



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

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**FISHERIES (REGULATION OF FOREIGN  
FISHING BOATS) (AMENDMENT)  
ACT, No. 1 OF 2018**

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[Certified on 08th of February, 2018]

*Printed on the Order of Government*

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Published as a Supplement to Part II of the **Gazette of the Democratic  
Socialist Republic of Sri Lanka** of February 09, 2018

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PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA  
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

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**Price : Rs. 23.00**

**Postage : Rs. 20.00**

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*Fisheries (Regulation of Foreign Fishing Boats)*  
*(Amendment) Act, No. 1 of 2018*

[Certified on 08th of February, 2018]

L.D.—O. 20/2016

AN ACT TO AMEND THE FISHERIES (REGULATION OF FOREIGN  
FISHING BOATS) ACT, NO. 59 OF 1979

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

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|--|--|
| <p><b>1.</b> This Act may be cited as the Fisheries (Regulation of Foreign Fishing Boats) (Amendment) Act, No. 1 of 2018.</p> <p><b>2.</b> The Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979 (hereinafter referred to as the “principal enactment”) is hereby amended by the substitution for the word “Secretary”, wherever that word occurs in the principal enactment or any regulation, rule, notice or notification of the word “Director-General”.</p> <p><b>3.</b> Section 3 of the principal enactment is hereby amended as follows:-</p> <p>(1) by the repeal of marginal note to that section and the substitution therefor of the following:-</p> <p style="padding-left: 40px;">“Armed forces etc. to co-operate in implementation and enforcement of this Act.”;</p> <p>(2) by the substitution for the words “ The commanders of the armed forces shall”, of the words “The Commanders of the armed forces, the Director General of Coast Guard of the Department of Coast Guard established under Department of Coast Guard Act, No. 41 of 2009 and any other person designated by name or by office by the Minister in writing shall”.</p> | <p>Short title.</p> <p>General Amendment to Act, No. 59 of 1979.</p> <p>Amendment of section 3 of the principal enactment.</p> |
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Amendment of  
section 13 of the  
principal  
enactment.

(1) by the repeal of subsection (4) of that section and the substitution therefor of the following new subsection:—

(b) Any person arrested under paragraph (b) of subsection (2),

(2) by the repeal of subsection (5) of that section and substitution therefor of the following:—

Provided however, that when any fish or aquatic plant so seized is subject to speedy

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decay, an authorized officer may on the decision of the Director-General or any person authorized by the Director-General shall sell such fish or aquatic plant and shall deposit the proceeds of the sale in the Magistrate's Court.”;

- (3) in subsection (6) of that section by the substitution for the words “Judge of the High Court” and “from the place of arrest to that Judge.”, of the words “Magistrate” and “from the place of arrest to that of Magistrate.” respectively.

5. The following new sections are hereby inserted immediately after section 13 and shall have effect as sections 13A and 13B of the principal enactment:—

Insertion of new sections 13A and 13B in the principal enactment.

“Notice to consular officer on detention of foreign ship.

13A. (1) Whenever –

(a) any foreign fishing boat seized and detained under this Act; and

(b) any action is instituted under this Act against the master, owner, charterer or any person on-board if any, of a foreign fishing boat,

notice shall be forthwith served on the consular officer of the country to which the fishing boat belongs through the Minister to whom the subject of Foreign Affairs has been assigned.

(2) The grounds on which the boat has been seized and detained or on which the proceedings have been taken place, shall be specified in the notice to be served under subsection (1).

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Liability for costs and damages.

13B. Notwithstanding anything contained in section 19B of this Act, if an abandoned foreign fishing boat is seized and detained under this Act, the master, owner, charterer or any permit holder if any, of the foreign fishing boat shall be liable to pay to the Government of Sri Lanka the cost and other incidental expenses involved in the detention and survey of the foreign fishing boat.”.

Replacement of section 15 of the principal enactment.

**6.** Section 15 of the principal enactment is hereby repealed and the following sections substituted therefor:-

“Contravention of provisions of section 4 in the territorial waters to be an offence.

15. Where any foreign fishing boat is used in the territorial waters, historic waters, public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds, channels or all other public inland or internal waters of Sri Lanka in contravention of the provisions of section 4, the master, owner and charterer or any person on board or any person suspected to have been on board of such boat shall each be guilty of an offence under this Act and shall each be liable on conviction by a Magistrate to an imprisonment for a term not exceeding two years or to a fine not less than the amounts specified in column II of the Schedule I hereto based on the length of the fishing boat specified in corresponding entry in the column I of the Schedule I hereto or to both such fine and imprisonment:

Provided however where such master, owner and charterer or any person on board or any person suspected to have been on board of such boat, commits an offence for the first time under this section, each such person shall be liable on conviction by a Magistrate having regard to the circumstances of the case to an

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imprisonment for a term not exceeding one year or to a fine not exceeding the amounts specified in Column II of the Schedule I hereto based on the length of the fishing boat specified in corresponding entry in the Column I of the Schedule I hereto.

Contravention  
of provisions  
of section 5  
in the  
territorial  
waters to be  
an offence.

15A. Where any foreign fishing boat is used in the territorial waters, historic waters, public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds, channels or all other public inland or internal waters of Sri Lanka in contravention of the provisions of section 5, the master, owner and charterer or any person on board or any person suspected to have been on board of such boat shall each be guilty of an offence under this Act and shall each be liable on conviction by a Magistrate to an imprisonment for a term not exceeding two years or to a fine not less than the amounts specified in column II of the Schedule II hereto based on the length of the fishing boat specified in corresponding entry in the column I of the Schedule II hereto or to both such fine and imprisonment:

Provided however where such master, owner and charterer or any person on board or any person suspected to have been on board of such boat, commits an offence for the first time under this section, each such person shall be liable on conviction by a Magistrate having regard to the circumstances of the case to an imprisonment for a term not exceeding one year or to a fine not exceeding the amounts specified in Column II of the Schedule II hereto based on the length of the fishing boat specified in corresponding entry in the Column I of the Schedule II hereto.

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Contravention of provisions of section 4 in the Exclusive Economic Zone to be an offence.	15B. Where any foreign fishing boat is used in the Exclusive Economic Zone of Sri Lanka in contravention of the provisions of section 4 the master, owner and charterer if any, or any person on board or any person suspected to have been on board of such boat shall each be guilty of an offence under this Act and shall each be liable on conviction by a Magistrate to a fine not less than the amounts specified in column II of the Schedule III hereto based on the length of the fishing boat specified in corresponding entry in the column I of the Schedule III hereto.
Contravention of provisions of section 5 in the Exclusive Economic Zone to be an offence.	15C. Where any foreign fishing boat is used in the Exclusive Economic Zone of Sri Lanka in contravention of the provisions of section 5 the master, owner and charterer if any, or any person on board or any person suspected to have been on board of such boat shall each be guilty of an offence under this Act and shall each be liable on conviction by a Magistrate to a fine not less than the amounts specified in column II of the Schedule IV hereto based on the length of the fishing boat specified in corresponding entry in the column I of the Schedule IV hereto.
Offence of aiding and abetting.	15D. Any person who aids and abets the commission of or who attempts to commit any offence or does any act in preparation of or in furtherance of any offence under this Act shall be guilty of an offence under this Act and shall on conviction be liable to a fine not less than one million five hundred thousand rupees.
Conclusion of proceedings within one month.	15E. Any prosecution relating to any offence committed under this Act shall be concluded within one month from the date of institution of any such proceedings in the Magistrate's Court.

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No person to be enlarged on bail.      15F. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, or any other written law, no person suspected of, or accused of, an offence under sections 15 or 15A shall be enlarged on bail.

Retention of boat, fishing gear etc. until conclusion of trial.      15G. Subject to the provisions contained in the proviso to section 13 (5) any boat, fishing gear, equipment stowed and cargo suspected to have been involved or used in the commission of any offence under sections 15, 15A and 15D shall not be released until conclusion of the trial.

Master, owner etc., deemed not to be guilty in certain circumstances.      15H. No master, owner, charterer, or any person on board or any person suspected to have been on board shall be deemed to be guilty of an offence under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions and the related circumstances.”.

**7.** Section 16 of the principal enactment is hereby amended by the substitution for the words “after trial without a jury before a judge of the High Court,” and “to a fine not exceeding seven hundred and fifty thousand rupees” of the words “after trial by a Magistrate,” and “to a fine not less than seven hundred and fifty thousand rupees and not exceeding seventy five million rupees.” respectively.

Amendment of section 16 of the principal enactment.

**8.** Section 17 of the principal enactment is hereby amended as follows:-

Amendment of section 17 of the principal enactment.

(1) by the insertion immediately after paragraph (c) of that section of the following paragraph:-

“(d) fails to provide reasonable facilities to an authorized officer or his assistants to board



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the vessel or adequate security to such officer and the assistants at the time of entry into such boat or when they are on board such boat,”;

- (2) by the substitution for the words “after trial without a jury before a Judge of the High Court” and “to a fine not exceeding twenty five thousand rupees” of the words “after trial by a Magistrate” and “to a fine not less than the amounts specified in column II of the Schedule V hereto based on the length of the fishing boat specified in corresponding entry in the column I of the Schedule V hereto.”.

Insertion of new sections 17A and 17B in the principal enactment.

**9.** The following new sections are hereby inserted immediately after section 17 and shall have effect as sections 17A and 17B of the principal enactment:-

“All offences to be cognizable and non bailable. 17A. Subject to the provisions of subsection (1) of section 21 of this Act, all offences committed under this Act shall be cognizable and non bailable within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

Application of the Prevention of Crimes Ordinance (Chapter 22). 17B. The provisions of the Prevention of Crimes Ordinance (Chapter 22) shall *mutatis mutandis* apply to and in relation to identification of any person previously convicted of an offence under this Act.”.

Amendment of section 18 of the principal enactment.

**10.** Section 18 of the principal enactment is hereby amended, by the substitution for the words “the Court” of the words “the Magistrate’s Court.”.

Amendment of section 19 of the principal enactment.

**11.** Section 19 of the principal enactment is hereby amended as follows:-

- (1) by the substitution in subsection (1) of that section for the words “court of Appeal” of the words “High Court”;

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- (2) by the substitution for subsection (2) of that section of the following subsection:-

“(2) The Director-General shall take possession of any boat, fishing gear, fish, aquatic plant, equipment, stores or cargo vested in the State under subsection (1) and may sell or otherwise dispose of them as he may think fit.”.

**12.** The following new sections are hereby inserted immediately after section 19 and shall have effect respectively as sections 19A, 19B and 19C of the principal enactment:-

Insertion of new sections 19A, 19B and 19C in the principal enactment.

“Abandoned foreign fishing boats.

19A. Where any abandoned foreign fishing boat, along with fishing gear, fish, aquatic plants, equipment, stores, and cargo is seized, on suspicion of being involved in the commission of an offence under this Act, it shall vest absolutely in the State unless a claim is being made to the said boat within the prescribed period.

Release of abandoned foreign fishing boat pursuant to an inquiry.

19B. (1) Where a claim is made to such abandoned foreign fishing boat, fishing gear, fish, aquatic plants, equipment, stores, and cargo by the master, owner, or charterer if any of the boat within the period prescribed, the Magistrate upon being satisfied pursuant to an inquiry that such boat was not used for the commission of any offence under this Act shall make an order to release such boat or such items on board, or proceeds thereof, if it is sold consequent to an order made under section 13(5) of this Act to such claimant who has established his legal entitlement to such boat or any items on board before the Magistrate.

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(2) The claimant shall pay all expenses incurred by the State in relation to the abandoned foreign fishing boat and all such items thereon.

When to consider an abandoned foreign fishing boat as a foreign fishing boat.

19C. Nothing contained in section 19A and 19B shall preclude an abandoned foreign fishing boat being considered as a foreign fishing boat for the purposes of any other provision of this Act including sections 15, 15A, 15B and 15C, in the event where an investigation reveals any person or an entity has contravened any other provision of this Act including sections 4 and 5.”.

Replacement of section 20 of the principal enactment.

**13.** Section 20 of the principal enactment is hereby repealed and the following section substituted therefor:-

“Compounding of offences.

20. (1) Where the Director-General has sufficient evidence to believe that any person has acted in contravention of the provisions of this Act, he may—

- (a) on the recommendation of the panel appointed under section 20A of this Act, in relation to any offence that was committed for the first time in the Exclusive Economic Zone of Sri Lanka;
- (b) having regard to the circumstances in which such contravention has taken place,

if it is appropriate to compound such offence, cause a notice to be served in the prescribed form on such person, requiring him to appear within one month from the date of receipt of such notice and show cause why a sum of money should not be charged on him.

(2) Where the person on whom the notice is served appears within one month from the date of receipt of such notice and admits that he acted in contravention of the provisions of this Act, the Director-General shall charge from that person a sum not less than one fifth of the minimum penalty that could be imposed under this Act to which such person could be liable to pay. Further a sum of money not exceeding the aggregate of the estimated value of the boat, fish or other thing and the costs incurred in the detention of the boat and repatriation of its crew shall be paid as part of the settlement under this section and the Director-General shall order the release of such fishing boat, fish or other thing in respect of which no order of detention has been made by the Magistrate.

(3) Where a person on whom notice is served within one month from the date of receipt of such notice states that he has a cause to show against the compounding of the offence, the Director-General may proceed forthwith to hear and decide the matter in the manner prescribed.

(4) Where the Director-General is not satisfied with reasons given, he may after assigning his own reasons therefor, charge from that person a sum of money specified in subsection (2) of this section.

(5) Where the Director-General charges on any person a sum of money specified in subsection (2) of this section, he shall cause a notice in the prescribed form to be served on such person indicating particulars of such charge.

(6) Any person aggrieved by such decision of the Director-General may appeal to the Secretary to the Ministry of the Minister assigned the subject of Fisheries and Aquatic

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Resources Development (hereinafter referred to as the “Secretary”) within thirty days from the date of receipt of such decision of the Director-General.

(7) The Secretary shall, after taking into consideration the decision of the Director-General and the circumstances in which the offence was committed may—

- (a) affirm the decision of the Director-General and disallow the appeal;
- (b) set aside the decision of the Director-General and allow the appeal;
- (c) allow the appeal subject to any amendment, alteration or variation of the decision of the Director-General.

(8) The decision of the Secretary shall be notified to the Director-General who shall take steps to comply with such decision within fourteen days from the date of communication of such decision to the Director-General.

(9) Such decision of the Secretary shall be communicated to the aggrieved party.

(10) Any person aggrieved by such decision of the Secretary may prefer any appeal to the Court of Appeal within thirty days from the date of communication of such decision, on a question of law.

(11) The compounding of any offence under this section shall be notified in writing under the signature of both parties to the Magistrate’s Court and shall have effect of an acquittal of the accused.”.

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**14.** The following new section is hereby inserted immediately after section 20 and shall have effect as section 20A of the principal enactment:—

Insertion of new section 20A in the principal enactment.

“Appointment of a panel of experts.

20A. (1) The Director-General in consultation with the Secretary shall appoint a panel of experts consisting of three persons who have the knowledge expertise, and experience in the fields of marine engineering, law and accountancy.

(2) It shall be the function of such panel to make recommendations to the Director-General, on the matters to be taken into account pertaining to compounding of an offence under section 20.

(3) The Minister shall pay such monetary remuneration as he shall determine in consultation with the Minister of Finance, to the members of the panel.”.

**15.** Section 21 of the principal enactment is hereby amended as follows:—

Amendment of section 21 of the principal enactment.

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

“(1) Where a Magistrate has ordered the detention of a foreign fishing boat involved in the commission of an offence in the area of Exclusive Economic Zone of Sri Lanka pending the conclusion of any prosecution instituted in respect of that boat, the owner of the boat, permit holder,

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master or the authorized local representative appointed in respect of the boat, may apply to said Magistrate for the release of the boat on the provision of a satisfactory bond or other form of security in accordance with this section.”.

- (2) in subsection (2) of that section by the substitution for the words “A Judge of the High Court to whom” and “approved by the Judge,” of the words “A Magistrate to whom” and “approved by the Magistrate,”.

Amendment of  
section 23 of the  
principal  
enactment.

**16.** Section 23 of the principal enactment is hereby amended as follows:—

- (1) by the renumbering of that section as subsection (1) of that section;
- (2) by the insertion immediately after renumbered subsection (1) of the following subsections:—

“(2) Where any foreign fishing boat is found within any maritime zone of Sri Lanka and the fishing gear of such boat is not stowed in the prescribed manner or fish are found on board of such boat, it may be presumed that the said boat has been used for fishing within the said zone and for any purpose in contravention of the provisions of this Act, until the contrary is proved.

(3) Where any abandoned foreign fishing boat is found, it may be presumed to have been used for the commission of any offence under this Act, until the contrary is proved.”.

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**17.** Section 24 of the principal enactment is hereby amended, by the substitution for the words “be triable by the High Court sitting in any Judicial Zone of Sri Lanka.”, of the words “be triable by a Magistrate having jurisdiction over the area or locality where the nearest or the most convenient port is situated.”.

Amendment of section 24 of the principal enactment.

**18.** Section 26 of the principal enactment is hereby amended by the substitution for paragraph (i) of subsection (2) of that section of the following:—

Amendment of section 26 of the principal enactment.

“(i) the implementation of the standards stipulated—

- (i) in the United Nations Convention on Law of the Sea, 1982;
- (ii) by Indian Ocean Tuna Commission, 1993;
- (iii) under the Fish Stock 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;
- (v) in any other instrument to which Sri Lanka has or would become a party;”.

**19.** The following new section is hereby inserted immediately after section 26 and shall have effect as section 26A of the principal enactment:—

Insertion of new section 26A in the principal enactment.

“contravention of regulation to be an offence.      26A. Any contravention of or any failure to comply with, any regulation made under section 26 shall be an offence under this Act



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triable by a Magistrate of the Magistrate Court and punishable with a fine not less than one million rupees.”.

Insertion of new section 27A in the principal enactment.

**20.** The following new section is hereby inserted immediately after section 27 and shall have effect as section 27A of the principal enactment:—

“Establishment of the Reward Fund.

27A. (1) There shall be a fund which shall be called the Fisheries Reward Fund (hereinafter referred to as the “Reward Fund”).

(2) The Director-General shall be responsible for the administration of the Reward Fund.

(3) There shall be credited to the Reward Fund all proceeds realized from sales under section 19.

(4) The Director-General shall from time to time pay out of the Reward Fund a reward:—

- (a) to any person as specified in section 3;
- (b) to any authorized officer; or
- (c) to any informer,

of such sum of money as he may deem fit:

Provided however, that such sum shall not exceed the maximum amount to be prescribed under this Act.

(5) The accounts of the Reward Fund shall be audited annually by the Auditor-General in accordance with Article 154 of the Constitution.”.

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**21.** Section 28 of the principal enactment is hereby amended as follows:—

Amendment of  
section 28 of the  
principal  
enactment.

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

““abandoned foreign fishing boat” includes a boat without any person or persons on board;”;

- (2) by the substitution for the definition of the expression “authorized officer”, of the following new definition:—

““authorized officer” means any officer not below the rank of Fisheries Inspector appointed under the Fisheries and Aquatic Resources Act, any member of the Navy not below the rank of petty officer, any member of the Air Force not below the rank of Sergeant, any Police Officer not below the rank of Sergeant, any person attached to the regular service of the Department of Coast Guard and any other person designated as such by name of by office, by the minister in writing;”;

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

““Director General” means, the Director-General of Fisheries and Aquatic Resources appointed under section 2 of the Fisheries and Aquatic Resources Act, No. 2 of 1996;”;

- (4) by the substitution for the definition of the expression “fish” of the following definition:—

““fish” means, any water dwelling aquatic or marine animal, alive or not, and includes their eggs,

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spawn, spat and juvenile stages, and any of their parts, and includes all organisms belonging to sedentary species;”;

- (5) by the substitution for the definition of the expression “fishing” of the following definition:—

“ “fishing” includes searching for, attracting, locating, catching, taking or killing or harvesting fish or collecting aquatic plants by any method and includes an attempt to catch, take or kill fish or to collect aquatic plants and an attempt to execute any of the acts hereinbefore mentioned in Sri Lanka waters;”;

- (6) in the definition of the expression “Local fishing boat” by the substitution for the words “and registered”, of the words “or registered”;

- (7) by the substitution for the definition of the expression “related activities” of the following definition:—

“ “related activities” in relating to fishing include—

- (a) transshipping fish to or from any boat or vessel in Sri Lanka waters;
- (b) storing, processing, preserving or transporting fish or aquatic plants obtained from fishing operations;
- (c) refuelling or supplying fishing boats or performing other activities in support of or ancillary to, fishing operations;
- (d) provisioning of personnel, fuel, gear and other supplies at sea;
- (e) attempting or preparing to do any of the above;”;

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- (8) by the substitution for the definition of the expression “Secretary” of the following definition:—

““Secretary” shall mean the Secretary to the Ministry of the Minister assigned the subject of Fisheries;”;

- (9) by the substitution for the definition of the expression “Sri Lanka waters” of the following definition:—

“ “Sri Lanka waters” means—

- (a) the area declared to be the territorial sea of Sri Lanka by proclamation made under section 2 of the Maritime Zones Law, No. 22 of 1976;
- (b) the area declared to be the contiguous Zone of Sri Lanka by proclamation made under section 4 of the Maritime Zones Law, No. 22 of 1976;
- (c) the area declared to be the exclusive Economic Zone of Sri Lanka by proclamation made under section 5 of Maritime Zones Law, No. 22 of 1976;
- (d) the area declared to be the historic waters of Sri Lanka by proclamation made under section 9 of the Maritime Zones Law, No. 22 of 1976; and
- (e) all public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds, channels and all other public inland or internal waters.”.

**22.** 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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SCHEDULE I

(section 15)

<i>Column I</i>	<i>Column II</i>
<i>Length of the boat in metres</i>	<i>Fine (Rs. Mn.)</i>
	<i>Territorial waters</i>
Less than 15	6
More than 15 and less than 24	20
More than 24 and less than 45	100
More than 45 and less than 75	150
More than 75	175
Administrative penalty	Not applicable

SCHEDULE II

(section 15A)

<i>Column I</i>	<i>Column II</i>
<i>Length of the boat in metres</i>	<i>Fine (Rs. Mn.)</i>
	<i>Territorial waters</i>
Less than 15	4
More than 15 and less than 24	15
More than 24 and less than 45	75
More than 45 and less than 75	120
More than 75	150
Administrative penalty	Not applicable

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SCHEDULE III

(section 15B)

<i>Column I</i>	<i>Column II</i>
<i>Length of the boat in metres</i>	<i>Fine (Rs. Mn.)</i>
	<i>Within EEZ</i>
Less than 15	10
More than 15 and less than 24	30
More than 24 and less than 45	120
More than 45 and less than 75	180
More than 75	220
Administrative penalty	1/5 of the original fine

SCHEDULE IV

(section 15c)

<i>Column I</i>	<i>Column II</i>
<i>Length of the boat in metres</i>	<i>Fine (Rs. Mn.)</i>
	<i>Within EEZ</i>
Less than 15	5
More than 15 and less than 24	20
More than 24 and less than 45	80
More than 45 and less than 75	130
More than 75	160
Administrative penalty	1/5 of the original fine

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SCHEDULE V

(section 17)

<i>Column I</i>	<i>Column II</i>
<i>Length of the boat in metres</i>	<i>Fine (Rs.)</i>
Less than 15	100,000
More than 15 and less than 24	200,000
More than 24 and less than 45	500,000
More than 45 and less than 75	1,500,000
More than 75	7,500,000

