PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

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FISHERIES AND AQUATIC RESOURCES

(AMENDMENT) ACT, No. 2 OF 2016

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[Certified on 17th February, 2016]

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L.D.—O. 46/2015

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 Short title.

Resources (Amendment) Act, No. 2 of 2016.

2. Section 49 of the Fisheries and Aquatic Resources Amendment of

Act, No. 2 of 1996 (hereinafter referred to as the “principal section 49 of

Act, No. 2 of

enactment”) is hereby amended as follows:—

1996.

(1) in subsection (1) of that section, by the substitution

for the words and figures “sections 14E, 15, 16, 17

or 22” of the words and figures “sections 15, 16, 17

or 22”; and

(2) by the insertion immediately after subsection (1) of

the following new subsection:—

“(1A) Any person who contravenes or fails to

comply with the provisions of section 14E 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 one hundred

thousand rupees.”.

(3) by the insertion immediately after subsection (6) of

the following new subsections:—

“(7) Any person who contravenes any regulation

made under section 61(1)(t) of this Act beyond the

limits of Sri Lanka Waters shall be guilty of an

offence and shall, on conviction after summary trial

before a Magistrate, be liable 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 hereto based on the length of the fishing

2—PL 009681—2,950 (01/2016)

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boat specified in corresponding entry in the Column

I of the Schedule or to a fine not less than five times

the value of relevant fish catch or whichever is

higher.

SCHEDULE

Column I Column II

Length of a fishing boat fines

More than 10.3 and less than

15 meters Rupees 1.0 Million

More than 15 and less than

24.0 meters Rupees 1.5 Million

More than 24.0 and less than

45.0 meters Rupees 25 Million

More than 45.0 and less than

75.0 meters Rupees 50 Million

More than 75.0 meters Rupees 100 Million

(8) Any person who contravenes any regulation made

under section 61(1)(u) of this Act shall be liable to a

fine of not less than five times of the value of relevant

fish catch.

For the purposes of this section “relevant fish

catch” means quantity of fish catch at the time of

the offence, valued by a panel of members appointed

under section 52E of this Act.”.

Insertion of new 3. The following new sections are hereby inserted

sections 52B, immediately after section 52A and shall have effect as sections

52C, 52D and

52B, 52C, 52D and 52E of the principal enactment :—

52E in the

principal

enactment. “Imposition 52B. (1) Where the Director- General has

of a penalty.

sufficient evidence to believe that any person

being a licensee has acted in contravention of

the provisions of sections 14A, 14E, 14F or 14G

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of this Act or any regulation made under

sections 61(1)(t) or 61(1)(u) of this Act, he may

on the recommendation of the panel appointed

under section 52E of this Act, and in the case of

a first offender, having regard to the

circumstances in which the offence was

committed and if it is appropriate to impose a

penalty cause a notice to be served in the

prescribed form on such person, requiring him

to appear within one month of the date of the

receipt of such notice and show cause why a

penalty should not be imposed on him.

(2) Where the person on whom the notice is

served admits that he acted in contravention of

the provisions of sections 14A, 14E, 14F or 14G

of this Act or any regulation made under

sections 61(1)(t) or 61(1)(u) of this Act within

one month of the date of receipt of such notice,

the Director-General shall impose on that

person a monetary penalty not exceeding one

third of the maximum fine that could be

imposed under this Act to which such person

would be liable if convicted by a court.

(3) (a) Where the person on whom the notice

is served, appears within one month of the date

of receipt of such notice and states that he has a

cause to show against the imposition of the

penalty, the Director-General may proceed

forthwith to hear and decide the matter in the

manner prescribed.

(b) Where the Director-General is not

satisfied with reasons given he may after

assigning reasons therefor, impose the penalty

specified in subsection (2) of this section.

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(4) Where the Director-General imposes a

monetary penalty on any person under this

section for any contravention of the provisions

of sections 14A, 14E, 14F or 14G of this Act or

any regulation made under sections 61(1)(t) or

61(1)(u) of this Act he shall cause a notice in

the prescribed form to be served on such person.

(5) Any person aggrieved by the decision of

the Director-General, may appeal to the

Secretary of the Ministry of the Minister to

whom the subject of Fisheries and Aquatic

Resources Development (hereinafter referred to

as “the Secretary”) is assigned, within thirty

days from the date of receipt of such decision

made under subsection (3).

(6) The secretary shall make a decision on

any such appeal taking into consideration the

decision of the Director-General and the

circumstances in which the offence was

committed, and may either—

(a) allow, alter or vary the appeal and direct

the Director-General to act accordingly;

or

(b) disallow the appeal for reasons stated.

(7) The Director-General shall comply with

any direction issued to him by the Secretary

within fourteen days from such direction and

shall communicate the direction of the Secretary

to the person aggrieved by his decision.

(8) Every notice under this section shall be

sent under registered post, and if sent under

registered post or exhibited in the last known

place of abode, it shall be deemed to have been

served on that person.

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(9) Notwithstanding anything contained in

this Act, no suit or prosecution shall lie in any

court regarding the same offence, where the

alleged offender has admitted the commission

of such offence and paid such penalty.

Right of 52C. Any person aggrieved by the decision

Appeal. of the Secretary may prefer an appeal to the

Court of Appeal within thirty days from the

date of communication of such decision, on

question of law.

Presumption. 52D. Any person engaged in fishing

operations fails to link with the Fisheries

Monitoring Centre or fails to operate vessel

monitoring system during such fishing

operation for a period of one hour then it is

presumed until the contrary is proved that he

has violated the provisions of sections 14A,

14E, 14F or 14G of this Act or any regulation

made under sections 61(1)(t) or 61(1)(u) of this

Act.

Appointment 52E. (1) There shall be appointed by the

of panel of Director-General in consultation with the

experts.

Secretary a panel of experts consisting of three

persons who have the knowledge and

experience in the fields of marine engineering,

law and accountancy.

(2) It shall be the function of such panel of

experts to make recommendations to the

Director-General on circumstances under which

he shall impose a monetary penalty on any

person.

(3) The Minister shall pay such monetary

remuneration as he shall determine in

consultation with the Minister to whom the

subject of Finance is assigned to members of

the panel.”.

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Amendment of 4. Section 61 of the principal enactment is hereby

section 61 of the

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

principal

enactment.

(1) in paragraph (si) of that subsection by the

substitution for the words “District and village

levels; and” of the words “District and village

levels;”

(2) in item (iv) of paragraph (t) of that subsection by

the substitution for the words “Unregulated Fishing

2009.”. of the words “Unregulated Fishing 2009;

and”

(3) by the addition of the following paragraph

immediately after paragraph (t) of that subsection:—

“(u) the regulation of export and import of fish

and fishery products.”.

Sinhala text to 5. In the event of any inconsistency between the Sinhala

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

of inconsistency.

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