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**SRI LANKA**

**Part II of February 24, 2023**

**SUPPLEMENT**

*(Issued on 28.02.2023)*



**FISHERIES AND AQUATIC RESOURCES (AMENDMENT)**

**A**

**BILL**

**to amend the Fisheries and Aquatic Resources Act, No. 2 of 1996**

*Ordered to be published by the Minister of Fisheries*

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*STATEMENT OF LEGAL EFFECT*

*Clause 2 :* This clause replaces section 14F of the Fisheries and Aquatic Resources Act, No. 2 of 1996 (hereinafter referred to as the “principal enactment”) and the legal effect of the section as replaced is to make, in addition to the holder of a licence granted under Part II of the Act, the owner of the boat, the skipper of the boat, any member of the crew and any person on board of such boat at the relevant time as persons liable for the offence committed under newly introduced section 14F.

*Clause 3 :* This clause inserts new sections 14O and 14P in the principal enactment and:-

(1) the legal effect of section 14O is to –

(*a*) prohibit any person from engaging in any Illegal, Unreported and Unregulated fishing operations in Sri Lanka Waters or High Seas; and

(*b*) make the owner of the boat, the holder of the licence, the skipper of the boat, any member of the crew and any person on board of such boat at the relevant time as persons liable for any offence committed under newly inserted section 14O.

(2) the legal effect of section 14P is to make provisions for the cancellation of the registration of any local fishing boat and the licence for fishing operations, in respect of persons engaging in Illegal, Unreported and Unregulated fishing operations in waters within the jurisdiction of another State.

*Clause 4 :* This clause repeals section 16A of the principal enactment.

*Clause 5 :* This clause amends section 49 of the principal enactment and the legal effect of the section as amended is to increase the fine imposed on the basis of the length of the fishing boat in respect of an offence committed under section 49(4) of the Act and to make provisions for the imposing of a separate fine excluding the applicability of section 49(4) in respect of any person referred to in section 49(4A).

*Clause 6 :* This clause inserts new sections 49B and 49C in the principal enactment and the legal effect of the sections is to make provisions to impose a penalty if no penalty is expressly provided in the Act in respect of a person who contravenes section 14O of the principal enactment or any other provision of the principal enactment (other than any regulation made under the principal enactment).

*Clause 7 :* This clause amends section 66 of the principal enactment and the legal effect of the section as amended is to:-

(*a*) include in the definition of the expression “authorized officer”, any Coast Guard officer of the Department of Coast Guard;

(*b*) include new definitions for the expressions “Illegal, Unreported and Unregulated (IUU) fishing Operations” and “skipper”, in the principal enactment.

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

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: -

**1.** This Act may be cited as the Fisheries and Aquatic Short title Resources (Amendment) Act, No. of 2023.

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| --- | --- | --- | --- |
| 5 | **2.** Section 14F of the Fisheries and Aquatic Resources | | Replacement |
| of section |
| Act, No. 2 of 1996 (hereinafter referred to as the “principal | |
| 14F of Act, |
| enactment”) is hereby repealed and the following new section | |
| No.2 of 1996 |
| is substituted therefor: - | |
| 10 |
| “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.

15 (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 20 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 person on board of 25 such boat shall not be deemed to be guilty of an offence if such person proves that such offence was committed without the knowledge

2 *Fisheries and Aquatic Resources (Amendment)*

of such person or that he exercised all due   
diligence to prevent the commission of such   
offence.”.

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| --- | --- | --- | --- |
| 5 | **3.** The following new part is hereby inserted immediately | | Insertion of |
| after PART II A of the principal enactment and shall have | | new PART |
| II B in the |
| effect as PART II B of that enactment:- | |
| principal |
| 10 | “PART II B | | enactment |
| Prohibition | 14O. (1) A person shall not engage in any |
| of Illegal,  Unreported or | Illegal, Unreported or Unregulated fishing operations in Sri Lanka Waters or High seas. |
| 15 | Unregulated fishing in Sri | (2) A person who contravenes the |
| Lanka Waters or High Seas | 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:

20 Provided however, any person on board of such boat 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 or that he exercised all due 25 diligence to prevent the commission of such offence.

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| 30 | Cancellation | 14P. The Director- General may, where he |
| etc., of | has reasonable grounds to believe that any |
| registration |
| person is engaged in any Illegal, Unreported |
| of fishing |
| or Unregulated fishing operations in waters |
| boats and the |
| license for | within the jurisdiction of another State, and |
| fishing | the fishing boat used for such operations is a |
| operations | 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-

|  |  |  |
| --- | --- | --- |
| 5 | (*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 10 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

|  |  |  |
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| 15 | or the High Seas, as the case may be.”. | Repeal of |
| **4.** Section 16A of the principal enactment is hereby |
| repealed. | section 16A |
| of the |

principal   
enactment

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **5.** Section 49 of the principal enactment is hereby amended | | Amendment |
| of section 49 |
| as follows: - | |
| of the |
| (1) | in subsection (4) of that section, by the substitution | principal |
| enactment |

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 25 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 30 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

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | (2) | 15 to less than 24 meters | Rupees 100,000 |
| 10 | 24 to less than 45 meters | Rupees 500,000 |
| 45 to 75 meters | Rupees 1 Million |
| More than 75 meters | Rupees 5 Million.”. |
| 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

|  |  |
| --- | --- |
| 15 | 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

|  |  |
| --- | --- |
| 20 | 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.”.

|  |  |  |
| --- | --- | --- |
| 25 | **6.** The following new sections are hereby inserted | Insertion of |
| immediately after section 49A of the principal enactment | new sections |
| 49B and 49C |
| and shall have effect as sections 49B and 49C of the principal |
| in the |
| enactment: - |
| principal |

enactment

|  |  |  |
| --- | --- | --- |
| 30 | “Penalty for | 49B. Any person who contravenes or fails to |
| Illegal, | comply with the provisions of section 14O of |
| Unreported |
| this Act shall be guilty of an offence under this |
| or |
| Act and if no penalty is expressly provided for |
| Unregulated |
| fishing in Sri | such offence in the Act, shall on conviction |
| Lanka Waters | after summary trial by a Magistrate be liable to |
| or High Seas |
| a fine not less than one hundred thousand |

rupees.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Fisheries and Aquatic Resources (Amendment)* | | 5 |
| Penalty for offences for which no  penalty is  expressly | 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 | |
| provided | 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.”.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **7.** Section 66 of the principal enactment is hereby | | Amendment |
| 15 | amended as follows: - | | of section 66 |
| of the |
| (1) | in the definition of the expression “authorized | principal |
| enactment |
| 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;”;

|  |  |  |
| --- | --- | --- |
| 20 | (2) | by the insertion immediately after the definition of |

“High Seas” of the following new definition: -

““Illegal, Unreported and Unregulated (IUU) Fishing Operations” includes fishing operations set out in paragraph 3 of the 25 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU Fishing Plan of Action) adopted by the UN Food and Agriculture Organization (FAO) 30 Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing 2009, as adopted by the Resolutions of the Indian OceanTuna Commission, fishing

35 operations conducted in contravention of

6 *Fisheries and Aquatic Resources (Amendment)*

the management and conservation   
measures adopted by the other relevant

|  |  |  |
| --- | --- | --- |
| Regional | Fisheries | Management |

Organizations (RFMOs) of which Sri Lanka 5 is a party, and fishing operations which are conducted in contravention of Sri Lanka’s obligations towards conservation of living marine resources under relevant provisions of the applicable International

|  |  |  |
| --- | --- | --- |
| 10 | (3) | Laws;”; |
| by the insertion immediately after the definition of |

“sedentary species” of the following new   
definition:-

““Skipper” means the person who is in command 15 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

|  |  |  |
| --- | --- | --- |
| 20 | capacity of a skipper.”. | Sinhala text |
| **8.** In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |

inconsistency

|  |  |
| --- | --- |
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