroying fish; that is in that person's possession or in the possession of any employee or agent of his.

(2) Any person who has been required to give, furnish or produce anything in terms of subsection (1) shall forthwith comply with the requirement.

### *Offences and penalties*

7. Any person who contravenes any provision of these by-laws shall be guilty of an offence and be liable to a fine prescribed in the Council budget.