

Namibia

Inland Fisheries Resources Act, 2003

## Inland Fisheries Resources Regulations, 2003

Government Notice 118 of 2003

Legislation as at 15 November 2017

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Republic of Namibia  
**Annotated Statutes**

**Inland Fisheries Resources Act, 2003**

# **Inland Fisheries Resources Regulations, 2003**

## **Government Notice 118 of 2003**

[Published in Government Gazette 2992 on 6 June 2003](#)

**Commenced on 6 June 2003**

**[This is the version of this document at 15 November 2017.]**

**[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for Namibia.]**

**as amended by**

**Government Notice 12 of 2004 (GG 3141) came into force on date of publication: 2 February 2004**  
**Government Notice 80 of 2006 (GG 3639) came into force on date of publication: 1 June 2006**

**[These regulations use both the UK spelling “millimetre” and the US spelling “millimeter”.  
These words are reproduced as they appear in the *Government Gazette*.]**

### **1. Definitions**

In these regulations any expression to which a meaning has been assigned in the Inland Fisheries Resources Act, 2003 bears that meaning, unless the context otherwise indicates, and-

“**bashing**” means using any device to hit the surface of the water in order to move or chase fish into a net or a fishing gear;

“**dragging**” means the moving of any net or gear other than the traditional fishing gear, through the inland waters;

“**gill net**” means a type of a gear in which the fish are gilled, entangled or enmeshed in netting;

“**hook and line**” means a single line to which not more than two hooks are attached;

“**Oshanas**” means shallow, often vegetated, interconnected channels and pans with gradients in which water accumulates, moves or stands depending on the amount of rainfall;

**[definition of “Oshanas” inserted by GN 12/2004]**

“**recreational fishing charter boat**” means a boat or a vessel chartered for the purposes of leisure related fishing activities;

“recreational fishing licence” means a licence issued in terms of regulation 25;

[definition of “recreational fishing licence” inserted by GN 12/2004]

“small water body” means, ponds, flood plains, including man made impoundment on communal lands;

“the Act” means the Inland Fisheries Resources Act, 2003 (Act No. 1 of 2003);

“Zambezi River System” means the Zambezi, Kwando, Linyanti, Chobe Rivers; Lake Liambezi, and other inland water systems covering all rivers in the Caprivi;

## 2. Registration

- (1) Only Namibian Citizens and Permanent Residents who are of the age 18 and above can register nets within Namibia.
- (2) The designated officer charged with the registration of nets shall register-
  - (a) the name and address of the owner;
  - (b) the length, strand diameter, height and mesh size of the net;
  - (c) registration number; and
  - (d) any other particulars deemed necessary by the designated officer.

[regulation 2 amended by GN 12/2004 to substitute “designated officer” for “regional council” throughout]

## 3. Application for registration of nets

- (1) An applicant must make an application for the registration of a net on a form which corresponds substantially with Annexure A.
- (2) Every application submitted in terms of subregulation (1) must be signed by the applicant.

[subregulation (2) substituted by GN 12/2004]

- (3) Where the owner of a net wishes to use his or her net in more than one region, he or she shall apply to the designated officer of each region in which he or she intends to use the net, and the relevant fees will be payable in each of the regions in which the net will be registered for use.

[subregulation (3) amended by GN 12/2004 to substitute “designated officer” for “regional council”]

## 4. Documents to be furnished by the applicant

All the application forms for the purposes of registration of a net must be accompanied by a copy of the applicant's National Identification document or valid national passport.

## 5. Register of nets

Information relating to the registration of nets shall be contained in a register which is kept in the office of each regional council and such register shall lie open to inspection during office hours.

## 6. Fees payable for the registration of nets

An applicant who applies for the registration of a net shall pay the amount of N\$50,00 per year on approval to the regional council of the region in which the applicant intends to use his or her net.

## 7. Form of certificate of registration

A certificate of registration must substantially correspond with Annexure B.

## 8. Duration of certificate of registration

The certificate of registration is valid for a period of twelve months starting from the date of issue.

## 9. Renewal of the certificate of registration

The certificate of registration shall 30 days prior to its expiration be submitted to the designated officer which shall renew it within 30 days.

[Regulation 9 is amended by GN 12/2004 to substitute “designated officer” for “regional council”. The word “which” should accordingly be changed to “who”.]

## 10. Cancellation or refusal to grant or renew a certificate of registration

- (1) The designated officer may at anytime cancel, refuse to grant or renew a certificate of registration if-

[“Anytime” should be written as two words (“any time”).]

- (a) the applicant or the owner of the registered net is convicted of an offence in terms of the Act or the provisions of these regulations;
  - (b) the inland fisheries resources are threatened; or
  - (c) the fisheries management deems such measures of significance and warranted.
- (2) If the designated officer exercises its powers in terms of regulation 10, the applicants shall be informed of the reasons for decision by the designated officer and such decision shall be made known to the applicant by means of a registered mail.
- (3) If the designated officer cancels a certificate of registration or refuses to grant a certificate of registration or refuses to renew a certificate of registration, the aggrieved applicant or the owner may appeal in writing to the Minister, within 30 days from the date of notification of the decision, for redress by the Minister who shall after close examination of the designated officer’s decision decide to reverse or uphold the decision.

[regulation 10 amended by GN 12/2004 to substitute “designated officer” for “regional council” and “Regional Council” throughout]

## 11. Transfer of certificate of registration

A certificate of registration issued under these regulations authorizes fishing only by the holder of that certificate and is not transferable.

## 12. Loss or destruction of registered net

If a registered net is lost or destroyed, the owner shall for the purposes of cancellation of the relevant net inform the regional council within seven days from the date of such destruction or loss.

## 13. Restriction on number of gill nets to be registered

A person is not allowed to register more than four gill nets.

## 14. Tagging of gill nets

- (1) The holder of a certificate of registration shall attach to the float line of the gill net a metal tag furnished by the Ministry bearing the registration number of the net.

- (2) The holder of the certificate or registration shall obtain the prescribed metal tag of the gill net from the Ministry.
- (3) Failure to comply with the requirement under subregulation (2) shall warrant the confiscation of the relevant net, in terms of the provisions of the Act.
- (4) Subregulation (2) shall come into effect after six months from the date of the publication of these regulations.

### 15. Method of fishing

A person shall not use-

- (a) bashing as a fishing method;
- (b) a cluster of fish hooks designed to hook the body of a fish;
- (c) any net in the Orange River.

### 16. Dragging of nets

A person is not allowed to use the method of dragging of nets or any other fishing device through the water to catch fish, except in the flood plains in consultation with the relevant traditional authority.

### 17. Netting

Only gill nets are to be used in Namibian inland waters and such nets shall not be-

- (a) more than four in number;
- (b) more than 100 metres in length;
- (c) more than 3 metres in height.

### 18. Mesh size of gill nets

A gill net shall not be set within 100 metres of another net and the mesh size thereof shall not be less than-

- (a) 76 mm in the Zambezi River system;
- (b) 76 mm in the Kunene River;
- (c) 45 mm in the Kavango River; and
- (d) 25 mm in the Oshanas.

[regulation 18 substituted by GN 12/2004]

### 19. Method of mesh measurement

- (1) The measurement of a mesh shall be made while the net-
  - (a) is still wet after it has been immersed in fresh water for at least 10 minutes; and
  - (b) is stretched from inside of knot to inside of knot.
- (2) Only a gauge shall be used for the measurement of the mesh size and such gauge shall-
  - (a) be 2 mm thick, flat or durable or non-corrodible material and capable of retaining its shape;
  - (b) have tapering edges with a taper of one to eight;
  - (c) have a hole at the narrowest extremity; and

- (d) have the width inscribed at regular intervals.
- (3) The measurements by means of a gauge shall be at least 10 meshes from any lacing or ropes and shall be taken by inserting the gauge by its narrowest extremity into the mesh opening in a direction perpendicular to the plan of the net.
- (4) The millimeters in which the mesh size shall be expressed shall be deemed to be the average of one or more series of twenty consecutive meshes lengthwise of that net.
- (5) The meshes shall not be measured if-
  - (a) mended;
  - (b) or broken; or
  - (c) have attachments of the net fixed to them.

## 20. Maintenance of mesh openings

No person shall use for fishing purposes any device of which-

- (a) the meshes are obstructed;
- (b) the meshes are drawn together while fishing;
- (c) the selectivity of the meshes are reduced.

[The verb “are” should be “is” to be grammatically correct (“selectivity... is”).]

## 21. Prohibited fishing areas

No person is allowed to fish in any canal used for the purposes of-

- (a) bulk water supply;
- (b) irrigation;
- (c) hydroelectricity.

## 22. Closed and open seasons in inland water bodies

A person is not allowed to fish in any small water body or on the shore of such small water body unless an open season sign is displayed by the relevant traditional authority or the regional council.

## 23. Signs for closed seasons

- (1) A person is not allowed to catch fish where a prohibitory sign indicative of a closed season is displayed by the relevant traditional authority or the regional council.
- (2) The prohibitory sign indicative of a closed season shall-
  - (a) be circular in shape;
  - (b) be 600 millimetres in diameter;

[The word “millimetres” is misspelt in the *Government Gazette*, as reproduced above.]

- (c) be a red border and diagonal;
- (d) be of blue background; and
- (e) be a black symbol.

#### 24. Application for recreational licence

The Minister shall for the purposes of an application for recreational fishing licence provide forms which substantially corresponds with Annexure C.

[Regulation 24 is amended by GN 12/2004 to substitute “recreational fishing licence” for “recreational licence”. The verb “corresponds” should be “correspond” to be grammatically correct (“forms... correspond”).]

#### 25. Form of recreational licence

The recreational fishing licence issued by the designated officer must substantially correspond with Annexure D.

[Regulation 25 is amended by GN 12/2004 to substitute “designated officer” for “regional council”, and “recreational fishing licence” for “recreational licence”.]

#### 26. Duration of recreational licence

A recreational fishing licence is valid for a period of one month from the date of issue.

[regulation 26 substituted by GN 12/2004]

#### 27. Duty to possess and show recreational licence

A recreational fishing licence holder shall at all times of engagement to recreational activities keep in possession the recreational fishing licence for the purposes of presentation to an inland water fishery inspector.

[Regulation 27 is amended by GN 12/2004 to substitute “recreational fishing licence” for “recreational licence” throughout.]

#### 28. Fees for recreational fishing licences

The following fees are payable, by the applicant for a recreational fishing licence:

- (a) Namibians and permanent residents of Namibia: N\$ 14,20 a month;
- and
- (b) Non-Namibians: N\$ 28,40 a month.

[regulation 28 substituted by GN 12/2004]

#### 29. Fishing gear restrictions

A recreational fishing licence holder is not allowed to use more than 2 rods and 2 lines with 2 hooks attached.

[regulation 29 amended by GN 12/2004 to substitute “recreational fishing licence” for “recreational licence”]

#### 30. Bag limit

- (1) A recreational fishing licence holder is not allowed to fish more than 10 fish in the aggregate of any species in one day.

- (2) A person is not allowed to catch more than 2 tiger fish in one day for recreational purposes.

[regulation 30 amended by GN 12/2004 to substitute  
“recreational fishing licence” for “recreational licence”]

### 31. Size limit

- (1) Subject to subregulation (2), an angler who catches any of the species of fish specified in column I of the Table, which fish is smaller than the size limit specified in the corresponding column II of that Table must immediately and without harm release the caught fish back into the water.
- (2) Measuring, weighing or photographing of the fish is permitted as long as the fish is not removed from the water for an extended period or handled in a manner that may cause it harm.
- (3) The size of a fish must be measured in a straight line from the tip of the snout to the extreme end of the tail.

<b>Part 1</b>	
<b>Column I</b>	<b>Column II</b>
<b>Fish</b>	<b>Length in (cm)</b>
a Tiger Fish ( <i>Hydrocynus vittatus</i> )	30
a Sharptooth Catfish ( <i>Clarias gariepinus</i> )	41
a Green Head Tilapia ( <i>Oreochromis macrochir</i> )	22
a Threespot Tilapia ( <i>Oreochromis andersonii</i> )	30
a Nembwe ( <i>Serranochromis robustus</i> )	34
a Silver Catfish ( <i>Schilbe intermedius</i> )	22
a Banded Tilapia ( <i>Tilapia sparrmanii</i> )	13
a Redbreast Tilapia ( <i>Tilapia rendalli</i> )	23
an African Pike ( <i>Hepsetus odoe</i> )	28
a Purpleface Largemouth ( <i>Serranochromis macrocephalus</i> )	20
a Humpback Largemouth ( <i>Serranochromis altus</i> )	30

<b>Part 1</b>	
a Thinface Largemouth ( <i>Serranochromis angusticeps</i> )	33
a Blunttooth Catfish ( <i>Clarias ngamensis</i> )	37
a Green Bream ( <i>Sargochromis codringtonii</i> )	24
a Pink Bream ( <i>Sargochromis giardi</i> )	24
a Longfin Largemouth ( <i>Serranochromis longimanus</i> )	16
a Brownsport Largemouth ( <i>Serranochromis thumbergi</i> )	14
a Rainbow Bream ( <i>Sargochromis carlotta</i> )	20
a Orange River Mudfish ( <i>Labeo capensis</i> )	28
a Moggel ( <i>Labeo umbratus</i> )	28
a Smallmouth Yellowfish ( <i>Labeobarbus aeneus</i> )	21
a Largemouth Yellowfish ( <i>Labeobarbus kimberleyensis</i> )	30

[regulation 31 substituted by GN 12/2004 and by GN 80/2006]

### 32. Sale of fish

A recreational fishing licence holder is not allowed to sell any fish which was caught under a recreational fishing licence.

[Regulation 32 is amended by GN 12/2004 to substitute  
“recreational fishing licence” for “recreational licence” throughout.]

### 33. Application for and issuing of a licence to use a recreational fishing charter boat

- (1) An application for a licence to use a recreational fishing charter boat must be completed on a form, which substantially corresponds with Annexure E.
- (2) The completed application form referred to in subregulation (1) must be submitted together with an application fee of N\$ 50.00 to the designated officer of the area within which the licence to use a recreational fishing charter boat is sought.

- (3) On receipt of the application referred to in subregulation (1), the designated officer concerned must consider the application and either-
  - (a) grant the application; or
  - (b) refuse the application and give reasons for such refusal.

[regulation 33 substituted by GN 12/2004]

### **33A. Issuing of recreational fishing charter boat licence**

- (1) The designated officer concerned must, where an application made in terms of subregulation (1) of regulation 33 is approved, issue to the applicant a licence to use the recreational fishing charter boat, which licence must correspond substantially with Annexure F.
- (2) A licence issued by the designated officer is valid for a period of one year.

[regulation 33A inserted by GN 12/2004]

### **34. Daily catch report for recreational fishing charter boat**

The owner or operator of a recreational fishing charter boat shall submit daily catch report to the Ministry on or before the 15<sup>th</sup> day of the following month.

### **35. Fishing from a recreational charter boat**

A person who is not in possession of a valid recreational fishing licence is not allowed to fish from a recreational charter boat.

[Regulation 35 is amended by GN 12/2004 to substitute “recreational fishing licence” for “recreational licence”, but this regulation already referred to “recreational fishing licence”.]

### **36. False information**

A person is not allowed to give false information in relation to any provision of the Regulations, which requires the revelation of facts known, only by him or her.

### **37. Competitions to be authorized by the Ministry**

- (1) The National Freshwater Angling Association shall in respect of the recreational fishing competition to be held in Namibia inland waters submit for approval by the Minister a calendar of recreational fishing competitions, at least three months in advance.
- (2) A calendar of the recreational fishing competitions shall specify-
  - (a) the date and place of each competition;
  - (b) the number of participants to participate in each competition;
  - (c) the name of the host of the competition.
  - (d) the number of boats;
  - (e) the rules governing the contemplated recreational fishing competition;
  - (f) the number of rods;
  - (g) the contemplated individual catch records;
  - (h) the species which the participants contemplate to catch.

**38. Hosts of angling competitions**

- (1) A person who is not duly affiliated to the National Freshwater Angling Association shall not be allowed to host an angling competition in Namibian inland waters.
- (2) For the purpose of this regulation the term “person” means any angling club, a lodge or any other person that may be affiliated to the National Freshwater Angling Association.

**39. Fees for hosting angling**

The amount of N\$200,00 is payable to the Ministry within 30 days from the date of approval, for the hosting of an approved recreational fishing competition.

**40. Rules governing recreational fishing competitions**

Every person hosting recreational fishing competitions shall at least three months in advance submit the rules governing the contemplated recreational fishing competition to the Minister who shall consider such rules for approval.

**41. Restrictions**

- (1) A person is not allowed to participate in a recreational fishing competitions unless he or she is in possession of an appropriate licence.
- (2) The owner or operator of a recreational fishing charter boat shall not allow a person to fish from that boat unless that person has, in his or her possession a valid recreation licence.

**42. Offences and penalties**

[The word “Penalties” in the heading should not be capitalised.]

- (1) Penalties, which an inspector or a designated officer can impose for breach of the provisions of the regulations stipulated in the table, are set out below:

[The comma after the word “Penalties” is superfluous.]

Regulation	Offences	Penalty
Regulation 3(3)	Failure to register in all regions in which the net is intended to be used	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 8	The use of expired certificate of registration	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 9	Failure to renew certificate of registration	N\$800,00 or imprisonment for a period not exceeding three months
Regulation 11	Transfer of certificate of registration	N\$800,00 or imprisonment for a period not exceeding three months

<b>Regulation</b>	<b>Offences</b>	<b>Penalty</b>
Regulation 14(1)	Failure to attach the metal tag to the float line of the gill net	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 14(2)	Failure to obtain or prescribed metal tag which is bearing the number of the gill net	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 15	Fishing contrary to permissible method of fishing	N\$450,00 or imprisonment for a period not exceeding three months
Regulation 17	Failure to use a gillnet which complies with prescribed requirements	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 18	Failure to comply with the prescribed requirements of mesh size measurement	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 19	Failure to comply with the prescribed requirements of mesh size measurement	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 20	Failure to maintain required mesh openings	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 21	Fishing in prohibited fishing areas	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 23	Failure to comply with the prohibitory sign indicative of a closed season	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 25	Being in possession of a recreational fishing licence which does not comply with the prescribed form	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 27	Failure to be in possession of a recreational fishing licence	N\$300,00 or imprisonment for a period not exceeding three months

Regulation	Offences	Penalty
Regulation 29	Contravention of fishing gear restrictions relating to the recreational fishing licence holder	N\$100,00 per any non complying fishing gear or imprisonment for a period not exceeding three months
Regulation 30(1)	Fishing of more than 10 fish in the aggregate of any species in one day	N\$50,00 per fish or imprisonment for a period not exceeding three months
Regulation 30(2)	Catching of more than two tiger fish in one day	N\$150,00 or imprisonment for a period not exceeding three months
Regulation 31	Failing to release the fish which is smaller than the specified size limit [item relating to regulation 31 substituted by GN 80/ 2006]	N\$100,00 per fish or imprisonment for a period not exceeding three months
Regulation 32	Selling of fish which was caught under a recreational fishing licence	N\$1 00,00 per fish sold or imprisonment for a period not exceeding three months
<b>[item relating to regulation 33 deleted by GN 12/2004]</b>		
Regulation 34	Failure to provide a daily catch report	N\$300,00 or imprisonment for a period not exceeding three months
Regulation 35	Fishing without a valid recreational fishing licence from a recreational charter boat	N\$900,00 or imprisonment for a period not exceeding three months
Regulation 36	Provision of false information	N\$900,00 or imprisonment for a period not exceeding three months
Regulation 39	Failure to pay fee for hosting an approved recreational angling competition	N\$900,00 or imprisonment for a period not exceeding three months
Regulation 40	Failure to submit rules governing the recreational fishing competition	N\$900,00 or imprisonment for a period not exceeding three months

- (2) A person who commits an offence for which no penalty is provided for is on conviction liable to a fine not exceeding N\$800,00 or imprisonment for a period not exceeding 2 months.

**[Regulation 42 is amended by GN 12/2004 to substitute “recreational fishing licence” for “recreational licence” throughout.]**

## **Annexures A - F**

### **Forms**

**[The Annexures are substituted by GN 12/2004. This substitution includes a substitution of Annexure F. However the original Annexures in GN 118/2003 (GG 2992) did not include an Annexure F. Therefore, this substitution has been treated as an insertion.]**

**[Editorial note: The forms have not been reproduced]**