

*Bill Supplement to the Zanzibar Government Gazette
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NOTICE

The Bill hereunder shall be presented before the House of Representatives for the first reading which will start its session on 13th September, 2023 and is gazetted together with its objects and reasons for public notice.

ZANZIBAR
23rd August, 2023

(Eng. Zena Ahmed Said)
***Secretary to the Revolutionary
Council and Chief Secretary***

A BILL
for
**AN ACT TO ESTABLISH THE ZANZIBAR FISHERIES
AND MARINE RESOURCES RESEARCH INSTITUTE AND
PROVIDE FOR OTHER MATTERS RELATED THEREWITH**

ENACTED by the House of Representatives.

**PART ONE
PRELIMINARY PROVISIONS**

Short title
and Commencement.

1. This Act may be cited as the Zanzibar Fisheries and Marine Resources Research Institute Act, 2023 and shall come into operation immediately after being assented to by the President.

Interpretation.

2. In this Act, unless the context otherwise requires:

“aquaculture” means cultivation or practice of breeding, rearing and harvesting of aquatic flora and fauna in the marine or fresh water environment;

“aquatic fauna” means all aquatic animals and aquatic animal- protozoa that live predominantly in aquatic environments;

“aquatic flora” means all aquatic plants and aquatic plant- protozoa;

“aquatic products” means any food or fiber products obtained through capture fisheries or aquaculture;

“Board” means the Board of Directors of the Institute established under section 7(1) of this Act;

“Director General” means the Director General of the Institute appointed under section 13(1) of this Act;

“fish” means all forms of aquatic fauna including, finfish, shell fish, dugong, turtle, dolphins and whales and their spat, brood, fry, spawn, ova or young;

“fisheries” means the place connected with the activities comprised in the fishing industry including, the technical scientific objects, acts, processes or systems relating to:

- (a) fishing business;
- (b) construction or creation of spawning grounds or fish farms for the purposes of taking or facilitating the taking of fish;
- (c) manufacture of things connected with or for the purposes of the fishing industry;
- (d) control of fishing;
- (e) creation, grant and determination of fishing rights;
- (f) reproduction or multiplication of fish;
- (g) preparation of fish foods, manufacturing or use of fish products; and
- (h) investigation, prevention or control of the occurrence of fish disease.

“fish product” means anything made, collected or obtained from fish, and include fish, dried fish, fish manure, offal, fish silage, oil or nay fish, pearl, mother-of-pearl, shell, beche de mere, ambergris, larva and sponge;

“fishery product” means anything made, extracted or obtained from fish and other aquatic life;

“fishing” means the act of collecting, capturing, gathering, killing, catching or trapping of fish, fish product or aquatic flora and fauna;

“Foreign researcher” means a researcher who is not a citizen of United Republic of Tanzania;

“Institute” means the Zanzibar Fisheries and Marine Resources Research Institute as established under section 3(1) of this Act;

“Internal waters” means any area of the sea that is on land ward side of the baseline of territorial sea;

“marine resources” means all resources and attributes naturally found in the ocean that are considered to have intrinsic or monetary value;

“marine sciences” means study of oceans, the life that inhabits them, and their physical characteristics, chemical oceanography, topography and composition of the ocean floors;

“Minister” means the Minister responsible for Fisheries;

“Research center” means a center established to provide best practices, research, innovation, support and training for a focus area;

“Territorial sea” means the water within the area extending across the sea to a distance of twelve neautical miles measured from low water coastal line.

PART TWO

ESTABLISHMENT OF THE INSTITUTE

Establishment
of the
Institute.

3.-(1) There is established an Institute to be known as Zanzibar Fisheries and Marine Resources Research Institute.

(2) The Institute shall be a body corporate with perpetual succession and common seal and by its name be capable of:

- (a) suing and being sued;
- (b) acquiring, holding, purchasing or disposing any movable or immovable properties;
- (c) entering into contract or any transaction;
- (d) borrowing, lending or receiving grants of any such sum of money from any financial institution in accordance with the Public Finance Management Act, No.12 of 2016; and
- (e) performing or doing any act or thing which the Institute by its nature may, by the law perform.

4.-(1) There shall be a seal and logo of the Institute in shape and size as may be determined by the Board.

Seal and
logo of the
Institute.

(2) The application of the seal and logo of the Institute on any document shall be authenticated by the signature of the Director General or any other officer of the Institute authorized by Director General.

(3) Any document purported to be an instrument issued by the Institute shall be sealed with a seal of the Institute and authenticated in accordance with subsection (2) of this section.

5.-(1) The Institute shall be responsible for conducting fisheries, aquaculture and marine resources research and innovations within Zanzibar and any other area that will be of benefit to Zanzibar.

Functions
of the
Institute.

(2) Without prejudice to the provisions of subsection (1) of this section, the Institute shall:

- (a) conduct research in fisheries, aquaculture and marine resources;
- (b) facilitate the coordination of fisheries and marine resources research, discovery and innovations in consultation with relevant institutions;

- (c) develop and promote research, technologies and innovations for fishing, aquaculture, processing of fish and aquaculture products, and management and conservation of marine resources and marine ecosystems;
- (d) communicate and disseminate knowledge and research findings relating to fisheries and marine resources;
- (e) encourage and facilitate the application and use of the research findings;
- (f) harmonize research activities on fisheries, marine resources, marine ecosystems and marine sciences for the public consumption;
- (g) acquire, store and disseminate scientific and technology information regarding to fisheries management, marine resources conservation, ecosystems and marine sciences;
- (h) collaborate with national, regional and international institutions in carrying out fisheries, marine resources, marine ecosystems, and marine sciences researches;
- (i) provide laboratory services for quality assurance of fish, fishery products and other marine and fresh water products;
- (j) promote marine product quality, pre and post-harvest preservation, value addition technologies and innovations;
- (k) advise and make recommendations to the Minister on matters related to the functions of the Institute;
- (l) provide consultancy services related to the fisheries and aquaculture development and management;

- (m) articulate fisheries, marine resources and other marine sciences research areas in consultation with relevant Institution;
- (n) nurture and develop young researchers on fisheries, marine resources and other marine sciences; and
- (o) perform any other function that is connected to the functions of the Institute.

6. The Institute shall have the power to:

Powers of
the
Institute.

- (a) issue guidelines for conducting research activities on fisheries, marine resources and marine science to be used by the institution responsible for issuance of research permit;
- (b) issue approved Research Ethical Clearance Certificate for research on fisheries and marine resources;
- (c) establish centers within the Institute to promote research and innovation; and
- (d) enter into partnerships on development of ocean-based research.

PART THREE ADMINISTRATION AND MANAGEMENT OF THE INSTITUTE

7.-(1) There is hereby established a Board to be known as the Board of Directors of the Institute.

Establish-
ment and
composition
of the
Board.

(2) The Board shall be composed of:

- (a) Chairperson who shall be appointed by the President;
- (b) Director General;

- (c) Director responsible for Fisheries;
- (d) Director responsible for Marine Conservation;
- (e) State Attorney from Attorney General's Chambers;
- (f) one member from higher learning institution who is expert in fisheries or marine resources; and
- (g) one member from private sector dealing with fisheries or marine resources.

(3) The members under paragraphs (e), (f) and (g) shall be appointed by the Minister after consultation with the relevant institution based on professionalism, gender and working experience of not less than five years on the related field.

Qualifi-
cation of
Chairperson

8. A person shall qualify to be appointed as Chairperson of the Board if that person:

- (a) holds at least first degree or equivalent at any field from an institution recognized by the Government;
- (b) has a working experience of not less than seven years in that field; and
- (c) has high level of integrity.

Secretary
of the
Board.

9.-(1) The Board shall appoint a staff of the Institute to be Secretary to the Board.

(2) A person shall qualify to be a Secretary of the Board if that person:

- (a) has at least first degree in the field of law or qualified corporate secretary from an institution recognized by the Government; and
- (b) has a working experience of not less than five years in the public service.

(3) The Secretary to the Board shall be accountable to the Board, and shall:

- (a) prepare the agendas of the meetings in consultation with the Chairperson;
- (b) take the accurate minutes of the meetings of the Board;
- (c) maintain the correct and sufficient records of meetings of the Board;
- (d) give proper notifications of meetings of the Board to the members; and
- (e) perform any other function as directed by the Board in accordance with this Act.

10. The Board shall have the following functions:

Functions
of the
Board.

- (a) oversee, direct and provide guidance on the affairs of the Institute;
- (b) provide guidance on formulation and implementation of the fisheries and marine resources research policies;
- (c) oversee the property, business, funds and other affairs of the Institute;
- (d) advice the Minister on matters relating to fisheries, aquaculture, marine resources, and marine sciences research; and
- (e) carry out any other function as may be necessary for effective implementation of this Act.

11.-(1) The Board shall have a general power to supervise in respect of the performance of the functions of the Institute.

Powers of
the Board.

(2) Without prejudice to the provisions of subsection (1) of this section, the Board shall have powers to:

- (a) recruit staff of the Institute in accordance with provisions of the Public Service Act, No.2 of 2011;
- (b) approve organization structure of the Institute subject to the provisions of the Public Service Act, No.2 of 2011;
- (c) approve fees and other charges of the services rendered by the Institute;
- (d) issue guidelines and approve the research agenda of the Institute;
- (e) approve budget of the Institute;
- (f) approve strategic plan, annual plans and other guidelines of the Institute;
- (g) take disciplinary measures against any staff of the Institute in accordance with Public Service Act, No. 2 of 2011.

Proceedings
of the
Board.

12. The provisions relating to proceedings of the Board shall be as prescribed in the First Schedule of this Act.

Appointment
of Director
General.

13.-(1) There shall be a Director General of the Institute who shall be appointed by the President.

(2) The Director General shall be the Chief Executive Officer of the Institute and shall be responsible for the supervision of day to day functions of the Institute.

Qualification
of Director
General.

14. A person shall qualify to be appointed as a Director General if that person has:

- (a) at least a first degree in the field of marine sciences, fisheries or any other related field from the institution recognized by the Government;
- (b) working experience of not less than seven years in that field; and

(c) high level of integrity.

15.-(1) The Institute may, for the proper performance of its functions under this Act, establish departments, divisions and units in accordance with the provisions of Public Service Act, No.2 of 2011.

Departments,
divisions
and units.

(2) The heads of departments shall be appointed by the Board based on their related qualifications and experience.

(3) The heads of divisions and units shall be appointed by Director General based on their related qualifications and experience.

(4) The heads of departments, divisions and units shall be accountable to the Director General.

16. There shall be staff of the Institute to be recruited under the terms and conditions in accordance with Public Service Act, No. 2 of 2011.

Staff of the
Institute

PART FOUR OPERATIONS OF THE INSTITUTE

17. Without prejudice to the provisions of any other applicable law, the Institute shall establish the laboratory for quality assurance of fish and fisheries products in order to perform its functions under this Act.

Establish-
ment of
laboratory.

18.-(1) Research on fisheries and marine resources carried out by the Institute shall focus on various areas as specified in the Second Schedule of this Act.

Fisheries
and marine
resources
research
areas.

(2) The Minister may, upon consultation with the Board and by order published in the Gazette, declare new research areas.

19.-(1) A researcher who intends to carry out research pursuant to this Act shall, upon application to the Institute, be granted Research Ethical Clearance Certificate.

Conditions
to conduct
research.

(2) Subject to subsection (1) of this section, the terms and conditions for obtaining Research Ethical Clearance Certificate shall be prescribed in the regulations.

Affiliation.

20.-(1) Subject to the provisions of this Act, the Institute shall be affiliated with other institution with the process of issuance of research permit on fisheries and marine resources research.

(2) The Institute shall facilitate fisheries and marine resources researches in affiliation with other public and private institutions.

Discovery and innovation.

21.-(1) The Institute may, for the purposes of commercial exploitation of any discovery and innovation which the Institute considers important for the improvement of fisheries and management of marine resources, arrange with the owner of that discovery to buy or sell any fisheries or marine resources related to discovery subject to such terms and conditions as may be determined by the Institute.

(2) Every discovery and innovation made as a result of fisheries and marine science or other scientific research carried out under this Act shall be registered by the Institute in such form and conditions as prescribed in the regulations.

(3) Subject to the provisions of this Act, the Institute shall issue guidelines for discovery and innovation in fisheries, marine resources and marine sciences.

Ownership of discovery and innovation.

22.-(1) All fisheries and marine resources related to discoveries and innovations made by the Institute in the course of the performance of its functions under this Act, shall be the property of the Institute and the Institute may make such discovery or innovation available to the public.

(2) The Institute may, with the approval of the Board:

- (a) pay such bonuses or royalties as it may think fit to any person who makes the discovery and innovation in the course of any research undertaken by, or carried out under the directions of the Institute, whether such person is an employee of the Institute or not; and

- (b) exempt any person to pay such fee where discovery or innovation is made available to the public subject to the payment of fee or royalty.

23. The Institute shall award any person who produces any discovery and innovation for the development of fisheries sector and marine resources management.

Awarding of discovery and innovation.

24. A researcher shall, within the time determined by the Institute, at his own expenses, furnish all relevant information to the Institute in relation to that research and make available to the Institute any relevant data, records, findings or report of the research.

Information to be furnished to the Institute.

PART FIVE FINANCIAL PROVISIONS

25.-(1) The funds and resources of the Institute shall consist of:

Funds and resources of the Institute.

- (a) such sums as may be approved by the House of Representatives;
- (b) any funds legally acquired by the Institute for the services rendered by the Institute;
- (c) such lawful grants, gifts, donation, contributions, loans, bequests, or investment as the Institute may receive from any person or institution; and
- (d) any such other money that may vest or legally acquired by the Institute whether in the course of its operations or otherwise.

(2) The Institute shall perform its functions in accordance with the common financial principles and shall ensure that its revenue is sufficient to meet its expenditure properly.

(3) The Institute may retain certain percent of money collected as may be determined by the Minister responsible for Finance.

(4) All financial transactions of the Institute shall be made and governed in accordance with the Public Finance Management Act, No.12 of 2016.

Budget
of the
Institute.

26.-(1) The Director General shall, in respect of every financial year, prepare and submit to the Board for deliberation and recommendations detailed estimates of the income and expenditure for the Institute for the next year.

(2) Upon deliberation and recommendation by the Board, the budget of the Institute shall be dealt in the same manner as part of the budget of the Ministry.

(3) The estimates of income and expenditure of the Institute shall be prepared subject with the provisions of the Public Finance Management Act, No. 12 of 2016 and any other directives as may be issued by the government from time to time.

(4) The Director General shall ensure that all payments out of the Institute's funds are correctly made and properly authorized, and adequate control is maintained over its property and the incurring of liabilities by the Institute.

Accounts
and Audit.

27.- (1) The Institute shall properly keep and maintain books of account which include all financial records and transactions for every financial year.

(2) All accounts of the Institute shall be audited in accordance with the provisions of the Public Finance Management Act, No. 12 of 2016 and other relevant financial laws.

PART SIX
OFFENCES AND PENALTIES

Offences
and
Penalties.

28. Any person who:

- (a) provides false or incorrect statement that impedes the implementation of fisheries and marine resources research activities;
- (b) interferes in the conduct of fisheries research;
- (c) hinders or obstructs the fisheries and marine resources research officer in discharging his duties under this Act;
- (d) transfers Institute research findings without permission of the Institute;
- (e) affects or destroys any property or activity related to fisheries and marine resources research made under this Act;
- (f) conducts research without approved Research Ethical Clearance Certificate issued by the Institute; and
- (g) fails to comply with any provisions of this Act,

commits an offense and shall, upon conviction be liable:

- (a) in case of an individual researcher, to a fine of not less than One Million Tanzania Shillings and not exceeding Ten Million Tanzania Shillings; or
- (b) in case of institution, to a fine of not less than Five Million Tanzania Shillings and not exceeding Twenty Million Tanzania Shillings.

29. Any person who contravenes the provisions of this Act, where no specific penalty is provided for such offence shall, upon conviction, be liable to a fine of not less than Five Million Tanzania Shillings and not exceeding Ten Million Tanzania Shillings.

General
penalty.

Compounding offences.

30.-(1) The Director General may compound an offence committed by a person under this Act or its regulations by requiring him to pay a fine of not less than half of the fine prescribed for such offence, provided that, the person:

- (a) admits that he committed an offence and shall take due care not to repeat; and
- (b) pays all his default payment under this Act.

(2) The procedures relating to compounding offence shall be prescribed in the regulations.

(3) The compounding of offence under subsection (1) of this section, shall not be regarded as conviction for the alleged offence and provided that the default payment is paid in full, no prosecution for the alleged offence shall be instituted or maintained.

PART SEVEN MISCELLANEOUS PROVISIONS

Code of ethics.

31.-(1) Subject to the provisions of this Act, the Institute shall prepare a Code of Ethics for Fisheries and Marine Sciences Research.

(2)The Institute shall ensure that research is carried out in accordance with the ethics and standards prescribed in the guidelines.

Limitation of the right to disclose of information

32.The Institute shall, except as otherwise provided by law, have no obligation to give any information that would in the opinion of the Institute, compromise the integrity of its functions.

Amendment of the Schedules.

33.The Minister may, by order published in the Gazette, amend any Schedule under this Act.

Regulations.

34.-(1) The Minister may make regulations for proper implementation of the provisions of this Act.

(2) Without prejudice the provisions under subsection (1) of this section, the Minister may make regulations in areas of:

- (a) management and control of data, information, research findings, discoveries and innovations;
- (b) prescribing fees and charges for the services rendered by the Institute; and
- (c) procedures for issuing approved Research Ethical Clearances Certificate.

FIRST SCHEDULE

PROCEEDINGS OF THE BOARD

[Made under section 12]

1. The Board members shall elect one member among them to be a Vice Chairperson of the Board. Vice
Chairperson.

2. Save for ex-officio member, the Chairperson and other members of the Board shall hold the office for a term of three years from the date of their appointment and may be re-appointed for another term only. Tenure of
members.

3.-(1) The Board shall ordinarily meet once in every three months and may convene for extraordinary meeting at any time when need arises for the discharge of its functions. Meetings of
the Board

(2) The Chairperson shall preside all meeting of the Board, and on his absence, the Vice Chairperson shall preside the meeting of the Board and if the Chairperson and the Vice Chairperson are absent, the members present shall elect one member among themselves to preside the meeting.

Quorum. **4.** More than half of the total number of the members shall constitute quorum at the meeting of the Board.

Decisions of the Board. **5.** Decisions of the Board shall be made by consensus, where there is no consensus, the decisions shall be made by votes and where there is an equal vote, the Chairperson shall have a casting vote.

Procedures of meetings. **6.** Subject to the provisions of this Act, the Board shall have power to regulate its own procedures.

Co-opt member. **7.** The Board may co-opt any person to attend in any deliberation of the meeting of the Board as an expert but the co-opted member shall have no right to vote.

Committees of the Board. **8.** The Board may, for the purpose of facilitating the performance of its functions, establish committees as it may consider necessary.

Delegation of the functions of the Board. **9.-(1)** The Board may, if deems fit for the proper discharging of its functions, delegate some of its functions to the committee of the Board.

(2) Where the Board delegates its functions under sub section (1) of this section, it shall give directives in writing as may be necessary to ensure the proper performance of the functions.

Allowances for Members. **10.** Members of the Board shall be entitled to be paid such allowances in accordance with Public Service Act, No.2 of 2011.

Disclosure of conflict. **11.-(1)** The member of the Board who has direct or indirect personal interest in a matter being considered or about to be considered by the Board shall, as soon as possible, after the relevant facts have come to his knowledge, disclose the nature of his interest at the beginning of the meeting of the Board.

(2) A disclosure of interest under subsection (1) of this section, shall be recorded in the minutes of the meeting and the member making such disclosure shall not:

- (a) be present during the deliberation of the Board for the making of the determination; or
- (b) influence any other member in the making the determination.

12. The member shall cease to hold office upon the occurrence of the following:

Cessation of membership.

- (a) resignation;
- (b) if is absent without reasonable excuse for three consecutive meetings of the Board;
- (c) if he becomes incapacitated to perform his duties by reasons of physical or mental health;
- (d) if he ceases to be a representative of the institution which nominated that member;
- (e) if he is terminated by the Minister where he does not meet the expectation of the Institute; or
- (f) death.

SECOND SCHEDULE
RESEARCH AREAS
[Made under section 18(1)]

1. Anthropogenic activities;
2. Aquaculture economics;
3. Aquaculture sites suitability mapping;
4. Aquatic ecosystems and biodiversity inventories;
5. Aquatic invasive alien and endangered species;
6. Aquatic productivity;
7. Bioinformatics
8. By-catch in relation to biodiversity;
9. Climate change adaptation, mitigation and resilience;
10. Climate financing;
11. Coral bleaching and diseases in aquaculture;
12. Eco-tourism;
13. Feeds and nutrition values;
14. Fish aggregation devices;
15. Fish catch and stock assessment;
16. Fish disease
17. Fish farming and processing technologies;
18. Fish handling, storage, processing, marketing and distribution facilities;
19. Fish breeding, genetics, bio-safety, bio- technology and gene bank;
20. Fisheries and aquaculture systems management;
21. Fishers migration;
22. Fishing gear, technology, methods and crafts;
23. Gender and fisheries;
24. Greenhouse gases;
25. Hatchery technology (seed productions);
26. Illegal, unreported and unregulated fishing;
27. Key stone and critical habitats;
28. Limnology and oceanography;
29. Marine and coastal resources management and conservation;
30. Marine biology and ecology;
31. Marine disaster risk reduction and management;

32. Marine spatial planning;
33. Ocean acidification;
34. Oceanographic modeling;
35. Ornamental, curio and aquarium fishery;
36. Policy, advocacy and governance on fisheries and marine resources;
37. Pollution indicators and bio-indicators;
38. Population, health and environment;
39. Potential new farmed species;
40. Poverty and child labour in fishing communities;
41. Remote sensing and earth observation;
42. Research-extension linkages;
43. Resistance and resilience of aquatic organisms;
44. Social, legal and sectoral conflicts;
45. Status of coastal and marine resources;
46. Sustainability of aquatic ecosystems and resources;
47. Technologies for fisheries and aquaculture development;
48. Value addition and quality assurance;
49. Value chain analysis;
50. Water quality, quantity, accessibility and pollution; and
51. Any other area the Institute may consider necessary.

OBJECTS AND REASONS

The main purpose of this Bill is to establish the Zanzibar Fisheries and Marine Resources Research Institute so as to develop and promote researches and innovations on matters related to fisheries, aquaculture, marine resources and marine sciences within Zanzibar and any other area that will be of benefit to Zanzibar.

This Bill also intends to promote and implement the Zanzibar Blue Economy Policy and its Strategy, and Zanzibar Fisheries Policy for better management of fisheries and aquaculture sectors. In addition, the Bill aims to establish a laboratory that will ensure control of quality of fish and fishing products in order to meet international market standards.

The Bill is divided into Seven Parts

Part One is about Preliminary Provisions which provide for short title and commencement and interpretation of some important words used therein.

Part Two set out the Provisions for Establishment of the Institute where it explains that the Institute shall be a body corporate and shall have power to sue and being sued, acquire, hold, purchase or dispose any movable or immovable property, enter into contract or any transactions, Seal and logo of the Institute, Functions and Powers of the Institute.

Part Three details on provisions for Management and Administrations of the Institute. This Part explains about the provisions for Establishment and composition of the Board, Qualification of Chairperson, Secretary to the Board, Functions of the Board, Powers and Proceeding of the Board. This Part also provides for the Appointment and Qualification of the Director General, the structure and Staffs of the Institute.

Part Four provides for the provisions of the Operation of the Institute which includes the provisions for the Establishment of laboratory, Fisheries and marine resources research areas, Conditions to conduct research, Affiliation, Discovery and innovation, Ownership of discovery and innovation, awarding of discovery and innovation as well as information to be furnished to the Institute.

Part Five is about Financial Provisions. It entails funds and resources of the Institute, budget of the Institute and accounts and audit.

Part Six is all about offences and penalties, general penalty and compound of offences.

Part Seven is about Miscellaneous Provisions where there is provisions relating to Code of ethics, Limitation of the right to disclose information and Power of the Minister to make Regulations.

At the end there are two Schedules. One is about proceedings of the Board; and the second is about research areas.

ZANZIBAR
23rd August, 2023

(HON. SULEIMAN MASOUD MAKAME)
Minister for Blue Economy and Fisheries

