



**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)
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L.D.–O. 1/2021

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: -

1. This Act may be cited as the Fisheries and Aquatic
Resources (Amendment) Act, No. 27 of 2023. Short title

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enactment”) is hereby repealed and the following new section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: - Replacement
of section
14F of Act,
No.2 of 1996

“Prohibition
of fishing in
foreign
waters

14F. (1) A person shall not use, or cause to
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.”.

Insertion of new PART II B in the principal enactment

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:-

“PART II B

Prohibition of Illegal, Unreported or Unregulated fishing in Sri Lanka Waters or High Seas

14o. (1) A person shall not engage in any Illegal, Unreported or Unregulated fishing operations 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.

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.”.

4. Section 16A of the principal enactment is hereby repealed.

Repeal of section 16A of the principal enactment

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

<i>Column I</i>	<i>Column II</i>
<i>Length of a boat</i>	<i>Fines</i>
10.3 to less than 15 meters	Rupees 50,000
15 to less than 24 meters	Rupees 100,000
24 to less than 45 meters	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 person who 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.”.

Insertion of
new sections
49B and 49C
in the
principal
enactment

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: -

“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.”.

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 implement conservation and management measures adopted by the Indian Ocean Tuna Commission or 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-

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 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 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 international 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.”.

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.

