

## **CHAPTER 197**

### **THE FISH ACT.**

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## CHAPTER 197

### THE FISH ACT.

*Commencement:* 1 April, 1951.

**An Act to make provision for the control of fishing, the conservation of fish, the purchase, sale, marketing and processing of fish, and matters connected therewith.**

#### PART I—PRELIMINARY.

##### 1. Application.

- (1) This Act shall not apply to—
  - (a) trout;
  - (b) any vessel belonging to or being used by or on behalf of the Government so long as the vessel is on fisheries duty and is being used in the course of that duty;
  - (c) any person operating for or on behalf of the Government.

(2) The Minister may, by statutory order, declare that all or any specific provisions of this Act relating to licences and the need therefor shall not apply to any area or waters of Uganda.

(3) The Minister may, in his or her discretion, exempt any person or persons from all or any of the provisions of this Act either generally or in respect of any particular area or waters.

##### 2. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “aircraft” includes an airship or any other description of aircraft;
- (b) “angling” means fishing for pleasure with a single rod, reel or line where any fish caught are not intended for sale or barter;
- (c) “appliance” means any snare, noose, harpoon, spear, contrivance or device not otherwise defined hereunder for the purpose of capturing, killing, injuring, snaring or trapping fish;
- (d) “aquarium” means a tank containing water for the housing and study of fish;
- (e) “authorised licensing officer” means any officer authorised in

writing by the chief fisheries officer to issue licences under this Act;

- (f) “authorised officer” includes a fisheries officer, a chief magistrate, a magistrate of any grade, a police officer of or above the rank of corporal or any employee of the fisheries department authorised in writing in that behalf by the chief fisheries officer;
- (g) “basket” means any papyrus, reed, wicker, wire fibre, man-made fibre, or plastic basket trap employed in the capture of fish;
- (h) “chief fisheries officer” means the officer for the time being in charge of the fisheries department;
- (i) “dam” means any accumulation or expanse of water which has been created by artificial means by the Government, or the administration of a district, for the use of the local population;
- (j) “dried fish” means any form of dehydrated fish, and includes sun-dried, salted and smoked fish;
- (k) “engine” means any internal combustion engine driven by petrol and oil mixture, petrol, diesel, or paraffin oil and includes stationary, marine, inboard or outboard engine;
- (l) “fish” means any vertebrate fish alive or dead and any part thereof, and includes the young and eggs;
- (m) “fisheries officer” includes chief fisheries officer, senior fisheries officer, fisheries development officer, assistant fisheries officer and an honorary fisheries officer;
- (n) “fish pond” means any accumulation or expanse of water which is erected by artificial means for the express purpose of fish culture, fish farming or fish breeding;
- (o) “fish product” means any derivative of any fish other than dried fish, and includes frozen or chilled fish;
- (p) “gill net” or “set net” means a net which is hung in the water and fixed in position or floating into which fish swim and become entangled;
- (q) “hand line” means a fishing line not fixed in position but worked by hand without a rod;
- (r) “immature”, in relation to a species of fish, means that it is of a length less than such as may from time to time be notified by the chief fisheries officer by statutory instrument, either generally or in respect of any specified area;
- (s) “interior overall length” means the length measured from the interior topside of the stempost to the interior topside of the transom or sternpost of a vessel;
- (t) “land” includes land covered with water;

- (u) “licence” means a licence issued under Part III of this Act;
- (v) “long line” means a fishing line to which numbers of hooks, baited or otherwise, are attached at intervals and which is hung in water in a fixed position;
- (w) “marketing” means sale to the public;
- (x) “mesh” means the opening or space enclosed by the threads of a net and is measured when wet and stretched, the measurement referred to being the sum of two sides of the mesh;
- (y) “net” means a net that may be used to fish;
- (z) “private waters” means any accumulation or expanse of water created by artificial or natural means the rights in the waters of which are not reserved in the Government;
- (aa) “processing” means curing by smoking, drying, salting or other method, whether similar to the foregoing or not, so as to preserve fish;
- (bb) “prohibited method” means any method other than the use of a net in relation to the catching of fish which may be prescribed as such;
- (cc) “prohibited net” means any net the mesh of which is of less dimension than that prescribed in relation to any fish or to any waters of Uganda or to both such fish and such waters or any net which may be prescribed as a prohibited net;
- (dd) “prohibited place” means any prescribed place in the waters of Uganda in which it is an offence to take, kill or injure any fish;
- (ee) “sale” and “sell” include exchange, barter or offering or exposing for exchange, barter or sale whether by way of wholesale dealing or otherwise;
- (ff) “sale, exchange or barter by way of wholesale dealing” means a sale, exchange or barter to a person for the purpose of selling, exchanging or bartering again;
- (gg) “seine” or “seine net” means a net which is used to enclose a particular area of water the net being drawn ashore or on to a vessel;
- (hh) “shore” means the land and any area of papyrus or grass immediately adjoining or bordering on the waters of any lake, dam or river;
- (ii) “single gill net” means a single gill net according to the accepted trade specification;
- (jj) “to fish” or any grammatical variation of the term means to capture, kill, injure, snare or trap fish and shall be deemed to include any steps taken preliminary to the capturing, killing,

injuring, snaring or trapping but shall not include the capturing of fish by means of angling or a hand line;

- (kk) “trap” means any enclosure, fence, wall, obstruction or mechanical structure, other than a basket, for capturing any fish;
- (ll) “vessel” means any structure made to float upon water.

### **3. Honorary fisheries officers.**

The President may appoint any person to be an honorary fisheries officer, and every person so appointed shall before assuming his or her duties take an oath before a magistrate in the following form—

“I, \_\_\_\_\_, (*name*) do sincerely and solemnly promise and swear that I will be faithful and bear true allegiance to the Republic of Uganda and that I will faithfully serve the Government of Uganda in the office of honorary fisheries officer in Uganda. So help me God.”

## **PART II—GENERAL RESTRICTIONS.**

### **4. Restrictions on basket fishing.**

(1) Any person who fishes with a basket in the waters of Lake Edward, Lake George or the Kazinga Channel unless he or she is in possession of a valid basket licence commits an offence against this Act.

(2) The provisions of subsection (1) shall be in addition to and not in derogation of any other provisions of this Act relating to licences.

### **5. Vessels to be licensed.**

- (1) Any person who—
  - (a) fishes from any vessel in any waters of Uganda unless a valid fishing vessel licence to fish either with long lines or with nets is in force in respect of the vessel;
  - (b) fishes from any such licensed vessel with more long lines or nets than may be authorised or in any manner which is not authorised by the chief fisheries officer, with the approval of the Minister, particulars of which authorisation shall be set out in the relevant fishing vessel licence,commits an offence against this Act.

(2) The chief fisheries officer, with the approval of the Minister, may by statutory instrument limit the number of nets or long lines which may be carried in or used to fish from any fishing vessel, either generally or in respect of any specified area.

(3) The owner of any vessel shall, before using it or permitting it to be used to fish, cause the registration letter or letters and serial number or numbers assigned to him or her to be painted on the vessel in the prescribed manner.

## **6. Restriction on fishing and processing of fish.**

(1) Any person who, without a valid specific licence issued for that purpose—

- (a) engages in the processing of fish or any fish product in any prescribed place or area; or
- (b) engages, in any prescribed place or area, in the marketing, purchase or sale of fish,

commits an offence.

(2) No person who is not a citizen of Uganda shall fish in any waters of Uganda for the purpose of obtaining fish for sale unless he or she holds a valid specific licence issued for that purpose.

(3) In any rule made under section 35 prescribing any place or area for the purposes of this section, the Minister may direct that in relation to a particular place or area as prescribed in the rules, the provisions of this section shall not apply to the purchase of fish by any or all or by any combination of the following—

- (a) hotels, eating houses or restaurants for the consumption of their patrons;
- (b) employers for the consumption of their employees;
- (c) an individual for the consumption of himself or herself and his or her family.

(4) Nothing in this section shall be construed—

- (a) as restricting the rights of a person authorised by or under this Act to fish in any waters of Uganda for the purpose of obtaining fish for sale without a further licence; or
- (b) as preventing the purchase and retail sale of fish by a person in

possession of a fishmongers licence issued under the Public Health (Licensing of Tradesmen) Rules.

**7. Use of poison or explosive or electrical device.**

(1) Any person who, without the written permission of the chief fisheries officer, uses or possesses for the purpose of using any poison, noxious substance, explosive, lamp, light, flare, torch or electrical device for the capturing, killing or injuring of any fish or for rendering any fish more easily captured commits an offence against this Act.

(2) Any decision as to the grant or refusal of permission by the chief fisheries officer under subsection (1) shall be final.

**8. Power to control particular methods of fishing.**

In any case where it appears to the Minister that an otherwise lawful method of fishing is likely to prove unduly destructive, he or she may by statutory order, which order may be made to apply to the whole or to any part or parts of Uganda—

- (a) prohibit the use of the method; or
- (b) subject the use of the method to such conditions as he or she may think fit,

and any person who contravenes any order made under this section commits an offence against this Act.

**9. Closed seasons.**

(1) The Minister may, by statutory order, which order may be made to apply to the whole or to any part or parts of Uganda, declare that during such period as may be specified in the order it shall be an offence to fish for any fish of any species specified in the order.

(2) Any person who contravenes any order made under this section commits an offence against this Act.

**10. Restriction upon fishing in dams.**

(1) No person shall fish in any dam unless he or she is in possession of a valid permit issued for that purpose by the fisheries officer in charge of the area concerned in respect of all or any particular species of fish.

(2) Where the dam is under the control or the property of the administration of a district, the fisheries officer in charge shall consult that administration prior to the grant of any such permit.

(3) Any person who contravenes this section commits an offence against this Act.

#### **11. Restriction on noncitizens using vessels.**

(1) A person who is not a citizen of Uganda who, for the purposes of fishing, uses any vessel licensed under this Act unless he or she is in possession of a valid special licence commits an offence against this Act.

(2) It shall not be unlawful for a person who is not a citizen of Uganda to fish by angling or hand line from any vessel whether the vessel is licensed or not.

(3) Except as is permitted by subsection (2), any person, other than a person who is in possession of a valid angling licence, who fishes by angling in any waters of Uganda commits an offence.

#### **12. Prohibition against introduction or transfer of fish or their eggs.**

(1) No person shall introduce into Uganda or in any of its waters any species of fish, their eggs or progeny not indigenous to Uganda without the prior consent in writing of the chief fisheries officer.

(2) No person shall transfer from any fish pond or any waters of Uganda any species of fish, their eggs or progeny into any other fish pond or other waters of Uganda without the prior consent in writing of the chief fisheries officer.

(3) The chief fisheries officer may, in writing, order the seizure and destruction of any fish, or their eggs or progeny, which have been introduced into or transferred from any waters of Uganda in contravention of this section.

(4) Except where otherwise expressly provided by any written law, no person shall divert the waters of any lake, river, stream, pond or private waters in which fish, their eggs or progeny have been introduced with the

consent of the chief fisheries officer, unless the ditch, channel, canal or water pipe conducting the water is equipped at or near the entrance or intake with a screen or a filter of a design approved in writing by the chief fisheries officer, that is capable of preventing the passage of fish, their eggs or progeny into the ditch, channel, canal or water and where the chief fisheries officer so directs there is also provided a by-pass.

(5) Any person who contravenes the provisions of this section commits an offence.

### PART III—LICENCES.

#### **13. Issue of licences.**

(1) Subject to this Act, the chief fisheries officer, or an authorised licensing officer may, in his or her discretion, on application being made in the prescribed manner and on payment of the prescribed fee, issue to an applicant a licence in such manner and subject to such conditions as he or she may deem fit to impose.

(2) The chief fisheries officer, or an authorised licensing officer may refuse to issue a licence if he or she is satisfied that the issue of the licence would not be in the public interest.

(3) The chief fisheries officer may cancel any licence if he or she is satisfied that it is in the public interest to do so.

(4) Any person aggrieved by the refusal of the chief fisheries officer or an authorised licensing officer to issue a licence to him or her or by the cancellation of his or her licence by the chief fisheries officer, may appeal to the Minister within thirty days from the date of the refusal or the cancellation, as the case may be, by way of petition stating the facts and the grounds of appeal; and the decision of the Minister shall be final.

(5) Any person who makes a false statement in his or her application made under subsection (1) which he or she knows or has reasonable cause to believe to be false in any material particular commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding six months or to both.

#### **14. Special provisions relating to sleeping sickness areas.**

(1) In any area to which any rules made under the Sleeping Sickness Act, or any Act amending or replacing that Act, relating to fishing apply, a fishing licence shall only be issued to persons licensed under the rules and in respect of one only of any places which may be defined in the rules.

(2) In any area to which any rules made under the Sleeping Sickness Act, or any Act amending or replacing that Act, relating to the registration of vessels apply, a fishing vessel licence shall be issued only to a vessel registered in the manner prescribed by the rules.

#### **15. Form and duration of licences.**

Licences shall be in such form and subject to such conditions either generally or in respect of any particular licence as may be prescribed and, subject to any of the provisions of this Act relating to cancellation of licences shall, except for angling licences which shall be yearly, fortnightly or twenty-four hourly, remain in force until the 31st December of the year of issue.

#### **16. Prohibition of transfer or assignment of licences.**

(1) Except in respect of a fishing vessel licence, all licences shall be personal to the holder of the licence and shall not be transferred or assigned.

(2) A licence may be issued to a body of persons, whether corporate or unincorporate and the rights conferred by any licence so issued may, notwithstanding any other provisions of this Act, be exercised by any person authorised in writing by the licence holder.

(3) Any person who transfers or assigns such a licence to any other person commits an offence and is liable on conviction to a fine not exceeding one thousand shillings, and the licence shall be deemed to have been cancelled as and from the date of the transfer or assignment.

#### **17. Fishing vessel licences not transferable.**

(1) A fishing vessel licence shall be personal to the owner of the vessel concerned at the time of the issue of the licence and shall not be transferred or assigned.

(2) In the event of any contemplated change of ownership of the vessel during the currency of the fishing vessel licence, the owner to whom the licence was issued may surrender the licence to the chief fisheries officer or an authorised licensing officer, who shall cancel the licence and thereupon the owner shall be entitled to a refund—

- (a) if the unexpired period of the licence is six months or more, of one-half of the prescribed fee; or
- (b) if the unexpired period of the licence is less than six months and more than three months, of one-quarter of the prescribed fee.

(3) Any person who purports to transfer or assign a fishing vessel licence commits an offence and is liable on conviction to a fine not exceeding one thousand shillings, and the licence shall be deemed to have been cancelled as and from the date of the purported transfer or assignment.

(4) In any proceedings under this Act, the name of any person appearing in any current fishing vessel licence shall be prima facie proof that that person is the owner of the fishing vessel in respect of which the licence was issued.

#### **18. Licence not to be borrowed.**

No person shall borrow or make use of a licence under this Act issued to any other person, and any person who borrows or makes use of such a licence commits an offence and is liable for each offence on conviction to a fine not exceeding one thousand shillings.

#### **19. Procedure on loss, etc. of licence.**

If any licence issued under this Act is accidentally destroyed, defaced or lost, the chief fisheries officer or an authorised licensing officer may, if satisfied as to the destruction, defacement or loss of that licence, and on payment of a fee of five shillings issue to the licensee a certificate setting out the purport and effect of the licence, and reciting the destruction, defacement or loss, and the certificate shall have the same force and effect as the original licence.

#### **20. Power to restrict number of licences.**

The chief fisheries officer, with the approval of the Minister, may by statutory instrument limit the number of all or any of the licences which may be issued under this Act either generally or in respect of any particular waters

or area of Uganda.

## **21. Display and production of licences.**

(1) Every licensee shall display at his or her place of business or carry his or her licence on him or her whenever and wherever he or she engages in the activities authorised by or under his or her licence and shall produce his or her licence on demand for examination by an authorised officer to enable the authorised officer to ascertain the name and address of the licensee, the date of issue of the licence and the authority by which it was issued.

(2) The authorised officer may, for the purposes of comparison with the signature on the licence require the licensee to write down his or her signature; and subject to section 23, a licensee who refuses to produce his or her licence or to write down his or her signature when so required by an authorised officer commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.

## **22. False statements and evidence of application.**

(1) Any person who—

- (a) makes any statement which he or she knows to be false for the purpose of procuring, whether for himself or herself or any other person, the issue of any licence or certificate under this Act;
- (b) falsely represents himself or herself to be a person to whom a licence or certificate has been issued under this Act,

commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) In any proceedings, the fact that a licence or a certificate has been issued to a person shall be evidence that that person for the purpose of obtaining that licence or certificate made a declaration that he or she was not disqualified for holding or obtaining the licence or the certificate.

PART IV—LEGAL PROCEEDINGS AND INCIDENTAL MATTERS.

**23. Power to demand name and address of offender or to arrest offender if necessary.**

When any person is seen or found committing an offence or is reasonably suspected of having committed an offence against this Act, any authorised officer may demand his or her name and address; and if he or she refuses to give that information or fails to give the information to the satisfaction of the authorised officer, or if the latter has reasonable grounds for believing that unless arrested the offender may escape or cause an unreasonable amount of delay, trouble or expense in being made answerable to justice, he or she may arrest him or her immediately.

**24. Fisheries officer to have powers of a public prosecutor.**

In any prosecution for an offence against this Act, any fisheries officer may, subject to the express directions of the Director of Public Prosecutions, have and exercise all the powers of a public prosecutor appointed under the Magistrates Courts Act.

**25. Power to search property, etc. of person suspected of offence.**

Whenever any authorised officer suspects that any person has committed an offence against this Act, he or she may inspect and search or authorise any person subordinate to him or her to inspect and search any baggage, package, vehicle, vessel, tent, premises or property belonging to or occupied by that person or to anyone in his or her employment, and if there is found as a consequence of the search any fish, dried fish, fish product, vessel engine, net, line, basket or appliance appearing to have been obtained or to be possessed in contravention of this Act, the same may be seized and detained and shall be dealt with as if it had been seized and detained under section 30.

**26. Power to enter upon land.**

Any authorised officer may enter upon or into any land and may halt and enter upon or into any aircraft, vehicle or vessel for the purpose of carrying out the provisions of this Act or of preventing or detecting offences against this Act.

**27. Immature fish.**

Any person who—

- (a) in any waters of Uganda captures, kills or injures any fish which is immature; or
- (b) buys, sells, exposes for sale, or is in possession of, any fish or part of a fish, which is immature and was taken in any waters in Uganda,

commits an offence against this Act; except that any person who in any waters of Uganda accidentally takes any immature fish and returns it to those waters immediately with the least possible injury does not commit an offence under this section.

**28. Prohibited nets and methods.**

Any person who in the waters of Uganda captures, kills or injures any fish by means of any prohibited net or of any prohibited method or in any prohibited place in relation to the fish commits an offence against this Act.

**29. Possession of nets where prohibited.**

Any person who is found in possession of a net on any waters or on the shore of any waters—

- (a) where fishing with a net is prohibited;
- (b) the mesh of which net is of a size prohibited for the purpose of fishing in those waters; or
- (c) which net is a prohibited net,

commits an offence against this Act.

**30. Powers of authorised officer.**

Any authorised officer may—

- (a) for the purpose of obtaining statistics weigh, measure, and check any captured fish, or any dried fish or fish product, and the person in charge of the fish shall on demand produce the fish to the authorised officer for that purpose;
- (b) seize and destroy any vessel, the interior overall length of which is no greater than twenty-eight feet, net, long line, basket, trap or appliance found on the shore beside, or in the water of, any waters where either the use thereof or fishing is prohibited under this Act;

- (c) seize any fish, dried fish or fish product which he or she reasonably believes to have been caught or to be possessed in contravention of this Act or any rules made under this Act. Any such fish, dried fish or fish product so seized shall be sold in such manner as the authorised officer may think fit and the proceeds of the sale shall be paid into court and shall—
  - (i) be forfeited to the Government in the event of any person being convicted of any offence against this Act or any rules made under this Act in regard to the capturing of such fish or in the event of the person being unknown and no claim being made to the proceeds within two months of the payment into court;
  - (ii) be handed to the person who captured the fish where the person who captured the fish is known and either no person is prosecuted or the person prosecuted is discharged or acquitted,

but no person shall be subject to any liability on account of his or her neglect or failure to exercise the powers conferred by this paragraph;

- (d) seize and detain subject to the orders of a court any vessel engine, net, line, basket or appliance found either unattended or in possession of any person in such circumstances, other than in the circumstances shown in paragraph (b), as to lead to a reasonable suspicion that it has been used or that there is an intention to use it for the purpose of the capture of any fish in any manner contrary to the provisions of this Act; and the court may order any the vessel engine, net, line, basket or appliance—
  - (i) to be disposed of in such manner as the court may think fit in the event of the court convicting any person of any offence in relation to which the vessel engine, net, line, basket or appliance was seized; except that where the person convicted is not the owner of the vessel engine in relation to which the offence was committed, no order shall be made in respect of the vessel engine unless the owner has been given an opportunity of being heard;
  - (ii) to be returned to the owner in the event of no person being prosecuted within a reasonable time or where the person being prosecuted is discharged or acquitted by the court;
  - (iii) to be forfeited to the Government where its owner is unknown and no claim is made to it within two months of its being detained.

### **31. Obstruction or hindrance.**

Any person who wilfully obstructs, hinders, assaults or resists any person in the exercise of his or her powers under this Act commits an offence against this Act.

### **32. Offences by servants and agents.**

(1) Anything which, if done by a licensee personally, would be an offence against this Act shall also be an offence if done by any servant or agent of the licensee, and the servant or agent may be punished accordingly.

(2) If an offence against this Act is committed from or by means of any vessel in respect of which a licence has been issued under this Act by a servant or agent of the licensee, then the licensee shall also be deemed to commit the offence unless he or she proves both that he or she neither abetted nor consented to the commission of the offence and that he or she had taken all reasonable steps to prevent the commission of the offence.

(3) A licensee shall not be sentenced to imprisonment for an offence under this section, but his or her licence may be suspended for such time as the court may think fit to order.

### **33. General penalty.**

(1) Any person who commits an offence against this Act for which no special penalty is provided by this Act is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) On the conviction of any person for any offence against this Act or of any contravention of the provisions of this Act or of any rules made under this Act, the court may in addition to any other penalty direct that, subject to section 32—

- (a) any licence held by the person shall be cancelled or shall be suspended for such time as the court may think fit, and where an order for cancellation is made may further direct that the person be disqualified from obtaining any further licence for such period as the court may think fit;
- (b) any vessel engine, net, line, basket or appliance proved to have been used in the commission of the offence or of the

contravention shall be forfeited to the Government and disposed of in such manner as the court may think fit,  
but where the person convicted is not the owner of any such vessel engine, no order for the forfeiture of the vessel engine shall be made unless its owner has been given an opportunity of being heard.

(3) The provisions of subsection (2) shall be in addition to and not in derogation of the provisions of section 30.

#### **34. Reward to informers.**

Where on any conviction for an offence against this Act or any contravention of the provisions of this Act a fine is imposed, the court may award any sum not exceeding half the total fine to any person not appointed under this Act to assist in carrying out the provisions thereof who gave information leading to the conviction.

### PART V—MISCELLANEOUS.

#### **35. Rules.**

The Minister may make rules generally for better carrying out the purposes of this Act and, without prejudice to the generality of the foregoing, may make rules in respect of any or all of the following matters—

- (a) prescribing any matter or thing to be prescribed;
- (b) prescribing the size and type of net and the materials of which nets may be composed, the size and type of long line, trap or other appliance whether similar to the foregoing or not which may be used either generally or in any particular waters or areas of Uganda and in connection with the capture of fish generally or in respect of any particular species of fish;
- (c) prescribing the places at which and the times within which fish may be landed or disposed of either generally or in respect of any particular area or areas;
- (d) providing for the suitable publication of particulars of licences issued under this Act;
- (e) regulating and controlling the marketing, purchase, sale, processing, canning or freezing of fish either generally or in respect of any particular area or areas;
- (f) regulating and controlling fish culture, fish farming and fish breeding.

**History:** Cap. 228; Act 17/1965; Act 3/1967; Decree 21/1972; Statute 14/1996, s. 94.

### **Cross References**

Magistrates Courts Act, Cap. 16.  
Public Health (Licensing of Tradesmen) Rules.  
Sleeping Sickness Act, Cap. 282.

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