



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

**FISHERIES AND AQUATIC RESOURCES
(AMENDMENT) ACT, No. 35 OF 2013**

[Certified on 22nd November, 2013]

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Fisheries and Aquatic Resources (Amendment)
Act, No. 35 of 2013

[Certified on 22nd November, 2013]

L. D.—O. 1/2011.

AN ACT TO AMEND THE FISHERIES AND AQUATIC RESOURCES
ACT, NO. 2 OF 1996

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

- | | |
|--|---|
| <p>1. This Act may be cited as the Fisheries and Aquatic Resources (Amendment) Act, No. 35 of 2013.</p> | <p>Short title.</p> |
| <p>2. The long title to the Fisheries and Aquatic Resources Act, No. 2 of 1996 (hereinafter referred to as the “principal enactment”) is hereby amended, by the substitution, for the words and figures “FISHERIES AND AQUATIC RESOURCES IN SRI LANKA; TO REPEAL THE FISHERIES ORDINANCE (CHAPTER 212),”, OF THE WORDS “FISHERIES AND AQUATIC RESOURCES IN SRI LANKA; TO GIVE EFFECT TO SRI LANKA’S OBLIGATIONS UNDER CERTAIN INTERNATIONAL AND REGIONAL FISHERIES AGREEMENTS; TO REPEAL THE FISHERIES ORDINANCE (CHAPTER 212),”.</p> | <p>Amendment of the long title to the Fisheries and Aquatic Resources Act, No. 2 of 1996.</p> |
| <p>3. Section 3 of the principal enactment is hereby amended in subsection (1) of that section as follows:—</p> <p>(1) by the repeal of paragraphs (b), (c), (d) and (e) of that subsection and the substitution therefor of the following paragraphs:—</p> <p>“(b) the Director-General;</p> <p>(c) the Secretary to the Ministry of the Minister of the Board of Ministers of every province to whom the subject of fisheries has been assigned;</p> <p>(d) the Chairman of the Council of the National Institute of Fisheries and Nautical</p> | <p>Amendment of section 3 of the principal enactment.</p> |

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Engineering, established under the National Institute of Fisheries and Nautical Engineering Act, No. 36 of 1999;

- (e) the Director of Planning and Monitoring of the Ministry of Fisheries, who shall be the Secretary of the Council;”;
- (2) by the repeal of paragraphs (i) and (j) of that subsection and the substitution therefor of the following paragraphs:—
- “(i) the Secretary to the Ministry of the Minister to whom the subject of Environment is assigned, or his nominee;
 - (j) the Director-General of the Coast Conservation and Coastal Resource Management Department, established under Coast Conservation and Coastal Resource Management Act, No. 57 of 1981;” and
- (3) by the insertion, immediately after paragraph (j) of that subsection, of the following paragraphs:—
- “(ja) the Chairman of the National Aquaculture Development Authority of Sri Lanka established under the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998;
 - (jb) the Director-General (Technical) of the Ministry of Fisheries;
 - (jc) the Director-General of the Department of Coast Guard, established under the Department of Coast Guard Act, No. 41 of 2009;
 - (jd) the Conservator-General of Forests, appointed under the Forest Conservation Ordinance (Chapter 451);

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- (je) the Commissioner-General of Agrarian Development, appointed under the Agrarian Development Act, No. 46 of 2000;
- (jf) the Secretary to the Ministry of the Minister to whom the subject of Irrigation has been assigned, or his nominee;
- (jg) the Secretary to the Ministry of the Minister to whom the subject of Wild Life Conservation has been assigned, or his nominee;
- (jh) the Secretary to the Ministry of the Minister to whom the subject of River Basins has been assigned, or his nominee;
- (ji) the Secretary to the Ministry of the Minister to whom the subject of Land has been assigned, or his nominee;
- (jj) the Secretary to the Ministry of the Minister to whom the subject of Tourism has been assigned, or his nominee;
- (jk) the President of the All Ceylon Madel Owners Fisheries Co-operative Society Limited, registered under the Co-operative Societies Law, No. 5 of 1972;
- (jl) the Chairman of National Fisheries Federation;
- (jm) two persons engaged in fishing, nominated by the National Fisheries Federation of Fisheries Organizations;
- (jn) two persons engaged in fishing nominated by the Multi Day Fishing Boat Owners Association;”.

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Amendment of heading appearing in PART II of the principal enactment.

4. The heading appearing in PART II of the principal enactment is hereby amended by the substitution for the words “Licensing of Fishing Operations” of the words “Licensing of Fishing Operations in Sri Lanka Waters”.

Insertion of new PART II A in the principal enactment.

5. The following new part is hereby inserted immediately after PART II of the principal enactment and shall have effect as PART II A of the enactment:—

“PART II A

LICENSING OF FISHING OPERATIONS IN THE HIGH SEAS

Licensing of Fishing Operations in the High Seas.

14A. No person shall engage in any prescribed fishing operations in the High Seas, except under the authority, and otherwise than in accordance with the terms and conditions, of a licence granted by the Director-General.

Application for a licence.

14B. (1) Every application for a licence under section 14A shall be made in the prescribed form to the Director-General, and shall be accompanied by the declaration referred to in subsection (2) and the prescribed fee.

(2) (a) An application under subsection (1) shall be accompanied by a declaration, on oath, signed by the applicant stating whether he has, or has not, been issued with a licence or a permit by another State to fish in the High Seas.

(b) If the applicant declares that he has been issued with a licence or a permit by another State to fish in the High Seas, he shall also declare—

- (i) the name of the State which has issued such licence or permit, and the date on which it was issued;

- (ii) in case such licence or permit has been subsequently suspended, the date on which it was suspended, and the period for which it was suspended; and
- (iii) in case such licence or permit has been subsequently cancelled, the date on which it was cancelled.

(3) On receipt of an application under subsection (1) the Director-General shall, subject to the provisions of subsection (4), either grant a licence or for reasons to be recorded by him, refuse to grant a licence.

(4) The Director-General shall refuse to grant a licence under subsection (3) if-

- (a) the local fishing boat in respect of which the application has been made is not constructed in accordance with the specifications prescribed by regulations made under this Act;
- (b) such boat is not registered under this Act;
- (c) such boat is not marked in accordance with uniform and internationally recognizable vessel marking systems;
- (d) the fishing gear carried on such boat is not marked in accordance with uniform and internationally recognizable gear marking systems enabling identification of the owner of the gear;

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- (e) such boat is not equipped with a vessel monitoring system and communication equipment, which enables the Director-General and his staff to communicate effectively with such boat and to exercise control over the activities of such boat;
- (f) such boat is not equipped with the safety equipment prescribed by regulations made under this Act;
- (g) the applicant has been authorized to use such boat for fishing in the High Seas by a licence or a permit issued by another State—
 - (i) such licence or permit has been suspended for a period; and
 - (ii) the period of suspension is still in force; or
 - (iii) such licence or permit has been cancelled; and
 - (iv) a period of three years has not elapsed since such cancellation.

Form and
duration of
licence.

14c. Every licence granted under this Part shall—

- (a) be in such form as may be prescribed;
- (b) unless suspended or cancelled earlier, be in force for a period of one calendar year from the date of grant of such licence;

- (c) be subject to such terms and conditions as may be prescribed with regard to the fishing operations authorized by such licence, including conditions relating to the provision of information by the holder of the licence regarding the area of operations of the local fishing boat to which the licence applies, and the retained catch, the discarded catch and landings of such boat in relation to each fishing trip.

Register of
Licences.

14D. (1) The Director-General shall cause to be maintained a register of all licences granted under this Part of the Act. Such register may also be maintained in electronic form.

(2) A copy or extract purporting to be certified under the hand of the Director-General to be a true copy of, or extract from, any register maintained under subsection (1) shall be admissible in evidence without proof of the signature or appointment of the Director-General, and shall be *prima facie* evidence of the contents of such register for all purposes, and in all proceedings, civil or criminal.

Licence to be
carried on
board.

14E. The holder of a licence granted under this Part shall cause such licence to be carried at all times on the local fishing boat to which the licence applies, and shall produce such licence for inspection when required to do so by a duly authorized officer.

Prohibition
on fishing in
foreign
waters.

14F. The holder of a licence granted under this Part shall not use, or cause to be used, the local fishing boat to which the licence applies 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.

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Licensee to
comply with
conservation
and
management
measures.

14G. The holder of a licence granted under this Part, authorizing the use of a local fishing boat for fishing operations in the High Seas shall not use such boat, or cause such boat to be used, in contravention of regulations, made by the Minister under section 61(*t*), implementing conservation and management measures adopted—

- (a) under the United Nations Convention on the Law of the Sea of December 10, 1982;
- (b) by the Indian Ocean Tuna Commission;
- (c) under the Fish Stocks Agreement 1995; and
- (d) under the Food and Agriculture Organization (FAO) of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2009,

and which are binding on Sri Lanka.

Renewal of
licence.

14H. (1) The holder of a licence granted under this Part may apply to the Director-General for a renewal of the licence, not less than thirty days before the expiry of the licence.

(2) The Director-General shall renew the licence if he is satisfied that—

- (a) the local fishing boat to which the licence applies continues to comply with the conditions referred to in section 14B (4);

- (b) the holder of the licence has observed the terms and conditions of such licence;
- (c) the holder of the licence has paid the prescribed fee for the renewal of the licence; and
- (d) the renewal of the licence will not undermine the effectiveness of the conservation and management measures referred to in section 14G, and implemented by regulations made under section 61.

Suspension
of a licence.

14i. The Director-General shall, after giving the holder of a licence an opportunity of being heard, suspend a licence granted under this Part, if he is satisfied that such holder is being investigated for the contravention of section 14F or section 14G. Any such suspension shall be effective until the conclusion of the investigation.

Cancellation
of a licence.

14j. The Director-General shall cancel a licence granted under this Part, if he is satisfied that—

- (a) the holder of the licence has been convicted of an offence under this Act;
- (b) the holder of the licence has contravened any provision of this Act or any regulation made thereunder or any term or condition of such licence;
- (c) the holder of the licence has used the local fishing boat to which the licence applies for unauthorized

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fishing in waters within the national jurisdiction of another State, or for unauthorized or illegal activities in waters within the national jurisdiction of another State or in the High Seas;

- (d) the fishing boat to which the licence applies has ceased to be a local fishing boat; and
- (e) the registration of the fishing boat has been cancelled.

Director-General to communicate the decision together with reasons.

14κ. Where the Director-General refuses to grant or renew a licence or suspends or cancels a licence, he shall communicate such decision and the reasons therefor to the applicant or to the licensee, as the case may be.

Appeals.

14L. (1) The applicant or the licensee, as the case may be, who is aggrieved by a decision communicated to him under section 14κ, may appeal against such decision to the Secretary of the Ministry of the Minister in writing, within thirty days from the date on which the decision is communicated to him.

(2) (a) The Secretary shall refer every appeal made to him under subsection (1) to the Appeals Advisory Committee for its recommendations on such appeal.

(b) The Appeals Advisory Committee shall consist of three persons appointed by the Secretary from amongst persons who have knowledge and experience in the management and conservation of fisheries and aquatic resources.

(c) The Appeals Advisory Committee shall make its recommendations on an appeal referred to it under paragraph (a) after having heard both parties, within fourteen days of such reference.

(3) The Secretary shall determine an appeal made to him under subsection (1) taking into consideration the recommendations of the Appeals Advisory Committee, and may either—

(a) allow the appeal and direct the Director-General to grant or renew the licence or to revoke the suspension or cancellation of the licence; or

(b) disallow the appeal for reasons assigned.

(4) The Director-General shall comply with any direction issued to him under subsection (3) by the Secretary.

(5) When an application for a licence or the renewal of a licence is refused, the Director-General shall refund to the applicant or the licensee, as the case may be, the fee accompanying such application.

(6) The decision of the Secretary under this section shall be final and conclusive.

Transfer of
licences.

14M. (1) A licence granted under this Part shall not be transferred except with the consent of the Director-General and any such transfer shall be endorsed upon such licence. In the event of a transfer, the registration of the fishing boat shall be transferred in the transferee's name.

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(2) A person whose licence has been cancelled under section 14J shall not be entitled to have a licence transferred in his name.

Educational programmes for fishers. 14N. The Director-General shall, subject to the availability of resources, conduct long term educational and training programmes, to educate the fishers on the regulations made under this Act and on the guidelines issued by the Indian Ocean Tuna Commission; and to create awareness among fishers about the measures taken by the Government to conserve fish stocks and to minimize pollution.”.

Amendment of section 15 of the principal enactment.

6. Section 15 of the principal enactment is hereby amended in subsection (2) of that section, by the substitution, for the words “Sri Lanka Waters”, of the words “Sri Lanka Waters or the High Seas”.

Insertion of new sections 16A and 16B in the principal enactment.

7. The following new sections are hereby inserted immediately after section 16 and shall have effect respectively as sections 16A and 16B, of the principal enactment:—

“Cancellation or suspension of registration of fishing boats and the licence for fishing operations. 16A. The Director-General may, where he has reasonable grounds to believe that any person is engaged in carrying out unlawful 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, he may, after affording such person or the owner, 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 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.

Cancellation
on
information
by owner.

16B. Where the owner of a registered fishing boat requests the Director-General, in writing, to cancel the registration of a fishing boat which is registered in his name, as he does not intend to use such fishing boat for the purpose of fishing in Sri Lanka waters or the High Seas after a specified date, the Director-General shall after satisfying himself on the fact that such fishing boat will not be used for the purpose of fishing in Sri Lanka waters or the High Seas, cancel the registration of such fishing boat. Such cancellation shall be effective from the date as is specified by him. He shall also inform the owner of the fact of cancellation in writing.”.

8. Section 28 of the principal enactment is hereby amended, by the substitution, for the words “Sri Lanka waters”, of the words “Sri Lanka Waters or the High Seas”.

Amendment of
section 28 of the
principal
enactment.

9. Section 31 of the principal enactment is hereby repealed and the following section substituted therefor :—

Replacement of
section 31 of the
principal
enactment.

“Fisheries
Management
Areas.

31. (1) The fishers of any area may request the Director-General , in writing, to designate a specified area of Sri Lanka waters or both such waters and the land adjacent thereto, as a Fisheries Management Area for the purposes of this Act.

(2) The Director-General may—

- (a) of his own motion, or

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- (b) on a request made to him in writing
under subsection (1),

recommend to the Minister that a specified
area of Sri Lanka waters or both such waters
and the land adjacent thereto, be designated
as a Fisheries Management Area:

Provided that, the Director-General shall
make such a recommendation only upon
satisfying himself after such inquiries and
investigations as are reasonable in the
circumstances, that there are threats to the
sustainability of fish and other aquatic
resources in any area.

(3) Upon receipt of the recommendation
under subsection (2), the Minister may, by
Order published in the *Gazette*, designate the
area referred to in the recommendation as a
Fisheries Management Area for the purposes
of this Act.”.

Insertion of
section 31A and
section 31B in
the principal
enactment.

10. The following new sections are hereby inserted
immediately after section 31 of the principal enactment
and shall have effect as sections 31A and 31B of that
enactment :—

“Fisheries
Management
Coordinating
Committee.

31A. (1) There shall be a Fisheries
Management Coordinating Committee
(hereinafter referred to as the “Coordinating
Committee”) for every Fisheries Management
Area designated by an Order made under
section 31, appointed by the Director-General.

(2) The Coordinating Committee shall be
constituted by the Director-General from
among the following taking into consideration

the matter to be determined by such Co-ordinating Committee:—

- (a) the officer in charge of the District Fisheries Office and two other officers from that office;
- (b) (i) not more than four persons elected from among members of the fisheries committee formed for that Fisheries Management Area; or
(ii) where there are two or more fisheries committees in that Fisheries Management Area, not more than twelve persons elected by the members of all the fisheries committees in that Fisheries Management Area:
Provided however, that there shall be an equal number of members from each of such fisheries committees;
- (iii) all members of existing Fisheries Management Authorities;
- (c) the District Secretary of the Administrative District within which the Fisheries Management Area is situated;
- (d) the Divisional Secretary of the Administrative District within which the Fisheries Management Area is situated;
- (e) the Chairman of the Pradeshiya Sabha constituted for the Pradeshiya Sabha area within which the Fisheries Management Area is situated;

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- (f) the Mayor of the Municipal Council constituted for the Municipality within the limits of which the Fisheries Management Area is situated or the Chairman of the Urban Council for the Urban Council area within the limits of which the Fisheries Management Area is situated ;
- (g) an officer of the Urban Development Authority established under the Urban Development Authority Law, No. 41 of 1978, nominated by the Chairman of that Authority ;
- (h) the Provincial Director of Fisheries of the Province within which the Fisheries Management Area is situated ;
- (i) an officer of the Department of Coast Conservation and Coastal Resource Management established under the Coast Conservation and Coastal Resource Management Act, No. 57 of 1981 nominated by the Director-General of Coast Conservation and Coastal Resource Management;
- (j) an officer of the National Aquatic Resources Research and Development Agency established under the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981 nominated by the Chairman of the Governing Board of that Agency;

- (k) an officer of the National Aquaculture Development Authority established under the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998, nominated by the Chairman of the Board of Directors of that Authority;
- (l) an officer of the Central Environmental Authority established under National Environmental Act, No. 47 of 1980, nominated by the Chairman of that Authority;
- (m) an officer of the Department of Wild Life Conservation established under the Fauna and Flora Protection Ordinance (Chapter 469) nominated by the Director-General of Wild Life Conservation;
- (n) an officer of the Department of Forest Conservation, established under Forest Conservation Ordinance (Chapter 451) nominated by the Conservator-General of Forest;
- (o) an officer of the Marine Environment Protection Authority established under Marine Pollution Prevention Act, No. 35 of 2008, nominated by the Chairman of that Authority;
- (p) an officer of the Ministry of Land nominated by the Secretary to the Ministry of the Minister to whom the subject of land has been assigned;

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- (q) an officer of the Sri Lanka Tourism Development Authority established by the Tourism Act, No. 38 of 2005, nominated by the Chairman of that Authority;
- (r) an officer of the Department of Police nominated by the Deputy Inspector General of Police for the Province within which the Fisheries Management Area is situated;
- (s) an officer of the Department of Coast Guard established by the Department of Coast Guard Act, No. 41 of 2009, nominated by the Director-General of that Department; and
- (t) an officer of the Sri Lanka Navy nominated by the Commander of the Navy for the province within which that Fisheries Management Area is situated.

(3) The Director-General shall appoint from among the officials referred to in paragraph (a) of subsection (2) a Secretary or a Convener of the Coordinating Committee. The Secretary or the Convener shall convene all meetings of the Coordinating Committee constituted for a Fisheries Management Area.

(4) The Coordinating Committee constituted for a Fisheries Management Area shall meet at least once in every month, or in the case of an emergency.

(5) The Director-General or his nominee shall preside at all meetings of a Coordinating Committee. In the absence of

the Director-General or his nominee from a meeting of a Coordinating Committee, the members present may elect, from among themselves, a Chairman for that meeting.

(6) The Director-General may appoint other persons, including representatives of Divisional Coordinating Committees, representatives of associations representing other commercial activities conducted within the limits of the Fisheries Management Area, representatives of the fisher women's groups and representatives of non-governmental organizations involved in natural resources management and the welfare of fishers, within the limits of the Fisheries Management Area, to be members of the Coordinating Committee.

Fisheries
Development
and
Management
Plans.

31B. (1) It shall be the duty of a Coordinating Committee constituted for a Fisheries Management Area, to submit to the Director-General a Fisheries Development and Management Plan in respect of the Fisheries Management Area, within a period of one year from the date of the Order under section 31(3) designating such area as a Fisheries Management Area.

(2) A Fisheries Development and Management Plan prepared by a Coordinating Committee shall include any or all of the following proposals:—

- (a) proposals for the division of the Fisheries Management Area into zones for particular uses;
- (b) proposals for the prohibition or regulation of the use of particular types of fishing gear or equipment for the taking of fish and aquatic resources in the Fisheries Management Area;

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- (c) proposals for the prohibition or regulation of the use of particular methods for taking of fish or aquatic resources in the Fisheries Management Area;
- (d) proposals for the prohibition of the taking of particular species of fish or aquatic resources in the Fisheries Management Area;
- (e) proposals for the declaration of closed seasons for fishing in particular parts of that Fisheries Management Area or for particular species of fish in that Fisheries Management Area;
- (f) proposals for regulating the times at which fish or aquatic resources may be taken in the Fisheries Management Area;
- (g) proposals for the preservation of locations of scenic beauty or of cultural or ecological significance in the Fisheries Management Area;
- (h) proposals for the improvement of the sustainability of fish and other aquatic resources in the Fisheries Management Area;
- (i) proposals to address research, post-harvest and marketing and development aspects related to the Fisheries Management Area;
- (j) proposals for monitoring, compliance and surveillance; and
- (k) proposals for consultation and review.

(3) The Director-General having regard to the purposes of this Act, shall within sixty days of a Fisheries Development and Management Plan being submitted by a Coordinating Committee, make modifications if any, to the plan and submit the plan to the Minister for his approval.

(4) The Minister shall approve a plan submitted under subsection (3), within sixty days of it being submitted to him and shall cause the plan to be published in the *Gezette*. The plan shall be operative from the date of its publication in the *Gazette* or from such later date as may be specified therein.

(5) The Minister shall give effect to the provisions of the plan by making appropriate regulations under section 61 and by the publication of appropriate notices under section 34.”.

11. Section 32 of the principal enactment is hereby amended in subsection (2) of that section, by the repeal of paragraph (a) of that subsection.

Amendment of section 32 of the principal enactment.

12. Section 49 of the principal enactment is hereby amended as follows:—

Amendment of section 49 of the principal enactment.

- (1) by the repeal of subsections (1) and (2) of that section, and the substitution therefor of the following subsections:—

“(1) Any person who contravenes or fails to comply with the provisions of sections 14E, 15, 16, 17 or 22 or any Order made under section 30 of this Act shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding twenty five thousand rupees.

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(2) Any person who contravenes or fails to comply with the provisions of sections 6, 28, 34 or 35 of this Act shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding twenty five thousand rupees.”.

- (2) by the insertion immediately after subsection (2), of the following new subsections:—

“(2A) Any person who contravenes or fails to comply with the provisions of sections 14A or 14F shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding two years or to a fine not less than one million and five hundred thousand rupees.

(2B) Any person who contravenes or fails to comply with the provisions of section 29 of this Act shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees. ”.

- (3) in subsection (4) of that section, by the substitution for the words “to a fine not less than one thousand rupees”, of the words “to a fine not exceeding twenty five thousand rupees”;
- (4) by the repeal of subsection (5) of that section and the substitution therefor of the following subsection:—

“(5) Any person who contravenes a regulation made under this Act other than a regulation made under section 61(t) 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 exceeding twenty five thousand rupees:

Provided that in the case of a conviction for an offence involving the contravention of a regulation prohibiting—

- (a) purse seine net fishing;
- (b) the purchase, sale, transport or possession of a spiny lobster carrying external eggs or of a slipper lobster with external eggs; or
- (c) the removal of the eggs of a spiny lobster or of a slipper lobster,

the fine shall be a fine not exceeding fifty thousand rupees.”.

- (5) by the insertion immediately after subsection (5), of the following new subsection:—

“(6) Any person who contravenes any regulation made under section 61(*t*) of this Act shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one million rupees. ”.

13. Section 61 of the principal enactment is hereby amended in subsection (1) of that section as follows:—

Amendment of Section 61 of the principal enactment.

- (1) by the insertion, immediately after paragraph (*k*) of that subsection, of the following paragraph:—

“(kk) the implementation of the provisions of a Development and Management Plan approved by the Minister and published in the *Gazette* under section 31B(4).”.

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- (2) by the insertion immediately after the paragraph (s) of that subsection, of the following new paragraphs:—

- “(sa) the criteria to be adopted in the selection of skippers of local fishing boats for training;
- (sb) the formulation of a scheme for the issue of certificates of competence to skippers of local fishing boats and the syllabus to be followed for the training of skippers of local fishing boats;
- (sc) the protection of fish breeding ecosystems;
- (sd) the prevention of the disposal of industrial and domestic waste in Sri Lanka waters, and the prevention of the filling of Sri Lanka Waters, in a manner detrimental to fish and aquatic resources in such waters;
- (se) the registration of boats used for recreational fishing and the issue of licences for recreational fishing;
- (sf) the prohibition and regulation of the import, manufacture and sale of fishing gear, equipment and engines used for fishing operations;
- (sg) the technical instruments for monitoring and surveillance required to be installed and maintained in local fishing boats;
- (sh) the transponders required to be fixed in local fishing boats with fitted board engines;
- (si) the establishment of the National Fisheries Federation and Fisheries Organizations at District and village levels; and

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- (t) implementing conservation and management measures adopted—
 - (i) under the United Nations Convention on the Law of the Sea of 10 December, 1982;
 - (ii) by the Indian Ocean Tuna Commission;
 - (iii) under the Fish Stocks Agreement 1995;
 - (iv) under the Food and Agriculture Organization (FAO) of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing 2009.”.

14. Section 66 of the principal enactment is hereby amended as follows:—

Amendment of section 66 of the principal enactment.

- (1) by the insertion, immediately before the definition of “aquaculture”, of the following new definition:—

‘ “Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing 2009” means the Agreement to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing through the implementation of effective port state measures, and thereby to ensure the long term conservation and sustainable use of living marine resources and marine ecosystems, signed in Rome on November 22, 2009;’;

- (2) by the insertion, immediately after the definition of “authorized officer”, of the following new definition:—

‘ “Conservation and management measures” means the measures taken to conserve or manage one or more species of living marine resources;’;

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- (3) by the insertion, immediately after the definition of “fishing operation”, of the following new definition:—

‘ “Fish Stocks Agreement 1995” means the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, signed in New York on December 04, 1995;’;

- (4) by the insertion, immediately after the definition of “foreign fishing boat”, of the following new definition:—

‘ “High Seas” means the waters beyond Sri Lanka waters or beyond the waters within the national jurisdiction of any other State;’;

- (5) by the insertion, immediately after the definition of “import”, of the following new definition:—

‘ “Indian Ocean Tuna Commission” means the Indian Ocean Tuna Commission established by the Agreement for the establishment of the Indian Ocean Tuna Commission, adopted by the Council of the United Nations Food and Agriculture Organization (FAO) in Rome on November 25, 1993;’;
and

- (6) by the insertion, immediately after the definition of “Sri Lanka waters”, of the following new definition:—

‘ “United Nations Convention on the Law of the Sea of December 10, 1982” means the Convention on the Law of the Sea signed in Montego Bay, Jamaica on December 10, 1982.’.

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- 15.** There shall be substituted for the word “fisherman” wherever that word occurs in any provision of the principal enactment of the word “fisher”. Substitution of the word “Fisher”.
- 16.** Every Fisheries Management Area designated under section 31 of the principal enactment prior to the date of commencement of this Act shall, be deemed to be a Fisheries Management Area designated under section 31 of the principal enactment as amended by section 9 of this Act and accordingly a Fisheries Management Coordinating Committee shall be constituted for that Fisheries Management Area within three months of the date of commencement of this Act. Any Fisheries Management Authority which has been established under section 31 of the principal enactment shall cease to exist from the date of commencement of this Act. Transitional provisions.
- 17.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

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