

CHAPTER F2

FISHERIES LAW

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## CHAPTER F2

## FISHERIES LAW

A Law to control and promote fisheries in Jigawa State.

[Amended by Law No. 14 of 2012.]

[Date of commencement: 12th February, 1998]

## PART I

*Preliminary*

## 1. Citation

- § This Law may be cited as the Fisheries Law.

## 2. Interpretation

In this Law, unless the context otherwise requires—

“area” means, when used in relation to a person or thing, the local government council area to which the person relates or in which the thing is situated;

“Commissioner” means the Commissioner of the State responsible for Agriculture;

“foreign live fish” means live fish which was taken or caught in waters outside Nigeria;

“industrial waste” means the waste matter of any manufacturing process;

“land” includes a building and land covered by water;

“live eggs of foreign fish” means the eggs of foreign live fish which are capable of hatching fish;

“Ministry” means the Ministry of the State responsible for Agriculture;

**"pollutant"** means any substance which when discharged into water harms or destroys animal or plant life in the water and includes industrial waste and poisonous or noxious matter;

**"river"** includes a stream;

**"State"** means the Jigawa State of Nigeria.

### 3. Application

- (1) The provisions of this Law except section 18 thereof shall not apply to water—
- (a) in a swimming pool;
  - (b) in a pond, fountain or well in residential premises;
  - (c) in a pond or fountain in a public place for decorative purposes; and
  - (d) in an aquarium constructed for domestic decorative or research purposes.
- (2) Section 18 of this Law shall apply to any water in the State including any of the waters specified in subsection (1).
- (3) Notwithstanding subsection (2), the Governor may by regulations exempt any other water from the application of this Law.

## PART II

### *Licensing, Registration and Prohibitions*

### 4. Licence to fish and use certain implements

(1) No person shall in any water except in accordance with a separate licence issued under this Law engage in fishing for any purpose or use any fishing gear or fishing craft to which this section applies.

(2) This section applies to—

- (a) fishing for the purposes of—
  - (i) sport; and
  - (ii) commercial gain;
- (b) fishing gears including—
  - (i) assorted seine nets;
  - (ii) cast nets;
  - (iii) trawl nets;
  - (iv) lift nets;
  - (v) drift, trammel or gill nets;
  - (vi) long line with hooks;
  - (vii) assorted traps; and
- (c) fishing crafts including fishing boats whether mechanised or not.

(3) The Commissioner may, subject to such conditions as he may endorse on any licence, cause to be issued to any applicant a licence to fish in any water either for sport or for commercial gain or to use in any water any fishing gear or fishing craft as the case may be.



(4) A licence issued under this section shall be valid for a period not exceeding one year but may be renewed thereafter subject to the payment of the prescribed fees, provided the Commissioner may charge such fees as he may deem necessary for every week of non-renewal.

(5) The fees payable for any licence issued under this section are those set out in the Schedule to this Law.

(6) Subject to this Law, the Governor may by order published in the *Gazette* revise or alter any fee specified in the Schedule.

(7) A licence issued under this section may be subject to one or more of the following conditions—

- (a) limiting the surface area of water within which a licensee may fish;
- (b) specifying the type of size of net a licensee may use fishing;
- (c) specifying the type of trap to be used for catching fish;
- (d) specifying the size of hook to be used for fishing;
- (e) specifying in respect of any fish the size below which licensee is not authorised to catch;
- (f) specifying the species of fish to be caught under the licence;
- (g) limiting the seasons in which the licensee may operate;
- (h) any other conditions which the Commissioner may deem fit.

#### 5. Poison

(1) No person shall with the intent to catch or kill fish put or knowingly permit to be put into any water containing fish, any poisonous or noxious matter which has the effect of killing or harming fish in the water.

(2) No person shall buy, sell or offer for sale any fish which he knows to have been caught or killed by a device involving the use of poisonous or noxious matter.

(3) Notwithstanding subsection (1), the Commissioner may issue a permit, to any person, upon such terms and conditions he may specify, to use poisonous or noxious matter to kill fish or other harmful aquatic animals.

#### 6. Explosives and electricity

No person shall with the intent to catch or kill fish use in or near any water any explosive substance, electricity or any other similar contrivance which has effect of killing or harming fish in the water.

#### 7. Hooks

Subject to the provisions of this Law, no person shall fish in any water with a long line with hooks above size No. 15 or below size No. 1, so however, that any person may be permitted in writing by the Commissioner—

- (a) to fish for sport with a rod and line unit with one or not more than ten hooks; or
- (b) to fish for commercial purposes with a long line with hooks not exceeding one thousand in number.

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- (b) any industrial waste;
- (c) any poisonous or noxious matter; or
- (d) any other pollutant which has the effect of destroying or causing harm to plants or fish in the water.

## 12. Diverting rivers

No person without the authority in writing of the Commissioner shall for the purpose of catching or killing fish—

- (a) divert, alter or interfere in any manner with the water course, bed or bank of any river; or
- (b) dam, obstruct or in any manner slow down the flow of any river.

## PART IV

### Dams and Reservoirs

## 13. Dams and irrigation schemes

(1) No person shall without the written permission of the Commissioner interfere with water—

- (a) flowing into or from any dam or irrigation system; or
- (b) flowing through any canal connected to any dam or irrigation system.

(2) Subsection (1) shall not apply to an act performed by any person in the course of employment of an appropriate authority.

(3) No person shall without the approval in writing of the Commissioner—

- (a) construct any dam; or
- (b) construct any irrigation system.

(4) Any person may apply to the Commissioner for approval to build or construct a dam or irrigation system and the Commissioner may grant the application subject to such terms and conditions as may be conducive to the development of fishery in the State of any part thereof.

(5) The terms and conditions which the Commissioner may impose under subsection (4) shall include—

- (a) the establishment of fish farms on, in or near the dam or the irrigation system for the cultivation or propagation of fish;
- (b) the establishment of such controls and facilities on, in or near the dam or irrigation system as are likely to facilitate the free passage, movement and propagation of fish;
- (c) the inclusion in the drawing plans for the dam or irrigation system of such other facilities conducive to the maintenance, promotion and development of fishery in the State or in the area; and
- (d) the provision for periodic inspection by fishery officers of the dam or irrigation system to ensure that the provisions of this Law are complied with.

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(6) In this section “appropriate authority” means the organisation charged with the management and maintenance of a dam or irrigation scheme.

#### 14. Existing dams and irrigation scheme

(1) All dams and irrigation systems which are under construction or in existence in or before the 31st day of June, 1984, shall be subject to this Law save section 13 (3) thereof, as if they were under construction or in existence after the coming into force of this Law.

(2) The Commissioner shall exercise other or further authority with respect to any dam or irrigation system as may be necessary for the maintenance and development of fishery, and in particular may—

- (a) encourage and promote settlement of communities on such dams or irrigation systems in order to promote co-operative fishing and farming among such communities; and
- (b) encourage and promote such other development programmes and aids to communities living on or near any dams or irrigation systems he may consider appropriate.

### PART V

#### *Close Seasons, Festivals and Certain Fish*

#### 15. Close Seasons

(1) Subject to subsections (4) and (5), no person shall in any water catch, kill or fish for—

- (a) “tarwada” (clarias) during the annual close season for “tarwada”;
- (b) “ragon ruwa” (bagnus) during the annual close season for “ragon ruwa”;
- (c) “karfasa” (tilapia) during the annual close season for “karfasa”;
- (d) “jari” (heterobranchus) during the annual close season for “jari”;
- (e) “giwan ruwa” (lates) during the annual close season for “giwan ruwa”;
- (f) “tsage” (hydrocynus) during the annual close season for “tsage”;
- (g) “dansarki” (gymnarchus) during the annual close season for “dansarki”;
- (h) “bargi” (heterotis) during the annual close season for “bargi”.

(2) Subject to subsection (5), no person shall buy, sell or offer for sale—

- (a) “tarwada” (clarias) during the annual close season for “tarwada”;
- (b) “ragon ruwa” (bagnus) during the annual close season for “ragon ruwa”;
- (c) “karfasa” (tilapia) during the annual close season for “karfasa”;
- (d) “jari” (heterobranchus) during the annual close season for “jari”;
- (e) “giwan ruwa” (lates) during the annual close season “giwan ruwa”;
- (f) “tsage” (hydrocynus) during the annual close season for “tsage”;

(g) "dansarki" (gymnachus) during the annual close season for "dansarki";

(h) "bargi" (heterotis) during the annual close season for "bargi".

(3) The annual close season for any of the species of fish mentioned in this section shall be the period fixed by the Governor by regulations made under this Law.

(4) Any person may with the written permission of the Commissioner at any time of the year catch any of the species of fish specified in subsection (1) for the purpose of artificial propagation of the fish or for scientific research.

(5) This section shall not affect the sale or purchase by any person of frozen fish belonging to any of the species mentioned in subsection (1) which was brought or imported into the State.

#### 16. Fishing festivals

(1) No person, community or local government shall hold or permit to be held any fishing festival unless—

- (a) a permit therefore has been issued to him in accordance with this section; and
- (b) he has notified the Commissioner of the holding of the festival at least four weeks before the day appointed for the holding of the festival.

(2) Any person may apply to the Commissioner for permit to hold a fishing festival and the Commissioner may, subject to such reasonable terms and conditions as he may impose, grant the application.

#### 17. Immature fish

(1) No person shall—

- (a) catch, kill or harm in any water any fish to which this section relates; or
- (b) buy, sell or offer for sale any fish to which this section relates.

(2) This section relates to any of the following species of fish which is immature and of a size not above fifteen centimetres, that is to say—

- (a) "tawarda" (clarias);
- (b) "ragon ruwa" (bagnus);
- (c) "jari" (heterobranchus);
- (d) "karfasa" (tilapia);
- (e) "giwan ruwa" (lates);
- (f) "tsage" (hydrocynus);
- (g) "dansarki" (gymnachus); and
- (h) "bargi" (heterotis).

(3) No person shall be prosecuted for an offence under this section who after taking the fish from the water returned the fish unharmed into the water.

#### 18. Foreign fish

(1) No person shall introduce any fish into the Federal Government

(a) introduce any fish into the Federal Government

(b) introduce any fish into the Federal Government

(2) No person shall introduce any fish or live eggs of any fish into the Federal Government

#### 19. Frozen fish

(1) Any person who introduces any frozen fish into the State shall obtain a permit from the Ministry.

(2) The application for a permit shall be subject to the payment of a fee to be determined by the Minister and the fee shall be issued to the applicant in proper form.

(3) A copy of the permit shall be kept by the applicant where—

(a) the fish is introduced into the State

(b) the fish is introduced into the State

(4) The owner or possessor of any frozen fish shall

(a) upon receipt of the fish, ensure that the fish is properly stored

(b) permit the fish to be inspected by the Commissioner to ensure that the fish is properly stored

(c) obey any regulations made by the Commissioner in respect of the fish

#### 20. Fishery officers

(1) Fishery officers shall be appointed by the Commissioner and shall be subject to the provisions of this Law.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Law, the Commissioner may

*Fisheries Law***18. Foreign fish**

(1) No person shall, unless he is the owner of a licence issued under an enactment of the Federal Government of Nigeria—

- (a) introduce into any water, any foreign live fish; or
- (b) introduce into any water, any live eggs of any foreign fish.

(2) No person shall without any lawful excuse be in possession of any foreign live fish or live eggs of any foreign fish.

**19. Frozen fish**

(1) Any person who stores and sells frozen fish shall register the business with the Ministry.

(2) The application for registration shall be made to the Commissioner who shall subject to the payment of the prescribed fees cause a licence with a registration number to be issued to the applicant upon such terms and conditions as the Commissioner may think proper.

(3) A copy of the licence issued under this section shall be exhibited on the premises where—

- (a) the fish is stored; or
- (b) the fish is sold.

(4) The owner or manager of a business which is registered under this section shall—

- (a) upon request by the Commissioner furnish the Commissioner with such information or returns as the Commissioner shall require;
- (b) permit health officers to enter the premises for the purpose of inspection to ensure that sanitary and health requirements of the law are observed; and
- (c) obey and carry out such directions or orders as may lawfully be given by such health officers.

**PART VI***Miscellaneous***20. Fishery officers**

(1) Fishery officers and such other staff as may be designated in that behalf may be appointed by the Commissioner for the purpose of carrying out the objects and purposes of this Law.

(2) Without limiting the generality of subsection (1), a fishery officer in any local government council may report to the police any person suspected to have committed an offence under this Law.



**21. Local Government Councils**

The Commissioner shall have such further powers as may be necessary for the promotion and development of fishery in any local government council in the State, and in particular may—

- (a) provide guidelines and consultative services to any local government council for the formulation of its fishery policies and programmes, or for the implementation of such policies and programmes; and
- (b) assign to any local government council area such fishery officer or officers as may be required to direct and assist the council in the execution of its fishery policies and programmes.

**22. Duty to furnish information**

(1) The Commissioner or any other officer appointed by the Commissioner in that behalf may request any person to furnish him with such information as he may require on any matter under this Law and that person shall comply with the request.

(2) A person commits an offence under this section who—

- (a) without reasonable excuse fails or refuses to comply with a request made to him under subsection (1) of this section; or
- (b) knowingly gives false information to any officer; or
- (c) gives information to any officer which he has no reasonable ground to believe to be true.

**23. Power of entry**

(1) Any officer appointed under this Law to perform any function shall have power to enter any land without notice and to remain thereon for as long as reasonably necessary for the performance of such function.

(2) Without limiting the generality of subsection (1) an officer may enter on land to perform any function including—

- (a) the removal or seizure of—
  - (i) any poisonous or noxious matter, explosives, electricity or other substance or thing prohibited under this Law from being used for the purposes of fishing including hooks and nets; and
  - (ii) any fish being sold or offered for sale or in possession of any person contrary to any provision of this Law;
- (b) the clearing or removal from or near any water of any obstacle which obstructs fishing or free passage or movement of fish in water;
- (c) the taking, catching, killing or cultivating of fish in any water for the purposes of this Law;
- (d) collecting information or inspecting facilities pursuant to any provisions of this Law;
- (e) preventing the commission of an offence or causing the arrest of any person suspected of having committed an offence under this Law; and
- (f) the performance of any other act under this Law or Regulations made under this Law.

*Fisheries Law***24. Regulations**

(1) The Governor may make regulations for the purposes of carrying out the provisions of this Law.

(2) The Regulations may in addition to any other matter provide for—

- (a) the declaration of—
  - (i) any water as sanctuary for fish; and
  - (ii) annual close season for any species of fish;
- (b) the issue of licences and permits and the annual fee payable for such licences and permits;
- (c) the terms and conditions to be attached to any licence or permit; and
- (d) penalties for offences under the regulations.

**25. Offences**

(1) Any person who—

- (a) contravenes any provision of this Law; or
- (b) contravenes any prohibition or order made pursuant to any regulations made under this Law; or
- (c) contravenes any requirement contained in a licence or permit issued under this Law or Regulations made under this Law,

commits an offence.

(2) Any person convicted of an offence under this Law shall be liable to a fine of fifty thousand naira or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

[Subsection (2) amended by Law No. 14 of 2012.]

(3) Where the person convicted is a company registered under the Companies and Allied Matters Act, 1990 or is a firm of partnership, the company or the firm shall be liable to a fine not exceeding one hundred thousand naira and, in addition, all the directors of the company or all the partners of the firm shall be punished under subsection (2) as if each of them had been personally convicted of the offence.

[Subsection (3) amended by Law No. 14 of 2012.]

(4) Notwithstanding subsection (3), a partner of a firm, or a director of a company shall not be liable to suffer punishment under this Law for any offence committed by the firm or the company if—

- (a) he did not know or could not have known that the offence was going to be committed by the firm or the company; or
- (b) he knew that the offence was going to be committed by the firm or the company but did all that he could reasonably do but was unable to prevent the commission of the offence.

(5) Notwithstanding any provision in this law, any person who fish in any water with fishing gears known as "Dumba" or "Canfu" commit an offence and shall be liable on conviction with imprisonment of not less than two years or a fine of not less than one hundred thousand naira or both such imprisonment and fine

[Subsection (5) inserted by Law No. 14 of 2012.]

SCHEDULE  
FISHERIES LAW

*Licence Fees*

<i>S/no.</i>	<i>Type of gear</i>	<i>Rate per/annum</i>	<i>Remark</i>
1.	Assorted seice net in dams	₦24,000.00	₦2,000.00/month
2.	Assorted seice net in Padama	₦1,500.00	₦1,250.00/month
3.	Assorted seice net in rivers	₦1,200.00	₦1,000.00/month
4.	Menium size seine net (Dala)	₦9,000.00	₦750.00/month
5.	Cost net in dams	₦3,000.00	₦250.00/month
6.	Cost net in rivers	₦2,400.00	₦200.00/month
7.	Fishing with tropes (all types)	₦3,000.00	₦250.00/month
8.	Sinkiya on rivers	₦2,000.00	Seasonal
9.	Fishing for sport with boat	₦4,000.00	₦350.00/month
10.	Fishing for sport without boat	₦3,000.00	₦250.00/month
11.	Gill nets and associated nets	₦3,000.00	₦250.00/month
12.	Angling permit	₦1,000.00	Leisine fishing