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SUPPLEMENT

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**FISHERIES AND AQUATIC RESOURCES
(AMENDMENT)**

A

BILL

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

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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.

Fisheries and Aquatic Resources (Amendment)

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. of 2023. Short title

5 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

10 “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.

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

20 (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:

25 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

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

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

Insertion of
new PART
II B in the
principal
enactment

“PART II B

10 Prohibition of Illegal, Unreported or Unregulated fishing operations in Sri Lanka Waters or High seas.

Unregulated
fishing in Sri
Lanka Waters
or High Seas

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

15 (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.

30 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,

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
- 10 (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.”.
- 15

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

- 20 (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: -

25 “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

30 I of the said Schedule:-

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SCHEDULE

	<i>Column I</i> <i>Length of a boat</i>	<i>Column II</i> <i>Fines</i>
5	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.”.
10	(2) by the insertion immediately after subsection (4) of that section of the following subsection: -	
15	<p>“(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.”.</p>	
20		
25	<p>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: -</p>	
30	<p>“Penalty for Illegal, Unreported or Unregulated fishing in Sri Lanka Waters or High Seas</p>	<p>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.</p> <p>Insertion of new sections 49B and 49C in the principal enactment</p>

- 5 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.”.
- 10 **7.** Section 66 of the principal enactment is hereby amended as follows: - Amendment of section 66 of the principal enactment
- 15 (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;”;
- 20 (2) by the insertion immediately after the definition of “High Seas” of the following new definition: -
- 25 ““Illegal, Unreported and Unregulated (IUU) Fishing Operations” includes fishing operations set out in paragraph 3 of the 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 Ocean-Tuna Commission, fishing operations conducted in contravention of
- 35

6 *Fisheries and Aquatic Resources (Amendment)*

5 the management and conservation
measures adopted by the other relevant
Regional Fisheries Management
Organizations (RFMOs) of which Sri Lanka
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 Laws;”;

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

15 ““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
20 capacity of a skipper.”.

8. 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

