**INLAND FISHERIES ACT**

 ARRANGEMENT OF SECTIONS

SECTION

1. Licensing of fishing craft.
2. Application for a licence.
3. Insurance and validity of licence.
4. Identification mark on fishing craft.
5. Restriction on use of fishing gear, etc.
6. Prohibition of unorthodox fishing methods.
7. Declaration of catch, etc.
8. Prohibition of export or import of live fish, etc.
9. Closed areas and seasons.
10. Construction of dams, weirs, barriers, etc.

11.   Protection of fish or fish products against contamination and infection.

1. Offences by bodies corporate, etc.
2. Enforcement.
3. Return of craft, apparatus, etc., to lawful owner.
15.   Regulations.

    16.   Interpretation.

    17.   Short title.

INLAND FISHERIES ACT

**An Act to provide for the licensing of fishing craft and the regulation of fishing on**
**the inland waters of Nigeria and for matters connected therewith.**

[1992 No. 108.]

*[28th December, 1992]*

[Commencement.]

1. **Licensing of fishing craft**

(1) As from the commencement of this Act no person shall operate a motor fishing
craft (in this Act referred to as a "craft") within the inland waters of Nigeria unless a li-
cence in respect of that craft has been issued to the owner or operator of the craft under
this Act.

 (2) A person who operates or causes to be operated a craft in contravention of sub-
section (1) of this section commits an offence and is liable on conviction to a fine not
exceeding ~~N~~500 or imprisonment for a term of six months or to both such fine and im-
prisonment.

1. **Application for a licence**

(1) An application for a licence under this Act shall be made in a writing to the
Commissioner in such form and manner as may be prescribed by the Commissioner and
shall-

              *(a)*contain the particulars and description of the craft in respect of which the ap-
plication is made;

                                *(b)*state in sufficient details-

                  (i) the method to be employed in fishing; and

                  (ii) the area within which it is proposed that the craft is to be operated;

                               *(c)*be accompanied by such fee as the Commissioner may prescribe.

(2) The Commissioner may, before considering an application require the applicant-

                                 *(a)*to satisfy him-

                (i)    that the craft is properly constructed and equipped; and

               (ii)     that the form and construction of the fishing nets, fishing gear and
other equipment intended for use in fishing are adequate for the purpose of the fishing operation;

             *(b)*to supply such other information as he may require to enable him to reach a
decision on the application.

1. **Issuance and validity of licence**

(1) The Commissioner shall issue to a successful applicant a licence for the craft
subject to such conditions as he may deem necessary.

(2) A licence issued under this Act shall be valid for one year and expire on 31 De-
cember every year.

(3) Where the craft is to be operated in a body of water shared by two or more States, the owner or operator of the craft shall not be required to obtain more than one licence in a particular year.

(4) The holder of a licence under this Act shall, not later than one month before its
expiration, apply to the Commissioner for a licence to take effect from the expiry of the
current licence.

1. **Identification mark on fishing craft**

(1) The owner or operator of a craft shall exhibit the registration number of the craft
on both sides of the craft in bold letters with a prefix reflecting the State of registration.

 (2) A person who fails to exhibit a registration number on his craft as required under
subsection (1) of this section commits an offence and is liable on conviction to a fine of
~~N~~250 or imprisonment for a term of three months or to both such fine and imprisonment.

1. **Restriction on use of fishing gear, etc**.

(1) No person shall fish with a gear constructed with net webbing of less than 76
millimetres except where the gear consists of-

      *(a)*pelagic trawl nets used for freshwater sardines, that is, clupeids, which are used with outboard engines of not more than 25 horsepower capable of operating trawl net with three millimetres cod-end; or

      *(b)*lift nets used for freshwater sardines constructed with three to five millimetres stretched mesh webbing.

(2) No single fishing unit shall operate with a single net or a combination of nets ex-
ceeding 500 metres of three millimetres mesh size and above.

(3) A person who contravenes a provision of subsection (1) or (2) of this section
commits an offence and is liable on conviction to a fine of ~~N~~500 or imprisonment for a
term of six months or to both such fine and imprisonment and, in addition, the net and
catch shall be forfeited to the government of the State in which the offence was committed.

1. **Prohibition of unorthodox fishing methods**

(1) Except for electro-fishing and the use of chemicals for the purpose of research, no
person shall take or destroy or attempt to take or destroy any fish within the inland waters
of Nigeria by any of the following methods, that is-

       *(a)*the use of explosive substances;

       *(b)*the use of noxious or poisonous matter; or

       *(c)*the use of electricity.

(2) A person who contravenes a provision of subsection (1) of this section commits
an offence and is liable on conviction to a fine of ~~N~~3,000 or imprisonment for a term of
two years or to both such fine and imprisonment.

1. **Declaration of catch, etc.**

(1) The operator of a craft in respect of which a licence has been issued under this
Act shall-

       *(a)*declare his catch to a nominated government agent when required to do so by
the government agent;

       *(b)*permit a Commissioner or a person authorised by him or a government agent
to inspect the catch either before or after it has been landed; and

      *(c)*give the Commissioner, person or government agent, as the case may be, all
reasonable facilities in respect of the inspection of the catch.

(2) A person who contravenes a provision of subsection (1) of this section is guilty of
an offence and is liable on conviction to a fine of ~~N~~500 or imprisonment for a term of
three months or both such fine and imprisonment.

**8. Prohibition of export or import of live fish, etc.**

(1) No person shall export or import a live fish or any other aquatic animal without
the permission of the Minister.

(2) A person who contravenes a provision of subsection (1) of this section commits
an offence and is liable on conviction to a fine of ~~N~~25,000 or imprisonment for a term of
five years or to both such fine and imprisonment and, in addition, the fish or aquatic ani-
mal shall be forfeited to the Federal Government.

(3) Notwithstanding the provisions of subsection (1) of this section, the Minister
may, from time to time, export or import a specialised specie of fish or other aquatic ani-
mal for the purpose of exchange of fishery information or for research.

**9. Closed areas and seasons**

(1) A Commissioner may at his discretion declare as closed, for the purpose of fish-
ing within the jurisdiction of a State, such area or season as he may deem fit and the
Minister may at his discretion declare as closed, for the same purpose, a body of water
shared by two or more States.

(2) A person who fishes in a closed area or during a closed season in contravention of
subsection (1) of this section commits an offence and is liable on conviction to a fine of
N3,000 or imprisonment for a term of two years or to both such fine and imprisonment.

**10. Construction of dams, weirs, barriers, etc.**

(1) The appropriate authority shall regulate and control the building of dams, weirs or
other fixed barriers or obstructions to ensure a free movement of fish, and where permis-
sion is granted to a person to build a dam, weir or other fixed barrier or obstruction, fish
ladders shall be built to ensure free movement of fish.

(2) A person who contravenes a provision of subsection (1) of this section commits
an offence and is liable on conviction to a fine of ~~N~~50,000 or imprisonment for a term of
ten years or to both such fine and imprisonment and, in addition, the dam, weir or other
fixed barrier or obstruction, if any, shall be destroyed.

(3) In this section**, "appropriate authority"** means the body charged with the re-
sponsibility for matters relating to the construction of dams and other fixed barriers.

**11. Protection of fish or fish products against contamination and infection**

(1) No person shall spray noxious chemicals on fish or fish products and no contami-
nated, infected or spoiled fish shall be sold or offered for sale.

(2) A person who contravenes a provision of subsection (1) of this section commits
an offence and is liable on conviction to a fine of ~~N~~200 or imprisonment for a term of
two months or to both such fine and imprisonment and, in addition, the contaminated,
infected or spoiled fish or fish product shall be destroyed.

**12. Offences by bodies corporate, etc**.

Where an offence under this Act is committed by a body corporate or firm or other
association of individuals-

       *(a)*every director, manager, secretary or other similar officer of the body cor-

porate; or

       *(b)*every partner or officer of the firm; or

       *(c)*every trustee of the body concerned; or

       (d)       every person concerned in the management of the affairs of the association; or

       *(e)*every person who was purporting to act in a capacity referred to in para-

graphs *(a)*to *(d)*of this section,

is severally guilty of that offence and liable to be proceeded against and punished for that
offence in the same manner as if he had himself committed the offence unless he proves
that the act or omission constituting the offence took place without his knowledge, con-
sent or connivance.

**13. Enforcement**

(1) The provisions of this Act shall be enforced by such officers as may be authorised
by the Minister or Commissioner, as the case may be.

(2) An authorised officer may within the inland waters of Nigeria for the purposes of
enforcing a provision of this Act-

       *(a)*require the owner or operator of a craft in respect of which a licence has been
issued to exhibit his licence, fishing apparatus and catch;

       *(b)*go on board a craft to search and examine the craft and any fishing apparatus
that may be there and collect statistical information; and

       *(c)*where there is reason to suspect that an offence under this Act has been com-
mitted, take the alleged offender and the craft, fishing apparatus and catch to
the most convenient post or police station.

(3) The power vested in an authorised officer under subsection (2) of this section may
be exercised by him without warrant, summons or other legal process.

(4) A craft or fishing apparatus taken from an alleged offender under paragraph *(c)*of
subsection (2) of this section may be detained pending the sale of the catch, and the pro-
ceeds of the sale shall be retained pending the trial.

**14. Return of craft, apparatus, etc., to lawful** **owner**

Any craft, fishing apparatus or money detained or retained under subsection (4) of
section 13 of this Act shall, unless forfeited under the provisions of this Act, be returned
to the person from whom it was taken or to its lawful owner.

**15. Regulations**

Subject to the provisions of this Act, the Minister may make regulations-

      *(a)*to provide guidelines aimed at encouraging persons engaged in the fishing in-
dustry to make voluntary arrangements on a comparative or other basis for the

selling of fish or the buying of equipment, supplies and other requisites for the
fishing industry and to provide for financial or other assistance for bringing

the arrangement into operation;

              *(b)*to regulate the handling, processing and storage of fish or fish products on
craft or on-shore and the times and places at and in which the landing of fish
may be effected;

              *(c)*for the registration of distributors and retailers of fish or fish products and of
any premises used for the distribution or retailing and for the accounting and
the records to be kept and the information to be furnished by them in relation
to their business;

              *(d)*for the maintenance of good order among the persons engaged in fishing and in
the fishing industry and the regulation of any other matter or thing relating to
the protection of fish and the administration of the fishing industry;

                                *(e)*generally for carrying into effect the provisions of this Act.

(2) The Minister or Commissioner, as the case may be, shall determine whether en-
closures, including pens and cages used for fish, shall attract a licence fee or not.

**16. Interpretation**

In this Act, unless the context otherwise requires-

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

**"closed season"** means a specific period during which fishing is prohibited;

**"Commissioner"** means the Commissioner charged with responsibility for matters
relating to fishery in a State;

**"craft"** means a fishing craft required to be licensed under this Act;

**"dam"** means a permanent structure constructed across a river for the conservation of
water;

**"fish"** means all living aquatic animals, vertebrates and invertebrates, other than
plants, which are harvestable for food and other economic purposes;

**"fishing"** means the catching, taking or harvesting of fish, attempted catching, taking or harvesting of fish and any other activity which can reasonably result in the catching, taking or harvesting of fish;

**''fishing gear"** means the apparatus used for taking out fish from a body of water;

**''fish ladder"** means a mechanism for allowing fish movements upstream and downstream through barriers and dams;

**"licence"** means a permit to operate a motor fishing craft for the act of taking fish;

**"Minister"** means the Minister charged with responsibility for matters relating to
fishery;

**"motor fishing craft"** means a vessel which is used for or equipped to be used for
fishing.

**17. Short title**

This Act may be cited as the Inland Fisheries Act.

INLAND FISHERIES ACT

**SUBSIDIARY LEGISLATION**

*List of Subsidiary Legislation*
1. Inland Fisheries (Fish Quality Assurance) Regulations.

        **INLAND FISHERIES (FISH QUALITY ASSURANCE) REGULATIONS**
                                                                [S.I. 21 of 1995.]

under section 15

[1*3th November, 1995.*]

[Commencement.]

1. **Use of insulated fish hold and fish box**

(1) No fishing craft or fish transport shall be used for fishing or fish transportation in
inland and ice; or

              *(a)*having an in-built insulated fish hold with cover and capable of holding the
catch and ice; or

                              *(b)*carrying an insulated fish box capable of containing the catch and ice.

(2) All fish caught by fishing craft (except live fish) shall be washed and preserved in
ice in the insulated fish hold or insulated fish box from the fishing ground to the market.

1. **Handling on board craft**

Any fish weighing I kg or above shall be gutted and washed clean before icing in the
insulated fish hold or box.

1. **Landing jetties and discharge of catch**

*(a)*No person shall land fish at jetties except if they are handled in very hygienic
manner and well preserved in ice.

     *(b)*Fish discharge shall be done very quickly in containers and protected from sun
and insects.

     *(c)*Fish shall not be thrown on floors or sand.

1. **Prohibition of fish from contaminated waters**

No person shall harvest or culture fish in any body of water which is contaminated, if
such contaminants are likely to contaminate the fish. Such fish shall be seized and de-
stroyed.

**5.   Prohibition of certain fish**

No person shall process, store or place for sale in Nigeria the following-

               *(a)*any fish that is tainted, decomposed or unwholesome or unfit for human con-
sumption;

              *(b)*poisonous fish of the following families: *Tetradontidae, Moidae, Diodontidae*
 and *Canthigasteridae;*

                              *(c)*fish containing biotoxines;

                             (d)       radioactive fish or fishery products.

1. **Fish preservation on land**

Fresh fish landed in ice shall be preserved by-

       *(a)*storage in domestic deep-freezers;

       *(b)*smoke-drying;

       *(c)*sun-drying;

       (d)       salting; or

       *(e)*any other method approved by Federal Department of Fisheries.

1. **Fish smoking**

              *(a)*Fish shall be preserved by smoke-drying after being prepared in very clean and
hygienic manner;

                                 *(b)*the fish being smoked shall be protected from contamination and infestation;

               *(c)*smoked fish products shall be packaged and stored in a way that insects or
mould infestation or the contaminations are prevented;

               (d)      material used to produce smoke by burning wood that has been painted, var-
nished, glued or has undergone any chemical preservation treatments is prohibited.

1. **Sun drying of fish**

                                 *(a)*Fish shall be sun-dried after being prepared in very clean and hygienic manner;

               *(b)*the fish shall be protected from pests, weather and domestic or wild animals, by adequate screens and protection during sun-drying;

               *(c)*sun-dried products shall be packed and stored in hygienic manner.

1. **Fish salting**

Fish shall be preserved by salting in very hygienic manner using uncontaminated salt.

**10. Fish marketing areas**

       *(a)*Fish shall be sold in well sheltered areas to protect it from the weather;

       *(b)*fresh fish shall be in ice;

       *(c)*areas where fish is sold shall be screened from insects;

*(d)*tables and floors shall be made of waterproof surfaces without make or crevices;

      *(e)*fish marketing areas, tables, floors and containers shall be thoroughly washed and disinfected after sales, daily.

**11. Enforcement**

Fish inspectors assigned by the Federal Department or Fisheries shall enforce these
Regulations.

**12. Offences and penalties**

       *(a)*It shall be an offence to contravene any section of these Regulations;

       *(b)*any fish that fails to meet the requirements of these Regulations shall be-

                      (i)   seized by fish inspectors;

                      (ii)  destroyed if unfit for human consumption; or

                      (iii)  auctioned if fit for human consumption, and revenue paid to the Federal Government.

                    *(c)*Any body convicted shall pay a fine not more than ~~N~~1,000.00.

**13. Interpretation**

In these Regulations, unless the context otherwise requires-

**"craft"** means a fishing craft required to be licensed under the Inland Fisheries Act;
                                                                        [Cap. I10.]

**"fish"** means all living aquatic animals, vertebrates and invertebrates, other than
plants, which are harvestable for food and other economic purposes.

**14. Citation**

These Regulations may be cited as the Inland Fisheries (Fish Quality Assurance)
Regulations.