

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**FISHERIES AND AQUATIC RESOURCES (AMENDMENT)**

**ACT, No. 27 OF 2023**

**[Certified on 17th of November, 2023]**

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| *Fisheries and Aquatic Resources (Amendment)* | 1 |

*Act, No. 27 of 2023*

[Certified on 17th of November, 2023]

L.D.–O. 1/2021

AN ACTTOAMENDTHE FISHERIESAND AQUATIC RESOURCES   
ACT, NO. 2 OF 1996

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| **1.** This Act may be cited as the Fisheries and Aquatic Resources (Amendment) Act, No. 27 of 2023.  **2.** Section 14F of the Fisheries and Aquatic Resources Act, No. 2 of 1996 (hereinafter referred to as the “principal enactment”) is hereby repealed and the following new section is substituted therefor: - | | Short title  Replacement of section  14F of Act,  No.2 of 1996 |
| “Prohibition | 14F. (1) A person shall not use, or cause to |
| of fishing in foreign  waters | be used, a local fishing boat to which a licence is granted under this Part, for fishing operations in waters within the national jurisdiction of |

another State, unless authorized to do so in   
accordance with the laws of that State.

(2) A person who contravenes the   
provisions of subsection (1) shall be guilty of   
an offence under this Act.

(3) For the purpose of this section, a person   
shall include the owner of the boat, the holder   
of the licence issued in respect of such boat,   
the skipper of the boat, any member of the crew   
and any person on board of such boat at the   
time of the commission of such offence:

Provided however, any such person shall   
not be deemed to be guilty of an offence if   
such person proves that such offence was

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committed without the knowledge of such   
person and that he exercised all due diligence   
to prevent the commission of such offence.”.

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| Insertion of  new PART  II B in the  principal | **3.** The following new part is hereby inserted immediately after PART II A of the principal enactment and shall have effect as PART II B of that enactment:- |

enactment  
 “PART II B

|  |  |
| --- | --- |
| Prohibition  of Illegal,  Unreported  or | 14O. (1) A person shall not engage in any Illegal, Unreported or Unregulated fishing operations in Sri Lanka Waters or High seas. |

Unregulated

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| fishing in Sri  Lanka Waters  or High Seas | (2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence under this Act. |

(3) For the purpose of this section, a person   
shall include the owner of the boat, the holder   
of the licence issued in respect of such boat,   
the skipper of the boat, any member of the crew   
and any person on board of such boat at the   
time of the commission of such offence:

Provided however, any such person shall   
not be deemed to be guilty of an offence if   
such person proves that such offence was   
committed without the knowledge of such   
person and that he exercised all due diligence   
to prevent the commission of such offence.

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| Cancellation  etc., of  registration  of fishing  boats and the  license for  fishing  operations | 14P. The Director- General may, where he has reasonable grounds to believe that any person is engaged in any Illegal, Unreported or Unregulated fishing operations in waters within the jurisdiction of another State, and the fishing boat used for such operations is a local fishing boat registered under section 15, |

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he may, after affording such person or the owner   
of such boat, as the case may be, an opportunity   
of being heard-

(*a*) cancel or suspend for such period as   
 may be determined by him, the   
 registration of such boat as a local   
 fishing boat under section 15; and

(*b*) cancel or suspend for such period as   
 may be determined by him, any   
 licence issued in respect of that fishing   
 boat, under section 6 or section 14A,   
 as the case may be, authorizing the   
 licensee to engage in any prescribed   
 fishing operations in Sri Lanka Waters   
 or the High Seas, as the case may be.”.

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| **4.** Section 16A of the principal enactment is hereby repealed. | Repeal of  section 16A  of the |

principal   
enactment

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| **5.** Section 49 of the principal enactment is hereby amended as follows: - | | Amendment  of section 49  of the  principal  enactment |
| (1) | in subsection (4) of that section, by the substitution |

for all the words from “shall be guilty of an offence”  
to the end of that section, of the following: -

“shall be guilty of an offence under this Act and   
shall on conviction after summary trial before a   
Magistrate be liable to a fine not less than the   
amounts specified in Column II of the Schedule   
hereto which shall be determined by taking into   
consideration the length of the fishing boat   
specified in corresponding entry in the Column   
I of the said Schedule:-

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SCHEDULE

*Column I*  *Column II*

*Length of a boat*  *Fines*

10.3 to less than 15 meters Rupees 50,000

15 to less than 24 meters   
24 to less than 45 meters

Rupees 100,000   
Rupees 500,000

45 to 75 meters Rupees 1 Million   
More than 75 meters Rupees 5 Million.”.

(2) by the insertion immediately after subsection (4) of   
 that section of the following subsection: -

“(4A). Notwithstanding anything contained in   
subsection(4),any personwho is a party to a fishing   
dispute not involving a fishing boat fails to appear   
before an authorized officer when summoned to do   
so under subsection (2) of section 44 or being a   
party to a settlement not involving a fishing boat   
entered under subsection (3) of section 44 fails to   
comply with the terms of such settlement shall be   
guilty of an offence and shall on conviction after   
summary trial before a Magistrate be liable to a fine   
not less than fifty thousand rupees.”.

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| Insertion of  new sections  49B and 49C  in the  principal | **6.** The following new sections are hereby inserted immediately after section 49A of the principal enactment and shall have effect as sections 49B and 49C of the principal enactment: - |

enactment

|  |  |
| --- | --- |
| “Penalty for  Illegal,  Unreported  or  Unregulated  fishing in Sri  Lanka Waters  or High Seas | 49B. Any person who contravenes or fails to comply with the provisions of section 14O of this Act shall be guilty of an offence under this Act and if no penalty is expressly provided for such offence in the Act, shall on conviction after summary trial by a Magistrate be liable to a fine not less than one hundred thousand |

rupees.

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| Penalty for offences for which no  penalty is  expressly  provided | 49C. Subject to the provisions of section 49B, any person who contravenes or fails to comply with any provision of this Act (other than any regulation made under this Act,) in respect of which no penalty is expressly |

provided for, shall be guilty of an offence and   
shall on conviction after summary trial before   
a Magistrate be liable to a fine not less than   
fifty thousand rupees.”.

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| **7.** Section 66 of the principal enactment is hereby amended as follows: - | | Amendment  of section 66  of the  principal  enactment |
| (1) | in the definition of the expression “authorized |
| officer” by the substitution for the words “Sergeant | |

and any officer of the Navy not below the rank of   
Petty Officer” of the words and figures “Sergeant,   
any officer of the Navy not below the rank of a   
Petty Officer or any Coast Guard officer of the   
Department of Coast Guard established by the   
Department of Coast Guard Act, No. 41 of 2009;”;

(2) by the insertion immediately after the definition of  
 “High Seas” of the following new definition: -

“ “Illegal, Unreported and Unregulated (IUU)   
 Fishing Operations mean-

With regard to Illegal Fishing, Fishing   
Operations conducted by-

(*a*) local or foreign fishing boats in   
Sri Lanka Waters in contravention of   
any law or any regulation made under   
this Act;

(*b*) any local fishing boat in the High   
Seas in contravention of any laws or   
any regulation made under this Act,

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including any regulation made to

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| implement | conservation | and |

management measures adopted by the   
Indian Ocean Tuna Commission or

|  |  |  |
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| other | Fisheries | Management |

Organization to which Sri Lanka is a   
party;

(*c*) any local fishing boat in waters under   
the jurisdiction of another State,   
without the permission of such State;

(*d*) any fishing boat flying the flag of   
any foreign State, which is a party to   
the Indian Ocean Tuna Commission   
or another Regional Fisheries   
Management Organisation to which   
Sri Lanka is also a party, in Sri Lanka   
Waters, operating in contravention of   
regulations made under this Act   
implementing-

(i) the conservation and   
 management measures   
 adopted by the Indian Ocean   
 Tuna Commission or such   
 other Regional Fisheries   
 Management Organization; or

(ii) the relevant provisions of any   
international agreement or   
obligations undertaken by   
Sri Lanka,

as the case may be;

with regard to Unreported Fishing, Fishing   
Operations-

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which have not been reported, or have been   
misreported to the Director-General in   
contravention of the prescribed reporting   
procedures under this Act or any regulation   
made hereunder, including any regulation   
that may be made by the Minister under   
this Act implementing any reporting   
procedures of the Indian Ocean Tuna   
Commission or any other Regional   
Fisheries Management Organisation to   
which Sri Lanka is a party or the relevant   
provisions of any international agreement   
or obligations undertaken by Sri Lanka, in   
the area of competence of the Indian Ocean   
Tuna Commission or any other Regional   
Fisheries Management Organisation or   
such other area, as the case may be;

with regard to Unregulated Fishing,   
Fishing Operations-

(*a*) in the area of competence of the   
Indian Ocean Tuna Commission or   
any other Regional Fisheries   
Management Organisation to which   
Sri Lanka is a party conducted by a   
fishing boat without nationality or   
flying the flag of a State that is not a   
party to Indian Ocean Tuna

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| Commission | or | such | other |

Regional Fisheries Management   
Organisation, in a manner that is not   
consistent with or contravenes the   
conservation and management   
measures of the Indian Ocean Tuna

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| Commission | or | such | other |

Regional Fisheries Management   
Organisation, implemented by any   
regulation made under this Act;

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(*b*) in areas or for fish stocks in relation   
to which there are no applicable   
conservation or management   
measures and where such fishing   
activities are conducted in a manner   
inconsistent with the responsibilities   
of Sri Lanka for the conservation of   
living marine resources under   
internationl law to the extent set out   
in any regulation made under this   
Act;'';

(3) by the insertion immediately after the definition of  
 “sedentary species” of the following new   
 definition:-

“ “Skipper” means the person who is in command   
of a fishing vessel and provides   
instructions on the route, estimate and   
record of catch and manages the crew   
onboard. The master or captain on board   
is also considered as serving in the   
capacity of a skipper.”.

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| Sinhala text to  prevail in case  of inconsistency | **8.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. |

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