

Mberengwa Rural District Council Fishing By-laws, 2023

---

*Title*

1. These by-laws may be cited as the Mberengwa 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” means Mberengwa Rural District Council;

“dam” means any dam within the area of the wards of the council area, the waters of which dam are under the control of the council.

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

(a) an applicant for permission to fish in, or take fish from, a dam; 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 dam unless he has been granted permission to do so in terms of subsection (3) and he complies 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 shall apply to the chief executive officer or any authorized person in writing for permission to do so and, where permission is sought to fish in, or take fish from, more than one dam, shall make a separate application in respect of each dam.

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

(a) grant written permission to the applicant to fish in, or take fish from, the dam or dams concerned, subject to these by-laws and to such terms and

conditions as the chief executive officer or authorized person may specify in the permission; or

- (b) refuse to grant permission to the applicant, if—
  - (i) permission has already been granted to other persons or associations of persons, and the granting of permission to the applicant would, in the opinion of the chief executive officer, unduly deplete the fish population in the dam or dams concerned; or
  - (ii) the chief executive officer or authorized person is not satisfied that the applicant has conducted himself in the past, or will at all times conduct himself in the future, in a manner calculated not to disturb the peace and quiet of the area and additionally, or alternatively, its natural flora and fauna; or
  - (iii) the chief executive officer or authorized person is satisfied that the applicant has contravened or failed to comply with these by-laws or with any term or condition subject to which permission was previously granted in terms of this subsection.

(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 set in the annual budget

(6) If the chief executive officer refuses to grant permission in terms of subsection (3) he shall, at the request of the applicant, inform the applicant of the reasons for the refusal, and the applicant may appeal in writing against the refusal to the council.

(7) On an appeal in terms of subsection (6), the council shall afford the applicant an opportunity to make representations, in writing, or orally as the council may determine, and may—

- (a) dismiss the appeal;
- (b) direct the chief executive officer or authorized person to grant permission to the applicant in terms of subsection (3), subject to such terms and conditions as the council may specify.

(8) Subject to subsection (9), the council may at any time revoke any permission granted by the chief executive officer in terms of subsection (3) if the council—

- (a) considers that the revocation is necessary to prevent undue depletion of the fish population in the dam or dams concerned; or

- (b) is satisfied that the person to whom the permission was granted has not conducted himself on one or more occasions in a manner calculated not to disturb the peace and quiet of the area and additionally, or alternatively, its natural flora and fauna; or
- (c) is satisfied that the person to whom the permission was granted has contravened or failed to comply with these by-laws or with any term or condition subject to which the permission was granted.

(9) Before revoking any permission in terms of subsection (8), the council shall notify the person concerned that it proposes to do so and shall afford that person a reasonable opportunity to make representations in the matter, either in writing or orally as the council may determine.

*Fishing seasons*

4.(1) The council after consultation with National Parks may, by notice published in a newspaper circulating in the area in which the dam or dams concerned are situated, fix a period or periods during which it shall not be lawful—

- (a) to fish in or take fish from any one or more of the dams; or
- (b) to fish for any specified species of fish in any one or more of the dams, or to take any such species of fish from any one or more of the dams;

and the council may in like manner repeal or amend any such notice.

(2) No person shall fish in, or take any fish from, a dam in contravention of a notice published in terms of subsection (1).

(4) It shall be the duty of every person to whom permission to fish has been granted in terms of section 3, before fishing on a dam, to acquaint himself with the terms of every notice published in terms of subsection (1).

(3) Any person who catches any species of fish during a period when it is not lawful to do so shall be guilty of an offence and liable to a fine of..... Or imprisonment for.....

*Restrictions as to fishing tackle*

5. No person shall fish in any 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 nets exceeding 2 000 metres in length.

*Powers of police officers and council employees*

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

- (a) to give his name and address; and
- (b) to furnish evidence of—
  - (i) his having been granted permission in terms of section 3 to fish in the dam; or
  - (ii) his membership of an association of persons that has been granted permission in terms of section 3 to fish in the dam; or
  - (iii) his 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 police officer or 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 not exceeding level five.

**Standard Scale of Fines**

<b><u>Level</u></b>	<b><u>Dollars(US)</u></b>
<b>1</b>	<b>5</b>
<b>2</b>	<b>10</b>
<b>3</b>	<b>20</b>
<b>4</b>	<b>100</b>
<b>5</b>	<b>200</b>
<b>6</b>	<b>300</b>
<b>7</b>	<b>400</b>
<b>8</b>	<b>500</b>
<b>9</b>	<b>600</b>
<b>10</b>	<b>700</b>
<b>11</b>	<b>1000</b>
<b>12</b>	<b>2000</b>
<b>13</b>	<b>3000</b>
<b>14</b>	<b>5000</b>