



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

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GOVERNMENT NOTICES

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 245
2003

COMMENCEMENT OF THE AQUACULTURE ACT, 2002
(ACT NO. 18 OF 2002)

In terms of section 49 of the Aquaculture Act, 2002 (Act No. 18 of 2002), I determine that the said Act shall come into operation on the date of publication of the notice in the *Gazette*.

A. IYAMBO
MINISTER OF FISHERIES
AND MARINE RESOURCES

Windhoek, 26 November 2003

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 246
2003

AQUACULTURE (LICINSING) REGULATIONS:
AQUACULTURE ACT, 2002.

The Minister of Fisheries and Marine Resources, has under section 43 of the Aquaculture Act, 2002 (No.18 of 2002), made the regulations set out in the Schedule.

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SCHEDULE

PART I DEFINITIONS

Definitions

1. In these Regulations, any expression to which a meaning has been assigned in the Act bears that meaning unless the context indicates otherwise –

“disease” means a clinical or non clinical infection with one or more of etiological agents of a biological nature (i.e., viruses, bacteria, parasites, fungi, etc.);

"farming" means the culture, husbandry, production, development or improvement of aquatic organisms, and includes placing enclosures or artificial structures in demarcated areas;

“indigenous aquatic organism” means an aquatic organism that occurs naturally in Namibian waters (i.e., a non-introduced or native species);

“introduction” means the human-mediated movement of a non-indigenous species in Namibian land and water;

“non-indigenous aquatic organism” means an aquatic organism not naturally occurring in Namibian waters including an “exotic,” “non-native” or “introduced” species;

“pathogen” means an infectious agent capable of causing disease;

“quarantine” means the holding or rearing of aquatic organisms under conditions that prevent their escape, and the escape of any pathogens they may be carrying, into the surrounding environment;

“quarantine measures” means measures developed to prevent the transfer of or escape of disease

agents or pathogens;

“the Act” means the Aquaculture Act, 2002 (Act No.18 of 2002);

“transfer” means the movement of an aquatic organism to an area within the established range of species.

PART II LICENSING

Form of Applications

2. An application for a licence and for the renewal of a licence shall be made in the form and manner set out in Annexure A.

Form of Licence

3. A licence must be issued in the form set out in Annexure B.

PART III RECORDS AND REPORTS

Maintenance of records by licensees

4. A licensee shall maintain accurate records with respect to the aquaculture facility relating to –

- (a) the type and amount of food used in relation to the aquatic organisms at the site or aquaculture facility;
- (b) the type of any medication, including drugs, antibiotics or other chemicals used in relation to aquatic organisms, including the dosage and treatment date and the duration of any veterinarian treatments;
- (c) the source, number and specific location of all aquatic organisms;
- (d) a record of all disposals and sales of aquaculture products, including the date, number or weight and destination of each disposal and sale.

Provision of Information

5. (a) A licensee shall keep and furnish the Permanent Secretary annually the information which the licensee is required to maintain under regulation 6;
- (b) Upon the request of the Permanent Secretary or of any aquaculture inspector appointed under section 36 of the Act, a licensee or person who operates an aquaculture facility shall provide any of the information required to be kept by

that licensee or person under regulation 4 and 5 in the time and manner determined by the Permanent Secretary or aquaculture inspector.

Register of Licences

6. The Permanent Secretary must maintain at the Ministry a register which records all licences issued in Namibia including –

- (a) the name of the licensee;
- (b) the name of any group, business, partnership or company associated with the licensee;
- (c) the type of aquaculture licensed at the licensee's aquaculture facility;
- (d) the aquatic organisms licensed at the aquaculture facility;
- (e) the location, size and description of the aquaculture facility;
- (f) the maximum annual production authorized at the aquaculture facility;
- (g) the source of water supply at the aquaculture facility;
- (h) the annual quantity and composition of any effluent to be discharged from the aquaculture facility;
- (i) the duration of the licence;
- (j) any variation to the terms and conditions attached to the licence;
- (k) any occurrence of disease outbreak.

Record of exempted persons

7. The Permanent Secretary must maintain a record which lists all persons engaged in aquaculture in Namibia and Namibian waters who are exempted under section 45 of the Act including –

- (a) the name of person;
- (b) the location of the aquaculture activities;
- (c) where and when information referred to in regulation 5 was provided;
- (d) the species farmed.

Inspection of register

8. (1) Any person may inspect the register maintained at the Ministry or at any regional office of the Ministry during ordinary business hours.

(2) Any person may, by submitting a request in writing to the Permanent Secretary, request to obtain a copy of the register or a portion of the register upon payment of a fee for such copy as the Permanent Secretary may determine.

PART IV HEALTH MANAGEMENT IN AQUACULTURE FACILITIES

Conformity with International Standards

9. Regulations concerning aquatic organisms health management shall be in conformity with internationally accepted standards relating to aquatic organisms health management, and consistent with Namibia's rights and obligations arising from its membership of the World Trade Organisation (WTO), and the Office International des Epizooties (OIE, the World Organisation for Animal Health).

Applicability to all commodities and situations

10. (1) These regulations shall apply to all aquatic organisms as defined under the Act, including those amphibians and reptiles declared to be aquatic organisms in Annexure C, and to all other commodities .

(2) These regulations shall apply equally to all aquatic organisms health management situations, regardless of whether the aquatic organisms in question are farmed or ranched for commercial or other purpose.

(3) For the purposes of this regulation "commodities" mean aquatic organisms, aquatic organism products, aquatic organism genetic material, feedstuffs, biological products and pathological material.

Record Keeping

11. (1) In order to facilitate control of disease outbreaks, any person, whether licensed or exempted, who engages in aquaculture shall keep accurate and up-to-date records of the aquatic organisms kept on the aquaculture facility, from their arrival on the facility to their final sale or disposal.

(2) For purposes of disease surveillance and control, such records shall include, among others, full information on any mortalities, any clinical signs observed, the nature and results of any diagnostic tests performed, and the nature and results of any treatments applied to cultured stocks.

Disease reporting

12. Any licensee or an exempted person engaged in aquaculture shall immediately

report to the Permanent Secretary or an aquaculture inspector any suspected outbreak of those serious diseases listed on the National List of Diseases of Aquatic Organisms provided for in Annexure D or any occurrences of unusually high mortalities of cultured stocks.

Use of Approved Drugs, antibiotics or other chemicals

- 13.** (1) The Minister shall specify and list by notice in the *Gazette* –
- (a) those drugs, antibiotics or other chemicals which are not allowed to be used in aquaculture for the purposes of treatment and prevention of diseases of aquatic organisms; and
 - (b) those drugs, antibiotics or other chemicals which are not allowed to be used in aquaculture for the purposes of treatment and prevention of diseases of aquatic organisms and the application of which requires the consent and supervision by the Minister or other person designated by the Minister as to supervision as to dosages, handling methods, including application methods and withdrawal times.

(2) For treatment and prevention of diseases of aquatic organisms, any licensee or exempted person engaged in aquaculture may apply only those drugs, antibiotics or other chemicals which are not prohibited under this regulation.

Eradication of disease in aquaculture facilities

14. (1) In the instance where a serious outbreak of disease is identified within an aquaculture facility, the Minister or any person designated by the Minister may order that all or a portion of a facility be placed under quarantine.

(2) During the period in which an aquaculture facility is under quarantine, the Permanent Secretary may require application of specific treatment methods, in the case of treatable diseases, or in the case on non-treatable diseases, the destruction of infected stocks, their sanitary disposal, and the disinfection on the aquaculture facility of premises and all associated equipment to standards set by the Ministry.

(3) Any costs associated with the measures referred to in this regulation shall be borne by the owner of the infected licensed aquaculture facility.

Record of aquaculture facility subject to quarantine measures

15. The Permanent Secretary must maintain a record of aquaculture facilities subject to quarantine measures, including disinfection measures which contains –

- (a) the name of the licensee;
- (b) type of aquaculture licensed at the licensee's aquaculture facility;
- (c) the aquatic organisms licensed at the aquaculture facility;

- (d) date of occurrence of disease;
- (e) summary and duration of quarantine measures prescribed;

PART V

CONTROL OF DISEASE OUTBREAKS WITHIN NAMIBIAN WATERS

Disease zoning

16. (1) In order to control the spread of infectious diseases of aquatic organisms, and to provide trading partners with assurances of the disease status of Namibian aquaculture and fisheries products, the Minister may, by notice in the *Gazette* establish and maintain zones which are free from specified serious diseases. Such zones may consist of a designated aquaculture facility or facilities, a drainage basin or basins or parts thereof, or defined coastal areas.

(2) The establishment of free, infected and surveillance zones shall be based on internationally accepted methods for disease zoning as outlined by the OIE's *International Aquatic Animal Health Code of 1924*, and shall include the establishment of programmes for the surveillance and monitoring of aquaculture facilities and the natural waters of Namibia with respect to specific diseases appearing on the National List of Important Diseases of Aquatic Organisms, provided for in Annexure D.

(3) The Ministry may take whatever measures it deems necessary to maintain, reduce or expand disease-free zones, including restricting or prohibiting the movement of aquatic organisms and their products into and out of designated zones and the establishment of eradication programmes.

Emergency disease situations

17. To deal effectively with emergency situations involving the outbreak of highly contagious and pathogenic diseases of aquatic organisms of known or unknown etiology, the Minister shall develop and implement national contingency plans for disease control.

Intra-national movements of live aquatic organisms

18. (1) Any transport of aquatic organisms between aquaculture facilities or the removal of any aquatic organism from an aquaculture facility for any purpose shall be notified in writing to the Permanent Secretary or any person designated by the Permanent Secretary.

(2) The Permanent Secretary or any other person designated by the Permanent Secretary not having replied within 3 months from the date of notification shall be deemed to have approved the movement of aquatic organisms referred to under sub-regulation (1).

PART VI

PROTECTION OF THE AQUATIC ENVIRONMENT

Release and escape of aquaculture products

19. (1) No person shall cause, authorize or allow the escape of aquaculture products from an aquaculture facility.

(2) No person engaged in aquaculture shall release into the Namibian waters any aquaculture product from an aquaculture facility unless authorized to do so by the terms and conditions of an aquaculture licence or by the Minister if that person is exempted from holding an aquaculture licence in terms of section 45 of the Act.

(3) All equipment, materials and structures employed on an aquaculture facility shall be constructed, installed and maintained so as to prevent escapes under any circumstances.

Discharge of waste

20. (1) No person shall discharge or cause to be discharged waste generated on the aquaculture facility and which has or may have a harmful or detrimental effect on human health or the environment.

(2) Waste referred to under subregulation (1) shall be treated or disposed of in accordance with the terms and conditions of the aquaculture licence.

Introduction and transfer of live aquatic organisms

21. (1) Applications for permission to introduce or transfer aquatic organisms for the purposes of aquaculture shall be made to the Minister in the form set out in Annexure E, and a permit issued to introduce or transfer aquatic organisms as set out in Annexure F.

(2) Applications for the introduction and transfer of aquatic organisms for the purposes of aquaculture shall be carefully examined in accordance with internationally accepted protocols.

(3) An application to introduce or transfer an aquatic organism into Namibia shall be submitted to the Minister at least 3 months prior to the intended date of introduction or transfer.

Penalties

22. (1) A person who contravenes regulation 19(1) and (2) is on conviction liable to a fine of N\$1 000,00 or to imprisonment for a period not exceeding three months.

(2) A person who contravenes regulation 20(1) is on conviction liable to a fine of N\$800,00 or to imprisonment for a period not exceeding three months.

**ANNEXURE A
(regulation 2)**

APPLICATION FORM FOR AQUACULTURE LICENCE

1. Name of the applicant:
2. Name of group, business, partnership or company associated with the application. In the case of a group, business or partnership, attach a statement of the membership of such group, partnership or business. In the case of a company, attach a statement of the shareholding of the company, the register of directors and the beneficial ownership of shares in such company.
3. Business address, telephone number, facsimile number and e-mail address:

Type of application:	Check relevant box:	New application	Renewal
Aquaculture licence		<input type="checkbox"/>	<input type="checkbox"/>

This application form is used for licences and renewals.

4. Type of aquaculture – check relevant box:

(b)	Freshwater		<input type="checkbox"/>
(b)	Marine	(i) Shore based	<input type="checkbox"/>
		(ii) Non – shore based	<input type="checkbox"/>
		(iii) Sea ranching	<input type="checkbox"/>
(c)	Shellfish		<input type="checkbox"/>
(d)	Finfish		<input type="checkbox"/>
5. Aquatic species to be cultivated:
6. Location, size and description of the site at which it is proposed to undertake aquaculture:
7. Sources of the stock of aquatic organisms for cultivation:
8. Maximum annual production intended, in quantity or weight per year:
9. Brief description of the type and size of aquaculture facilities to be used:
10. Source of water supply, indicating whether it is fresh or salty water, and if appropriate,

the flow rate:

11. Brief statement as to whether effluent is to be discharged in Namibian waters and, if so, the annual quantity and composition of such discharge:
12. Other information, including such other information as the applicant considers relevant to this application (*use attachments if necessary*):

Declaration by Applicant

I declare that the above and any accompanying information is true, complete and correct. I understand I am required to report immediately to the Minister any changes to the information given on this form and further understand that failure to do so may render me liable to prosecution.

Applicant

Date

This application is to be forwarded to the Minister at the address shown below:

**Permanent Secretary,
Ministry of Fisheries and Marine Resources,
Private Bag 13355,
Windhoek,
Namibia**

ANNEXURE B
(regulation 3)

Aquaculture Licence issued under the Aquaculture Act, 2002

Name of licensee

Licence Number

Date

The person or entity described in this licence is licensed in accordance with the *Aquaculture Act, 2002* (Act No. 18 of 2002) to engage in the type of aquaculture in such parts of Namibia or Namibian waters as are described below, for the period described in this licence and in accordance with the terms and conditions set out in the Aquaculture Act, 2002 (No. 18 of 2002) and the conditions set out in this licence:

1. The name and business address of the licence holder;
2. The location, size and description of the site at which the aquaculture is authorized;
3. The aquatic organisms authorized to be cultivated, and if more than one site, the site and type of aquaculture to which the authorization applies;
4. The maximum annual production authorized (number or weight);
5. The source of water supply at the aquaculture facility;
6. The composition and annual quantity of any effluent to be discharged from the aquaculture facility.

CONDITIONS OF LICENCE

- a.
 - b.
 - c.
 - d.
 - e.
 - f.
7. Notifications required.

PERIOD OF VALIDITY

Subject to the Aquaculture Act, 2002 (Act No. 18 of 2002) and the Regulations made thereunder, this licence is valid from the _____ day of _____, 20__, to the _____ day of _____, 20__ (inclusive).

Minister

Date

ANNEXURE C**LIST OF AMPHIBIANS AND REPTILES DECLARED
TO BE AQUATIC ORGANISMS
(regulation 10)**

The following species of amphibians and reptiles are declared to be aquatic organisms:

Scientific Name**Common name**

(A) Amphibians

(B) Crocodylia

ANNEXURE D**NATIONAL LIST OF DISEASES OF AQUATIC ORGANISMS
(regulation 12)**

The following diseases are declared to be serious diseases:

1. Diseases of fish

Epizootic haematopoietic necrosis
Infectious haematopoietic necrosis
Oncorhynchus masou virus disease
Spring viraemia of carp
Viral haemorrhagic septicaemia
Channel catfish virus disease
Viral encephalopathy and retinopathy
Infectious pancreatic necrosis
Infectious salmon anaemia
Epizootic ulcerative syndrome
Bacterial kidney disease (*Renibacterium salmoninarum*)
Enteric septicaemia of catfish (*Edwardsiella ictaluri*)
Piscirickettsiosis (*Piscirickettsia salmonis*)
Gyrodactylosis (*Gyrodactylus salaris*)
Red sea bream iridoviral disease
White Sturgeon iridoviral disease

2. Diseases of molluscs

Bonamiosis (*Bonamia exitiosus*, *B. ostreae*, *Mikrocytos roughleyi*)
MSX disease (*Haplosporidium nelsoni*)
Marteiliosis (*Marteilia refringens*, *M. sydneyi*)
Mikrocytosis (*Mikrocytos mackini*)
Perkinsosis (*Perkinsus marinus*, *P. olseni/atlanticus*)
SSO disease (*Haplosporidium costale*)
Withering syndrome of abalones (*Candidatus Xenohalictis californiensis*)

3. Diseases of crustaceans

Taura syndrome
White spot disease
Yellowhead disease
Tetrahedral baculovirus (*Baculovirus penaei*)
Spherical baculovirus (*Penaeus monodon*-type baculovirus)
Infectious hypodermal and haematopoietic necrosis
Crayfish plague (*Aphanomyces astaci*)
Spawner-isolated mortality virus disease

ANNEXURE E**APPLICATION FOR A PERMIT TO INTRODUCE
OR TRANSFER AQUATIC ORGANISMS
(regulation 21)**

Name of applicant:

Postal address:

Business or residential address:

Telephone numbers:

Facsimile:

E-mail:

Aquaculture licence number:

Aquaculture products in respect of which the applicant holds a licence:

Particulars of aquatic organisms to be introduced or transferred

Aquatic organisms for which the applicant requires a permit:

Place of origin of aquatic organisms:

Place of destination of transfer or introduction:

Date of transfer or introduction:

Quantity:

Other information, including such other information which the applicant considers relevant to this application (*use attachments if necessary*):

Declaration by Applicant

I apply for the applicant named above. I declare that the above and any accompanying information is true, complete and correct. I understand that failure to do so may render me liable to prosecution

Declaration by Applicant

I declare that the above and any accompanying information is true, complete and correct. I understand that failure to do so may render me liable to prosecution.

Application**Date**

This application is to be forwarded to the Minister at the address shown below:

(Address)

ANNEXURE F**PERMIT TO INTRODUCE OR TRANSFER LIVE AQUATIC ORGANISMS
(regulation 21)**

Name of permit holder:

Location or area where introduction or transfer is to take place:

Date of introduction or transfer:

Aquatic organisms to be introduced or transferred:

Quantity of aquatic organisms to be introduced or transferred:

Permit valid from ... to

Specification of permit:

MINISTER
