

Statutory Instrument 33 of 2024.

[CAP. 29:15

Murewa Rural District Council (Fishing) By-laws, 2024

IT is hereby notified that the Minister of Local Government and Public Works has, in terms of section 90 of the Rural District Councils Act [*Chapter 29:15*], approved the following by-laws:—

Title

1. These by-laws may be cited as the Murewa Rural District Council (Fishing) By-laws, 2024.

Interpretation

2. (1) In these by-laws—

“council” means the Murewa Rural District Council;

“dam” means any dam or water source 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

(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 or she has been granted permission to do so in terms of subsection (3) and he or she 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 council 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), council may—

(a) grant written permission to the applicant to fish in, or take fish from, the dam or dams concerned, subject to

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these by-laws and to such terms and conditions as the council 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 council, unduly deplete the fish population in the dam or dams concerned; or
 - (ii) the council 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 council 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 as maybe prescribed by council through an order.

(6) If the council refuses to grant permission in terms of subsection (3) it 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 council 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 council 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/herself 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, in the event of controlled waters, in terms of section 84 of the Parks and Wildlife Act [*Chapter 20:14*], 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
- (c) 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).

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(3) 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 or herself with the terms of every notice published in terms of subsection (1).

(4) 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 as prescribed in a council order.

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) more than three single hooks are attached; or
 - (ii) 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) nets exceeding 2 000 metres in length.

Powers of police officer and council employee

6. (1) A police officer or a council employee duly authorised by the council, who finds a person in the vicinity of a dam 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 or her name and address; and
 - (b) to furnish evidence of—
 - (i) having been granted permission in terms of section 3 to fish in the dam; or
 - (ii) membership of an association of persons that has been granted permission in terms of section 3 to fish in the dam; or
 - (iii) his or 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 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 or her.

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

(3) Any person who fails to give, furnish or produce anything in terms of subsection (2) shall be guilty of an offence and shall be liable to a fine prescribed by council.

