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) 1

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[Certified on 22nd November, 2013]

L. D.—O. 1/2011.

ANACT 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 Short title.

Resources (Amendment) Act, No. 35 of 2013.

2. The long title to the Fisheries and Aquatic Resources Amendment of

Act, No. 2 of 1996 (hereinafter referred to as the “principal the long title to

the Fisheries and

enactment”) is hereby amended, by the substitution, for the

Aquatic

words and figures “FISHERIES AND AQUATIC RESOURCES IN Resources Act,

SRI LANKA; TO REPEAL THE FISHERIES ORDINANCE (CHAPTER 212),”, No. 2 of 1996.

OF THE WORDS “FISHERIES AND AQUATIC RESOURCES IN SRI LANKA;

TO GIVE EFFECT TO SRI LANKA’S OBLIGATIONS UNDER CERTAIN

INTERNATIONAL AND REGIONALFISHERIESAGREEMENTS; TO REPEAL THE

FISHERIES ORDINANCE (CHAPTER 212),”.

3. Section 3 of the principal enactment is hereby Amendment of

section 3 of the

amended in subsection (1) of that section as follows:—

principal

enactment.

(1) by the repeal of paragraphs (b), (c), (d) and (e) of

that subsection and the substitution therefor of the

following paragraphs:—

“(b) the Director-General;

(c) the Secretary to the Ministry of the Minister

of the Board of Minsters of every province to

whom the subject of fisheries has been

assigned;

(d) the Chairman of the Council of the National

Institute of Fisheries and Nautical

2—PL 007686— 4,090 (10/2013)

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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 4. The heading appearing in PART II of the

heading principal enactment is hereby amended by the substitution

appearing in

for the words “Licensing of Fishing Operations” of the

PART II of the

principal words “Licensing of Fishing Operations in Sri Lanka

enactment. Waters”.

Insertion of new 5. The following new part is hereby inserted

PART II A in

immediately after PART II of the principal enactment and

the principal

enactment. shall have efffect as PART II A of the enactment:—

“PART II A

LICENSING OF FISHING OPERATIONS IN THE HIGH SEAS

Licensing of 14A. No person shall engage in any

Fishing prescribed fishing operations in the High Seas,

Operations in

except under the authority, and otherwise than

the High

Seas. in accordance with the terms and conditions,

of a licence granted by the Director-General.

Application 14B. (1) Every application for a licence under

for a licence. 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;

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(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 costructed 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 14C. Every licence granted under this Part

duration of shall—

licence.

(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;

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(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 14D. (1) The Director-General shall cause to

Licences. 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 14E. The holder of a licence granted under

carried on this Part shall cause such licence to be carried

board. 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 14F. The holder of a licence granted under

on fishing in this Part shall not use, or cause to be used, the

foreign

local fishing boat to which the licence applies

waters.

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 14G. The holder of a licence granted under

comply with this Part, authorizing the use of a local fishing

conservation

boat for fishing operations in the High Seas

and

management shall not use such boat, or cause such boat to

measures. 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 14H. (1) The holder of a licence granted

licence. 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);

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(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 14I. The Director-General shall, after giving

of a licence. 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 14J. The Director-General shall cancel a

of a licence. 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- 14K. Where the Director-General refuses to

General to

grant or renew a licence or suspends or cancels

communicate

the decision a licence, he shall communicate such decision

together with and the reasons therefor to the applicant or to

reasons. 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 14K, 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.

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(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 14M. (1) A licence granted under this Part

licences.

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 14N. The Director-General shall, subject to

programmes the availability of resources, conduct long term

for fishers.

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 6. Section 15 of the principal enactment is hereby

section 15 of the

amended in subsection (2) of that section, by the substitution,

principal

enactment. for the words “Sri Lanka Waters”, of the words “Sri Lanka

Waters or the High Seas”.

Insertion of new 7. The following new sections are hereby inserted

sections 16A and immediately after section 16 and shall have effect

16B in the

principal respectively as sections 16A and 16B, of the principal

enactment. enactment:—

“Cancellation 16A. The Director-General may, where he

or suspension has reasonable grounds to believe that any

of

person is engaged in carrying out unlawful

registration

of fishing fishing operations in waters within the

boats and the jurisdiction of another State, and the fishing

licence for boat used for such operations is a local fishing

fishing

boat registerd under section 15, he may, after

operations.

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

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(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 16B. Where the owner of a registered fishing

on boat requests the Director-General, in writing,

information

by owner. 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 Amendment of

section 28 of the

amended, by the substitution, for the words “Sri Lanka principal

waters”, of the words “Sri Lanka Waters or the High Seas”. enactment.

9. Section 31 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor :— section 31 of the

principal

enactment.

“Fisheries 31. (1) The fishers of any area may request

Management the Director-General , in writing, to designate

Areas.

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 10. The following new sections are hereby inserted

section 31A and immediately after section 31 of the principal enactment

section 31B in

the principal and shall have effect as sections 31A and 31B of that

enactment. enactment :—

“Fisheries 31A. (1) There shall be a Fisheries

Management Management Coordinating Committee

Coordinating

(hereinafter referred to as the “Coordinating

Committee.

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

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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;

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(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

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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 31B. (1) It shall be the duty of a Coordinating

Development Committee constituted for a Fisheries

and

Management Area, to submit to the Director-

Management

General a Fisheries Development and

Plans.

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 euqipment

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.

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(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 Amendment of

section 32 of the

amended in subsection (2) of that section, by the repeal of

principal

paragraph (a) of that subsection. enactment.

12. Section 49 of the principal enactment is hereby Amendment of

section 49 of the

amended as follows:—

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

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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 Amendment of

Section 61 of

amended in subsection (1) of that section as follows:—

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 Amendment of

amended as follows:— 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, dater 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” Substitution of

the word

wherever that word occurs in any provision of the principal

“Fisher”.

enactment of the word “fisher”.

16. Every Fisheries Management Area designated under Transitional

section 31 of the principal enactment prior to the date of provisions.

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.

17. In the event of any inconsistency between the Sinhala text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case

of inconsistency.

prevail.

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