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FISHERIES AND AQUATIC RESOURCES ACT, No. 2 OF 1996
Act, No. 2 of 1996

(Certified on 11th January, 1996)

AN ACT TO PROVIDE FOR THE MANAGEMENT, REGULATION, CONSERVATION AND DEVELOPMENT OF FISHERIES AND AQUATIC RESOURCES IN SRI LANKA; TO REPEAL THE FISHERIES ORDINANCE (CHAPTER 212), THE CHANK FISHERIES ACT (CHAPTER 213), THE PEARL FISHERIES ORDINANCE (CHAPTER 214) AND THE WHALING ORDINANCE (CHAPTER 215); AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

Short title.

1. This Act may be cited as the Fisheries and Aquatic Resources Act, No. 2 of 1996.

PART I

ADMINISTRATION

Appointment of Director and other officers.

2. (1) There shall be appointed-

- (a) a person, by name or by office, to be or to act as Director of Fisheries and Aquatic Resources;
- (b) one or more persons, by name or by office, to be or to act as Deputy Director of Fisheries and Aquatic Resources; and
- (c) such other officers as may from time to time be required for the purpose of this Act.

(2) The Director of Fisheries and Aquatic Resources (hereinafter referred to as the "Director") shall be responsible for the administration of the provisions of this Act.

(3) Any person appointed under subsection (1) to be or to act as a Deputy Director of Fisheries and Aquatic Resources may, subject to the control of the Director, exercise all or any of the powers conferred on the Director by or under this Act

(4) All officers appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

All officers (not below the rank of Preventive Sergeant) appointed under this section shall be deemed to be peace officers within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979.

Establishment of Fisheries and Aquatic Resources Advisory Council.

3. (1) There shall be a Fisheries and Aquatic Resources Advisory Council (hereinafter referred to as the "Council") which shall consist of-

(a) the Secretary to the Ministry of the Minister appointed under Article 44 of the Constitution to whom the subject of Fisheries and Aquatic Resources has been assigned, who shall be the Chairman of the Council;

(b) the Director;

(c) the Director of Fisheries of each Province;

- (d) the Director in charge of the National Institute of Fisheries Training;
- (e) the Director in charge of planning of the Ministry of the Minister who shall be the Secretary of the Council;
- (f) the Chairman of the National Aquatic Resources Research and Development Agency;
- (g) the Chairman of the Ceylon Fisheries Corporation established under the State Industrial Corporations Act;
- (h) the Chairman of the Ceylon Fishery Harbours Corporation established under the State Industrial Corporations Act;
- (i) the Chairman of the Central Environmental Authority established by the National Environment Act, No. 47 of 1980;
- (j) the Director of Coast Conservation;
- (k) the Chairman of the Sri Lanka National Federation of Fisheries Co-operative Societies Ltd.
- (l) two persons engaged in fishing nominated by the Sri Lanka National Federation of Fisheries Co-operative Societies Ltd.;
- (m) the President of the Fishery Products Exporters Association;
- (n) the Chairman of the Association of Live Ornamental Fish Exporters of Sri Lanka;
- (o) two representatives of women engaged in fishing;
- (p) six other members appointed by the Minister hereinafter referred to as “appointed members” from among persons who shall have special knowledge and experience in matters relating to the fisheries industry or other scientific disciplines.

(2) The Council may invite such other persons as it may think fit to attend its meetings as observers.

(3) A person shall be disqualified from being appointed or continuing as an appointed member of the Council-

- (a) if he is, or becomes, a Member of Parliament; or
- (b) if he is not, or ceases to be, a citizen of Sri Lanka.

(4) Every appointed member of the Council shall, unless he vacates office earlier or is removed from office by the Minister under subsection (5), hold office for a period of three years and shall be eligible for reappointment.

(5) The Minister may remove from office any appointed member of the Council without assigning any reason therefor.

(6) In the event of the vacation of office of any appointed member, or his removal from office under the provisions of subsection (5), the Minister shall appoint another person to hold such office for the unexpired period of the term of office of his predecessor.

(7) If any appointed member is temporarily unable to discharge the duties of his office due to ill-health or absence from Sri Lanka or for any other cause, the Minister shall appoint some other person to act in his place.

(8) Subject to the provisions of this Act, the Council shall make rules regulating the procedure in regard to its meetings and the transaction of business at such meetings.

(9) No act or proceeding of the Council shall be invalid by reason only of the existence of a vacancy in the Council, or any defect in the appointment of a member of the Council.

Functions and responsibilities of the Council.

4. Subject to the provisions of this Act, the functions and responsibilities of the Council shall be-

- (a) to advise the Minister on all matters relating to the management, regulation, conservation and development of fisheries and aquatic resources in Sri Lanka waters;

- (b) to consider, and advise the Minister on, such other matters as the Minister may refer to the Council for advice; and
- (c) to advise the Director on all such matters relating to the administration of this Act, as he may refer to the Council for advice.

Fisheries management and development plan.

5. The Secretary to the Ministry of the Minister shall, in consultation with the Council, cause to be prepared from time to time a plan for the management, regulation, conservation and development of fisheries and aquatic resources in Sri Lanka.

PART II

LICENSING OF FISHING OPERATIONS

Licensing of fishing operations.

6. (1) No person shall engage in, or cause any other person to engage in, any prescribed fishing operation in Sri Lanka Waters except under the authority, and otherwise than in accordance with the terms and conditions, of a licence issued by the Director.

(2) The Director may in writing delegate the power of issuing licences to a Licensing Officer appointed under this section and for this purpose there may be appointed one or more Licensing Officers for each Administrative District.

(3) No officer below the rank of Fisheries Inspector shall be appointed to be a Licensing Officer.

Application for a licence.

7. (1) Every application for a licence under section 6 shall be made in the prescribed form to the Licensing Officer of the Administrative District in which the fishing operation is to be carried out and shall be accompanied by the prescribed fee.

(2) If there is no Licensing Officer appointed for the Administrative District in which the proposed fishing operation is to be carried out such application may be made to the Director.

(3) On receipt of an application under subsection (1) or (2), the Licensing Officer or the Director, as the case may be, shall either grant a licence or, for reasons to be recorded by him, refuse to grant a licence.

8. Every licence granted under this Part shall-

- (a) be in such form as may be prescribed;
- (b) unless it is cancelled earlier, be in force for a period of one year from the date of grant to the licence;
- (c) be subject to such terms and conditions as may be prescribed with regard to the fishing operation for which the licence is granted.

9. (1) A licence granted under this Part shall be renewable on application made to the Licensing Officer of the Administrative District not less than thirty days before the expiry of the licence.

(2) If there is no Licensing Officer appointed for the Administrative District in which the fishing operation authorised by the licence is carried on the application for the renewal of the licence shall be made to the Director.

(3) The Licensing Officer or the Director, as the case may be, shall renew the licence if he is satisfied that-

- (a) the licensee has observed the terms and conditions of such licence;

(b) there is no threat to the sustainability of fish or other aquatic resources as a result of renewing the licence; and

(c) the licensee has paid the prescribed fee for the renewal of the licence.

10. Director or the Licensing Officer, as the case may be, shall cancel a licence granted by him under this Part if he is satisfied that the licensee-

(a) has contravened any of the provisions of this Act or any regulations made thereunder or any terms and conditions of such licence; or

(b) has been convicted of an offence under this Act.

Director ++. +o communicate delision to applicant ++. together with reasons.

11. (1) Where the Director or the Licensing Officer, as the case may be, refuses to grant or renew a licence or cancels a licence he shall communicate such decision and the reasons therefor to the applicant or the licensee as the case may be, by registered post.

(2) Any such decision shall be deemed to have been communicated to an applicant or licensee as the case may be, after the expiry of a period of thirty days reckoned from the date of despatch of such communication by registered post to the usual place of business or residence of such applicant or licensee, as the case may be.

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12. (1) The applicant or the licensee, as the case may be, who is aggrieved by a decision communicated to him under section 11, 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) The Secretary may either-

(a) allow the appeal and direct the Director or the Licensing Officer, as the case may be, to grant, renew, or revoke the cancellation of the licence; or

(b) disallow the appeal.

(3) The Director or the Licensing Officer, as the case may be, shall comply with any direction issued to him under subsection (2) by the Secretary.

(4) When an application for a licence or the renewal of a licence is refused under any of the preceding provisions of this Act, the Director or the Licensing Officer, as the case may be, shall refund to the applicant or the licensee, as the case may be, the fee accompanying such application.

(5) The decision of the Secretary under this section shall be final and conclusive.

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13. (1) No licence granted under this Part shall be transferable except with the sanction of the Director or the Licensing Officer as the case may be, granting the licence, and shall be endorsed upon such licence.

(2) No person whose licence has been cancelled under section 10 shall be entitled to have a licence transferred in his name.

Furnishing of particulars of licences.

13A. The Director shall furnish particulars of all licences granted, renewed, cancelled or transferred under the provisions of this Part in respect of boats owned by persons residing in any province to the Secretary of the Ministry of the Minister of the Board of Ministers of that Province in charge of the subject of Fisheries.

Provisions of this Part not to apply to foreign fishing boats.

14. The provisions of this Part shall not apply to any foreign fishing boat used for fishing operations in Sri Lanka Waters under the provisions of the Regulation of Foreign Fishing Boats Act, No. 59 of 1979.

PART III

REGISTRATION OF LOCAL FISHING BOATS

Registration of local fishing boats.

15. (1) The Director shall cause to be maintained a register of local fishing boats.

(2) Every owner of a local fishing boat used for the purpose of taking fish in Sri Lanka Waters shall apply to the Director for the registration of such boat and of the name of such owner.

(3) Every application for registration under subsection (2) shall be made in the prescribed form and shall be accompanied by the prescribed fee.

(4) On receipt of an application under subsection (2) the Director may call upon the applicant to furnish such other documents of information as he may specify to prove that the applicant is the owner of the fishing boat in respect of which the application is made.

(5) The Director shall, having considered such application and the documents and information if any, furnished under subsection (4), register the local fishing boat in respect of which the application is made and the name of such owner, or for reasons to be recorded by him, refuse to register the local fishing boat and the name of the owner thereof.

(6) The person whose name appears in the register of local fishing boats shall, for the purpose of this Act, be deemed to be the owner of such boat.

(7) The Director shall pay to the Provincial Fund of each Province at the end of each year such percentage as may be prescribed of the fees received during that year for the registration of prescribed types of the local fishing boats owned by persons residing in that Province.

(8) The Director shall furnish particulars of registration under this section, of boats owned by persons residing in each Province to the Secretary of the Ministry of the Minister of the Board of Ministers of that Province in charge of the subject of Fisheries.

Change of possession to possession to be reported to the Director.

16. (1) Every change of ownership of a registered local fishing boat shall be reported by the new owner or possessor of such boat within thirty days of such change, to the Director who shall, on payment of the prescribed fee, register the name of the new owner of such boat in the register of local fishing boats.

(2) The breaking up or loss of a registered local fishing boat shall be reported to the Director by the owner or possessor of such boat within sixty days of such breaking up or loss.

(3) Where any change of ownership of a local fishing boat is not reported within thirty days as required under the preceding provisions of this section, the new owner or possessor as the case may be, shall be guilty of an offence under this Act.

Registration of instruments mortgage.

17. (1) Every instrument creating a mortgage of a local fishing boat (hereinafter referred to as an "instrument of mortgage") shall be presented to the Director.

(2) Each instrument of mortgage shall, in the order in which it is presented, be registered by the Director in the register of local fishing boats.

Priority of instruments of mortgage.

18. When there are more instruments of mortgage than one registered in respect of the same local fishing boat, such instruments shall be entitled to priority one over the other according to the date on which such instrument is registered and not according to the date of execution:

Provided that, fraud or collusion in securing the prior registration of any instrument of mortgage shall defeat the priority of the person claiming thereunder.

Registered mortgage of local fishing boat to subsist notwithstanding sales &c., to third parties.

19. Notwithstanding anything in any other law, where an instrument of mortgage of a local fishing boat is registered under section 17, any sale or other disposition of the local fishing boat by or against the mortgagor shall not, so long as the mortgage continues in force, extinguish or be deemed to extinguish, the mortgage of that local fishing boat which shall remain subject to the mortgage in the hands of the transferee or other person in whose favour such disposition is effected.

Entry of discharge of mortgage.

20. Where a registered mortgage of a local fishing boat is discharged, the Director shall on the production of the instrument of mortgage with the certificate of discharge of the mortgage endorsed thereon duly signed and attested and the receipt issued by the mortgagee in respect of the amount received, make an entry in the register of local fishing boats to the effect that the mortgage has been discharged.

Mortgage not affected by bankruptcy.

21. A registered mortgage of a local fishing boat shall not be affected by any act of bankruptcy committed by the mortgagor after the date of registration of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the local fishing boat in his possession, order or disposition or was the reputed owner thereof, and the mortgage shall be preferred to the right, claim or interest therein of the other creditors of the bankrupt, or any trustee or assignee on their behalf.

Transfer of mortgages and registration.

22. (1) A registered mortgage of a local fishing boat may be transferred to any person and the instrument effecting the transfer (hereinafter referred to as the "instrument of transfer") shall be in the prescribed form. Every instrument of transfer shall be presented to the Director for registration.

(2) Every instrument of transfer of a mortgage shall be registered by the Director in the register of local fishing boats.

(3) The person to whom such mortgage has been transferred shall enjoy the same priority as was enjoyed by the transferor provided the transfer is duly registered in the register of local fishing boats.

Transmission of interest in mortgage on bankruptcy &c.

23. (1) Where the interest in a mortgage of a local fishing boat is transmitted by bankruptcy, death, or any other lawful means, not being a transfer under section 22, the person to whom the interest is transmitted shall-

(a) make a declaration to the Director stating his name, address and the manner in which the interest in the mortgage has been transmitted to him; and

(b) produce to the satisfaction of the Director evidence of the transmission of the interest in the mortgage of the local fishing boat.

(2) The Director shall, on receipt of the declaration and on production of the evidence referred to in subsection (1), enter in the register of local fishing boats in which the mortgage is registered, the name and address of the person to whom the interest has been transmitted, as mortgagee of the local fishing boat.

(3) The person to whom the interest of a mortgage is transmitted by bankruptcy, death or by any other lawful means, not being a transfer under section 22, shall enjoy the same priority as was enjoyed by such mortgagee.

Searches and copies.

24. All registers and documents kept under this Act may be searched and examined by any person claiming to be interested therein or by his attorney-at-law or agent duly authorized in writing, and certified copies of, or extracts from, any such register or document may be obtained from the Director on payment of the prescribed fee.

Evidence.

25. A copy or extract purporting to be certified under the hand of the Director to be a true copy of, or extract from, any register or document kept pursuant to this Part shall be admissible in evidence without proof of the signature or appointment of the Director, and shall be *prima facie* evidence of the contents of such register or document for all purposes and in all proceedings, civil or criminal.

Other written law not to apply.

26. The provisions of any written law, other than this Act, requiring the registration under that law of any instrument creating the mortgage of movable property shall not apply to an instrument of mortgage registered under this Act.

PART IV

PROTECTION OF FISH AND OTHER AQUATIC RESOURCES

Prohibition against the use or possession of poisonous or explosive substances.

27. (1) No person shall-

- (a) use or attempt to use any poisonous, explosive or stupefying substance or other noxious or harmful material or substance in Sri Lanka Waters for the purpose of poisoning, killing, stunning or disabling any fish or other aquatic resources;
- (b) carry, or have in his possession any poisonous explosive or stupefying substance or other noxious or harmful material or substance in circumstances indicating an intention of using such poisonous, explosive or stupefying substance or other noxious or harmful material or substance for any purpose referred to in paragraph (a).

(2) No person shall land, sell, buy, receive, possess or transport any fish or other aquatic resources knowing or having reasonable cause to believe that such fish or other aquatic resources have been taken by the use of any poisonous, explosive or stupefying substance or other noxious or harmful material or substance.

(3) No person shall place, deposit, dump or cause the escape of, any poisonous, explosive or stupefying substance or other noxious or harmful material or substance in Sri Lanka Waters.

Prohibited fishing gear and fishing methods.

28. No person shall use or possess, or have on board any local fishing boat, any prohibited fishing gear or engage in any prohibited fishing method in any area of Sri Lanka Waters.

Catching and possession of prohibited fish, &c.

29. No person shall catch, land, transport, sell, buy, receive or have in his possession, such species of prohibited fish, or other aquatic resources as may be prescribed.

Prohibition or regulation of export and import of fish.

30. (1) The Minister may in consultation with the Minister in charge of the subject of Trade, by Order published in *Gazette*, and having regard to the need to protect the aquatic resources of Sri Lanka, prohibit or regulate the export from, or import into, Sri Lanka of any species of fish including live fish or any eggs, roe or spawn or any products prepared from such fish, eggs, roe or spawn or other aquatic resources for such period of time as may be specified in the Order.

(2) This section shall have effect as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

Fisheries Management areas.

31. (1) The Minister may, by Order published in the *Gazette*-

(a) designate prescribed areas of Sri Lanka Waters or land adjacent thereto or both such waters and land as fisheries management areas for the purposes of this Act;

(b) designate the fisheries committee established under section 32 in respect of any fisheries management area as the fisheries management authority of that area; and

(c) where two or more fisheries committees have been established in respect of any fisheries management area, establish, by Order published in the *Gazette* a fisheries management authority for that area consisting of not more than twelve members drawn equally from each of those committees.

(2) A fisheries management authority designated or established by an Order made under subsection (1), may make recommendations to the Minister on-

(a) the conduct of fishing operations and the use of different types of fishing gear in that fisheries management area;

(b) the establishment of closed seasons for fishing or closed seasons for the taking of specified species of fish in that fisheries management area; and

(c) the times during which fish may be taken.

Fisheries Committes.

32. (1) Registered fishermen residing or engaged in fishing in each fisheries management area or part thereof, or migrant fishermen may form themselves into a fisheries committee.

(2) The functions of a fisheries committee shall include-

(a) formulating a fisheries programme for its area and implementing that programme;

(b) assisting its members to obtain boats, gear, and equipment to be used in fishing operations;

(c) carrying out social infrastructure and welfare activities with a view to improving the living standards of the fishing community of that area; and

(d) engaging in such other activities as are approved by the Director as beneficial to the fishing community of the area.

(3) The Director may, on application by any fisheries committee, register such fisheries committee and shall publish in the *Gazette* a notification of such registration.

(4) From and after the date of registration of a fisheries committee under subsection (3) such committee shall be a body corporate with perpetual succession and a common seal and may sue and be sued by the name by which it is registered.

(5) Regulations may be made in respect of the election of office bearers of a fisheries committee registered under this section, powers of such committee and the procedure for the transaction of business by such committee, accounts to be maintained by such committee and the audit of such accounts by the Director or an officer authorised by him in that behalf.

(6) The Director may cancel the registration of any fisheries committee if he is satisfied, after holding such inquiry as he may deem fit, that the fisheries committee has been inactive or has failed to conduct itself in the interests of its members.

(7) The Director shall, where he cancels the registration of a fisheries committee, appoint a person to be liquidator of that fisheries committee who shall have the power to-

(a) take possession of the books, documents and assets of the fisheries committee;

(b) sell the property of the fisheries committee;

(c) decide any question of priority among the creditors of the fisheries committee;

(d) compromise any claim by or against the fisheries committee with the prior approval of the Director; and

(e) arrange for the distribution of the assets of the fisheries committee in the prescribed manner.

(8) In the liquidation of any fisheries committee, its funds shall be applied first to the cost of liquidation and then to the discharge of its liabilities. Any surplus remaining after the closure of the liquidation shall be credited to the Consolidated Fund.

Register of fishermen.

33. (1) Every fisheries committee shall, in the prescribed manner and form, prepare, revise and maintain a register of fishermen residing or engaged in fishing, within the area of authority of such committee:

Provided, however, that the first register of fishermen residing or engaged in fishing within the area of authority of such committee shall be prepared and certified by the Director.

(2) Regulations may be made in respect of the procedure to be followed in the preparation and revision of the register referred to in subsection (1). Such regulations shall provide-

(a) for any person who claims to be entitled to have his name entered in such register and whose name is not entered therein to apply to the fisheries committee to have his name entered in such register;

(b) for any person whose name is entered in such register and who objects to the name of any other person appearing therein to apply to the fisheries committee to have that name removed from such register;

(c) the procedure to be followed by the fisheries committee in the determination of such applications; and

(d) for appeals to the Director from the determinations of a fisheries committee on any claims or objections made to such committee.

Minister to declare closed or open season for fishing.

34. (1) The Minister may, by notice published in the Gazette declare a closed season or an open season-

(a) for fishing in such areas and times as may be specified in the notice; and

(b) for taking, in such areas of such species of fish, as may be specified in the notice.

(2) Every notice referred to in subsection (1) shall be published in Sinhala, Tamil and English in three or more national newspapers and shall be displayed in a conspicuous place or places in the area or areas in respect of which the closed or open season for fishing or the taking of specified species of fish has been declared.

(3) No person shall, during a closed season declared under subsection (1)-

(a) fish in the area or areas specified in the notice; or

(b) take, in such area or areas, any species of fish specified in the notice.

Use of fishing boats for research or scientific purposes.

35. (1) The Director may give written permission authorizing any local fishing boat to be used for research operations, experimental fishing or scientific investigations relating to fish and aquatic resources in Sri Lanka Waters.

(2) The Director may, in giving permission under subsection (1), attach such conditions as he may think fit regarding the conduct of such research operations, experimental fishing or scientific investigations.

(3) Nothing in section 6 shall apply in respect of any local fishing boat operating under the authority of, and in accordance with, the written permission of the Director given under subsection (1).

(4) Nothing in section 31 or 34 shall apply to any person operating any local fishing boat under the authority given under subsection (1), or to any person operating any foreign boat under the authority of, and in accordance with the written permission of the Director given under subsection (1) of section 12 of the Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979.

PART V

CONSERVATION

Declaration of fisheries reserves.

36. The Minister may, in consultation with the Minister in charge of the subject of Conservation of Wildlife, by Order published in the *Gazette*, declare any area of Sri Lanka Waters or any land adjacent thereto or both such waters and land to be a fisheries reserve, where he considers that special measures are necessary-

(a) to afford special protection to the aquatic resources in danger of extinction in such waters or land and to protect and preserve the natural breeding grounds and habitat of fish and aquatic resources with particular regard to coral growth and aquatic ecosystems;

(b) to promote regeneration of aquatic life in areas where such life has been depleted;

(c) to protect the aquatic medium;

(d) to promote scientific study and research in respect of such area; or

(e) to preserve and enhance the natural beauty of such area.

37. No person shall, except upon a permit obtained from the Director or any person authorized by the Director in that behalf in the prescribed form and on payment of the prescribed fee,-

(a) engage in any fishing operation in such reserve;

(b) mine, collect or otherwise gather or process coral, or any other aquatic resources, dredge, or extract sand or gravel, discharge or deposit waste or any other polluting matter or in any other way disturb, interfere with or destroy, fish or other aquatic resources or their natural breeding grounds or habitat in such reserve; or

(c) construct or erect any building or other structure on or over any land or waters within such reserve.

PART VI

AQUACULTURE

Leasing of State lands.

38. Subject to the provisions of the Crown Lands Ordinance there shall be leased, such portions of State land or the Sri Lanka Waters as the Minister may consider necessary in the interest of the national economy, for the purpose of aquaculture.

Licensing aquaculture enterprises.

39. No person shall set up or operate an aquaculture enterprise except under the authority of a licence granted under section 40.

Application for licence.

40. (1) Every application for a licence under section 39 shall be made in the prescribed form to a Licensing Officer of the Administrative District in which the aquaculture enterprise is to be operated and shall be accompanied by the prescribed fee.

(2) If there is no Licensing Officer appointed for the Administrative District in which the aquaculture enterprise is proposed to be operated, the application may be made to the Director.

(3) On receipt of an application under subsection (1) or (2) the Licensing Officer or the Director, as the case may be, shall either grant a licence for the operation of the aquaculture enterprise referred to in the application or, for reasons to be recorded by him, refuse to grant a licence for such operation.

Form and duration of the licence.

41. Every licence granted under this Part shall-

- (a) be in such form as may be prescribed;
- (b) unless it is cancelled earlier, be in force for a period specified in the licence; and
- (c) be subject to such terms and conditions as may be imposed for the protection of the environment.

Renewal of licence.

42. (1) A licence granted under this Part of this Act shall be renewable on application being made to the Licensing Officer or the Director as the case may be, and on payment of the prescribed fee, not less than thirty days before the expiry of the licence.

(2) A licence shall be renewed by the Licensing Officer or the Director as the case may be, only if he is satisfied that-

- (a) the licensee has observed the terms and conditions of the licence; and
- (b) the continuance of the aquaculture enterprise would not harm the environment.

Cancellation of licence.

43. The Licensing Officer or the Director as the case may be, may cancel a licence granted under this Part if he is satisfied-

- (a) that the licensee has contravened any of the provisions of this Act or regulations made thereunder or any terms and conditions of such licence;
- (b) that the licensee has been convicted of an offence under this Act;
- (c) that the continuance of the aquaculture enterprise would harm the environment.

PART VII

SETTLEMENT OF FISHING DISPUTES

Settlement of fishing disputes.

44. (1) When any fishing dispute arises or is apprehended, such dispute may be referred by the Director to an Authorized Officer for inquiry.

(2) When a fishing dispute is referred to an Authorized Officer under subsection (1) he shall summon the parties to the dispute and endeavour to settle the dispute by conciliation.

(3) If the Authorized Officer succeeds in settling a fishing dispute, a memorandum setting out the terms of settlement shall be drawn up by him and shall be signed by the parties to the dispute or by their representatives. Such terms of settlement shall be binding on the parties to the dispute.

(4) If the Authorized Officer fails to effect a settlement, he shall proceed to hear the parties to the dispute and their witnesses and shall determine such dispute.

(5) Any person who is affected by a fishing dispute or by any matter relating to, connected with or arising from such dispute, which is the subject matter of an inquiry before an Authorized Officer shall be entitled to be present at such inquiry and to make oral or documentary representations relating to such dispute.

(6) It shall be the duty of the Authorized Officer to prepare a report containing his findings upon the matters inquired into and such recommendations as he may consider necessary in regard to those matters and the rights, restrictions or prohibitions which should be conferred or imposed pertaining to the taking of fish in the waters relating to which the dispute arose or is apprehended or any other related matter. Such report shall be read out at the conclusion of the inquiry. The parties to the dispute and any other person who is affected by such report shall be entitled to obtain a copy of such report on payment of the prescribed fee.

(7) The Authorized Officer shall endeavour to conclude the proceedings taken under this section within a period of one month from the date on which the dispute is referred to him. Where he takes a longer period for such proceedings he shall record the reasons therefor.

(8) The Minister may make regulations providing for the procedure to be followed at an inquiry held under this section.

(9) Any person who is affected by any fishing dispute into which an inquiry is held under this section, or by any matter relating to, connected with or arising from that dispute may, before the expiration of a period of one month from the date of the report in relation to that dispute, make representations in writing to the Minister on any matter dealt with in the report.

(10) The Minister after considering the report prepared under subsection (6) in respect of any fishing dispute and any representations made to him under subsection (9) with reference to that report, may-

(a) make order cancelling the registration of any fishing net or fishing gear and the owner thereof registering in place of such fishing net or fishing gear and the owner thereof any other fishing net or fishing gear and the owner thereof;

(b) make regulations regarding the subject matter of that dispute or any matter relating thereto or connected therewith or arising therefrom, including regulations for the purpose of-

(i) prohibiting, restricting or regulating the taking of fish in any specified part of Sri Lanka Waters by persons not belonging to any specified group or section of persons using specified fishing boats, fishing gear and fishing methods; or

(ii) fixing different days or times during which different groups or sections of persons engaged in fishing may take fish in any specified part of Sri Lanka Waters.

(11) Nothing in the preceding provisions of this section shall be deemed or construed to authorize the reference thereunder of any dispute in relation to the subject matter of which any civil action or other civil proceeding is pending before any court of competent jurisdiction.

Interim Orders in respect of fishing disputes.

45. (1) Where the Minister apprehends that any fishing dispute which has been referred for inquiry and report under section 44 is likely to result in a breach of the peace, he may by Order published in the *Gazette*, make all such provisions in respect of the matters referred to in paragraphs (b) (i) and (ii) of subsection (10) of that section as he may deem necessary to prevent such breach of the peace.

(2) Any Order made by the Minister under subsection (1) in respect of any fishing dispute shall come into force on the date of its publication in the *Gazette* and shall cease to be in force on the date of the coming into force of regulations, if any, made by the Minister under section 44 (10) in respect of that dispute.

PART VIII

AUTHORIZED OFFICERS AND THEIR POWERS

Powers of authorized officers.

46. (1) The Director shall authorize such number of officers not below the rank of Fisheries Inspector, as may be necessary to implement the provisions of this Act, who shall be known as “authorized officers”.

(2) An authorized officer authorized under subsection (1) shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

(3) An authorized officer shall, for the purpose of ascertaining whether the provisions of this Act or any regulation made thereunder are being complied with+ have the power-

(a) to stop, go on board and search any fishing boat in Sri Lanka Waters or any local fishing boat engaged in fishing operations in the high seas, and examine such boat, the crew thereof, the fishing gear and other equipment carried therein and any fish or other aquatic resources found on board such boat;

(b) to stop and search any vehicle transporting any fish or other aquatic resources; or

(c) to examine and take copies of any licence, permit, book, certificate or other document required to be obtained or maintained by or under this Act.

(4) An authorized officer, where he has reason to believe that an offence under this Act has been committed, may, with or without a warrant-

(a) enter and search at all reasonable hours of the day, any premises in which he has reason to believe such offence has been committed;

(b) enter and search at all reasonable hours of the day any premises in which fish or other aquatic resources taken in contravention of the provisions of this Act or any regulation made thereunder are being stored or kept;

(c) take samples of any fish or other aquatic resources found in any premises searched under paragraph (a) or paragraph (b);

(d) arrest any person found in any such premises, wh+ he has reason to believe, has committed an offences under this Act or any regulation made thereunder.

(e) seize any boat, engine, fishing net or other fishing gear or equipment, or any vehicle or thing which he has reason to believe, has been used in or in connection with, the commission of an offence under this Act or any regulation made thereunder;

(f) seize any fish or other aquatic resources or stores of cargo which he has reason to believe have been taken in the commission of such offence, or have been landed, sold, bought, received, or possessed in contravention of this Act or any regulation made thereunder; or

(g) seize any poisonous, explosive or stupefying substan++ or other noxious or harmful material or substanc+ which he has reason to believe has been used, or ++ possessed, in contravention of this Act.

(5) Where a fishing boat or other thing is seized under subsection (4), the authorized officer by whom the boat or other thing is seized shall, as soon as possible produce that boat or other thing before a Magistrate's Court of competent jurisdiction and the Court shall make such order as it may deem fit relating to the detention or custody of the boat or other thing, pending the conclusion of any proceeding+ instituted in respect of that boat or other thing:

Provided that, where any fish or other aquatic resource+ seized under subsection (4) are subject to speedy decay, a+ authorized officer may sell such fish or other aquatic resources and shall deposit the proceeds of such sale in th+ Magistrate's Court.

(6) Every person arrested under subsection (4) shall be informed of the reason for his arrest, and shall subject in the case of an arrest under a warrant, to any endorsement in such warrant, be produced before a court of competent jurisdiction within twenty-four hours of such arrest, exclusive of the time necessary for the journey from the place of arrest to that court.

Powers of reissue and removal of mortgaged fishing boats, engines and fishing gear on default.

47. (1) Where default is made by any person in the payment of any sum due to the Government on any agreement entered into between the Government and such person in respect of a fishing boat, engine, fishing net or other fishing gear, or equipment, the Director may in writing empower any authorized officer to seize and remove such fishing boat, engine, fishing net or other fishing gear or equipment.

(2) An authorized officer, for the purpose of seizing any fishing boat, engine, fishing net or other fishing gear or equipment under subsection (1) may enter and search any premises or place in which he has reason to believe such fishing boat, engine, fishing net or other fishing gear, or equipment is kept.

(3) Nothing in this section shall be deemed to preclude the Government from recovering any sum due to the Government on any agreement referred to in subsection (1) in accordance with the provisions of any other law for the time being in force.

Authorized officer not in uniform to declare office.

48. (1) An authorized officer when acting under the provisions of this Act, shall declare his office and produce such identification as may be reasonably sufficient to show that he is an authorized officer for the purpose of this Act.

(2) It shall not be an offence for any person to refuse to comply with a request, demand or order made by an authorized officer if such authorized officer fails to declare his office and produce such identification as may be reasonably sufficient to show that he is an authorized officer for the purpose of this Act.

PART IX

OFFENCES AND PENALTIES

Offences.

49. (1) Any person who contravenes or fails to comply with the provisions of sections 15, 16, 17 or 22 of this Act or of any Order made under section 30 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 two thousand rupees.

(2) Any person who contravenes or fails to comply with the provisions of sections 6, 28, 29, 34, 35 or 39 of this Act shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding six months or to a fine not less than three thousand rupees or to both such imprisonment and fine.

(3) Any person who contravenes the provisions of section 27 of this Act shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not less than six months and not exceeding two years and to a fine not less than five thousand rupees or on a second or subsequent conviction to imprisonment of either description for a term not less than one year and not exceeding five years and to a fine not less than ten thousand rupees.

(4) Any person who-

- (a) fails or refuses to stop any fishing boat in Sri Lanka Waters or beyond the limits of Sri Lanka Waters, or any vehicle transporting fish or other aquatic resources, when required to do so by an authorized officer;
- (b) 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 entered under subsection (3) of section 44 fails to comply with the terms of such settlement;
- (c) does not allow the search and examination of such boat, the crew thereof, the fishing gear and other equipment carried therein and any fish or other aquatic resources found on

board such boat or vehicle transporting fish or other aquatic resources, by an authorized officer; or

- (d) refuses to be searched by, obstructs or resists, or escapes or attempts to escape from the custody of, an authorized officer acting in pursuance of the powers conferred on him by section 46,

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 one thousand rupees.

(5) Any person who contravenes any regulation made under this Act or kept in force by this Act shall be guilty of an offence under this Act and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding two thousand rupees or to both such fine and imprisonment:

Provided that, in the case of a conviction of an offence of contravening any such regulation prohibiting purse seine net fishing, the fine shall not exceed ten thousand rupees.

Offences by bodies of persons.

50. Where an offence under this Act is committed by a body of persons, then-

(a) if that body is a body corporate, every person who at the time of the commission of the offence was the director, secretary or other similar officer of that body; or

(b) if that body is not a body corporate, every person who at the time of the commission of the offence was a member or partner of that body, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

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51. (1) Where any person is convicted of an offence under this Act-

(a) any fishing boat, engine, fishing net or other fishing gear or equipment or any vehicle or thing used in, or in connection with, the commission of such offence; or

(b) any fish or other aquatic resources caught or taken in the commission of such offence or the proceeds of sale of such fish or other aquatic resources deposited in court under section 46, shall, by virtue of such conviction, be forfeited to the State.

(2) Any fishing boat, engine, fishing net or other fishing gear or equipment or any vehicle or thing, or fish or other aquatic resources, or proceeds of sale of any fish or other aquatic resources deposited in court under section 46, forfeited to the State by reason of the operation of subsection (1) shall vest absolutely in the State. Such vesting shall take effect-

(a) where no appeal is preferred against the conviction by virtue of which the forfeiture has taken place upon the expiration of the period within which an appeal may be preferred to the Court of Appeal or to a High Court established under Article 154P of the Constitution against the conviction; or

(b) where an appeal has been preferred to the Court of Appeal or to a High Court established under Article 154P of the Constitution against such conviction or an appeal has been preferred to the Supreme Court against the decision of the Court of Appeal or High Court as the case may be, upon the determination of such appeal confirming or upholding the conviction.

(3) The Director or any person authorized by him shall thereafter take possession of any fishing boat, engine, fishing net or other fishing gear, or equipment, or any vehicle or thing, or fish or other aquatic resources vested in the State under subsection (2), and may sell or otherwise dispose of the same.

(4) Any proceeds realised by selling any fishing boat, engine, fishing net or other fishing gear, or equipment, or any vehicle or thing or fish or other aquatic resources under subsection (3) shall be credited by the Director to the Fisheries Reward Fund.

(5) Any proceeds of the sale of fish or other aquatic resources vested in the State under subsection (2) shall be transferred by the Magistrate to the Fisheries Reward Fund.

Compounding of offences.

52. (1) Where any offence, not being an offence under section 27 has been committed in contravention of any of the provisions of this Act, the Director may, in the case of a first offender, having regard to the circumstances in which the offence was committed and with the approval of the Minister, compound such offence for a sum of money equal to not less than one fifth of the maximum fine that could be imposed for such offence, and order the release of any fishing boat, engine, fishing net or other fishing gear or equipment, or any vehicle or thing, or fish or other aquatic resources seized under section 46 (4), in respect of which no order of detention has been made by a Magistrate under section 46 (5), on payment of a sum of money not exceeding the estimated value of such fishing boat, engine, fishing net or other fishing gear, or equipment, or vehicle or thing, or fish or other aquatic resources.

(2) The compounding of any offence under subsection (1) shall be notified in writing under the signature of both parties to the Magistrate's Court, where a proceeding in connection with the commission of the offence is pending and shall have the effect of an acquittal.

Release of detained +++++

53. (1) Where a Magistrate has ordered the detention of a fishing boat or other thing under section 46 (5), the owner or the person from whose possession such boat or other thing was seized may apply to the Magistrate for the release of such boat or other thing on the provision of a bond or other security acceptable to the court.

(2) The Magistrate to whom an application is made under subsection (1) may order the release of the boat or other thing on the execution by a person approved by the magistrate of a bond or on the provision of other security acceptable to court in an amount not less than the aggregate of the value of the fishing boat including all fishing gear, equipment, stores and cargo, the value of the fish or other aquatic resources on board at the time of seizure other than the value of any fish or other aquatic resources which had been sold and the proceeds of which had been deposited in court in accordance with the proviso to section 44 (5).

(3) The amount specified in a bond shall be recoverable in full by the Magistrate as a fine imposed by court in the event of a violation of the terms and conditions of the bond.

Presumption as to the taking of fish

54. (1) For the purposes of this Act, it shall be presumed until the contrary is proved that where any fish is found at any time in any fishing boat at any place in Sri Lanka or in Sri Lanka Waters, such fish was taken-

(i) by the owner of that boat, if he is in the boat at the time or if no person is found in the boat at that time; or

(ii) by the person for the time being in the boat and in charge thereof, if the owner is not in the boat at that time.

(2) In any prosecution for a contravention of any of the provisions of section 27 in respect of any fish, it shall be presumed until the contrary is proved, that such fish was taken in Sri Lanka Waters.

Presumption as to use of poison etc.

55. (1) Where any poisonous, explosive or stupefying substance or other noxious or harmful material or substance, which can be used for the purpose of poisoning, killing or stupefying fish is found in the possession or control of any person in the neighbourhood of any area of Sri Lanka Waters, shortly after such substance or material is proved to have been used in such waters, that person shall be presumed, until the contrary is proved, to have used such substance or material for the purpose aforesaid.

(2) Where any poisonous, explosive or stupefying substance or other noxious or harmful material or substance which can be used for the purpose of poisoning, killing or stupefying fish, if found in the

possession or control of any person in a fishing boat in Sri Lanka Waters, that person shall be presumed until the contrary is proved to have attempted to use such substance or material for the purpose aforesaid.

Presumption as to use of fishing gear in prohibited waters.

56. Where any fishing net or other fishing gear or equipment the use of which, in any specified part of Sri Lanka Waters is prohibited by any regulation made under this Act, is found in the possession of any person within a distance of half a mile from such waters, then, for the purpose of any prosecution for a contravention of that regulation that person shall be presumed, until the contrary is proved, to have used such net or other fishing gear or equipment in such waters.

Jurisdiction over offences committed+++++

57. Where any offence under this Act is committed by any person within or outside Sri Lanka Waters, the Magistrate's Court having jurisdiction-

- (a) over that part of the coast nearest to the place at which the offence was committed; or
- (b) over the place at which the person comes ashore after the commission of the offence,

shall have jurisdiction to try the offence.

PART X

GENERAL

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58. It shall be the duty of the Director to ensure that, in the administration of the provisions of this Act, the Secretary of the Ministry of the Minister of the Board of Ministers of every Province in charge of the subject of Fisheries is consulted on matters affecting fishing operations within such Province.

Reward Fund.

59. (1) There shall be a fund which shall be called the Fisheries Reward Fund (hereinafter referred to as "the Reward Fund").

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

(3) There shall be credited to the Reward Fund all proceeds realised of sales under section 51 (4).

(4) The Director may from time to time pay out of the Reward Fund, a reward

- (a) to any officer appointed under section 2;
- (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 prescribed by regulations made 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.

Inposition of cess on the import of fish or fish products.

60. (1) There shall be charged, levied and recovered a cess on any fish or fish products imported to Sri Lanka in addition to any duty imposed under any other written law at such rate as may be determined from time to time by Parliament by resolution.

For the purpose of this section "fish products" means edible or non-edible products processed from fish and other aquatic resources and includes fresh, frozen, or canned products, fish oil, fish meal and fertilizer.

(2) The cess shall be collected by the Director-General of Customs and credited to the Consolidated Fund.

(3) This section shall apply as though it formed part of the Customs Ordinance and the provisions of that Ordinance shall apply accordingly.

Regulations.

61. (1) The Minister may make regulations for and in respect of all or any of the following matters:-

- (a) all matters stated or required in this Act to be prescribed or for which regulations are authorized or required to be made under this Act;
- (b) the reservation of specified areas of Sri Lanka Waters for different types of fisheries or methods of fishing;
- (c) the construction of all types of fishing boats
- (d) the type, size and manner of marking of registered fishing boats;
- (e) the periodic inspection of fishing boats and the issue of certificates of seaworthiness and the fees payable for such inspection;
- (f) the minimum standards of navigation to be observed, and the safety equipment required to be kept, by the owners of local fishing boats operating in Sri Lanka Waters;
- (g) the minimum manning standards to be observed by the owners of local fishing boats;
- (h) the registration of fishing nets or other specified fishing gear or equipment used in Sri Lanka Waters or in any part of such waters, and of the owners thereof, the officers by whom they shall be registered, the fees payable for such registration, and the marking of registered fishing gear or equipment;
- (i) the protection of the aquatic medium;
- (j) the prohibition of the use of any specified equipment, device, method or substance for the purpose of, or in connection with, the taking of fish and other aquatic resources, and the regulation of the time and the manner of the taking of fish and other aquatic resources;
- (k) the regulation of the exercise of the powers conferred by section 46;
- (l) the taking and landing of fish and other aquatic resources and the control and management of landing areas;
- (m) the regulation of the handling and distribution of fish and other aquatic resources and the maintenance of quality of fish, fish products and other aquatic resources;
- (n) the prohibition, regulation or control of the erection and use of fishing stakes, fish kraals, fishing gear, stake nets and other such appliances for the taking of fish;
- (o) the management, regulation and protection of fisheries reserves;
- (p) the licensing of establishments for the processing of fish and other aquatic resources and the conditions to be attached to such licences;
- (q) the management and regulation of aquaculture;
- (r) the management of inland fisheries;
- (s) the collection of statistics and the provision of information by persons who are engaged in fishing, marketing or processing of fish and aquaculture enterprises.

(2) Every regulation made by the Minister under subsection (1) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved shall be

deemed to be rescinded from the date of its disapproval but without prejudice to anything previously done thereunder.

(4) Notification of the date on which any regulation is deemed to be rescinded under subsection (3) shall be published in the *Gazette*.

Limitation of actions.

62. (1) No action shall lie against any officer appointed under section 2 or any officer authorized under section 46, for any damages in any civil court for any act done in good faith in pursuance or supposed pursuance of any provision of this Act.

(2) No prosecution against any officer appointed under section 2 or an officer authorized under section 46 in respect of any act done by him in pursuance or supposed pursuance of any provision of this Act shall be entertained by any court unless such action is instituted within six months of the date of the act complained of.

Repealed.

63. The Fisheries Ordinance (Chapter 212), the Chank Fisheries Act (Chapter 213), the Pearl Fisheries Ordinance (Chapter 214) and the Whaling Ordinance (Chapter 215) are hereby repealed.

Savings.

64. Notwithstanding the repeal of the Fisheries Ordinance-

(a) all regulations made under that Ordinance and in force on the day preceding the date of commencement of this Act shall in so far as they are not inconsistent with the provisions of this Act or any regulation made thereunder, continue in force in like manner as if they were made under this Act, and may be amended, varied or rescinded by regulations made under this Act;

(b) all actions, prosecutions, proceedings or references of fishing disputes under that Ordinance, pending or incomplete on the date of commencement of this Act may be carried on and completed after the date of commencement of this Act as if the provisions of the Fisheries Ordinance were not repealed;

(c) all moneys lying to the credit of the Fisheries Reward Fund established under section 36 of that Ordinance, on the day preceding the date of commencement of this Act shall stand transferred to the Fisheries Reward Fund established under section 59 of this Act;

(d) every instrument of mortgage and every instrument of transfer registered under that Ordinance and subsisting on the day preceding the date of commencement of this Act shall be deemed to be instruments registered under this Act;

(e) all permits and licences issued or registrations made under that Ordinance and in force on the day preceding the date of commencement of this Act, shall be deemed to be permits or licences or registrations issued or made under this Act.

Sinhala to prevail in case of inconsistency text

65. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation

66. In this Act unless the context otherwise requires-

“aquaculture” means the husbanding of aquatic plants and organisms ranging from the propagation of aquatic organisms under human control to the manipulation of at least one stage of an aquatic organism's life for the purpose of increasing production;

“aquaculture enterprise” means any area, enclosure, pond, impoundment, premises or structure set up or used for the cultivation of aquatic plants or organisms for commercial purposes and includes any cultivated pearl oyster or other shellfish bed, or raft or other structure used for cultivation of pearl oyster or other shellfish;

“aquatic medium” means any medium in which fish and other aquatic resources are found;

“aquatic resources” means living aquatic organisms and includes any seaweed, phytoplankton or other aquatic flora and non-living substances found in an aquatic medium;

“authorized officer” means any officer authorized by the Director under section 46 (1) and includes any officer of the Army, Air Force or Police not below the rank of Sergeant and any officer of the Navy not below the rank of Petty Officer;

“exclusive economic zone” means the area declared to be the exclusive economic zone of Sri Lanka by proclamation made under section 5 of the Maritime Zones Law, No. 22 of 1976;

“export” means to take out of the limits of Sri Lanka to sea or to a foreign country;

“fish” means any aquatic organism, whether piscine or not, and includes any shellfish, crustacean, pearl oyster, mollusc, holothurian, or aquatic mammal and its young, fry, eggs or spawn and includes zooplankton;

“fishing baat” means any vessel which in for the time being employed for the purpose of taking of fish and includes its propulsion unit and fishing gear and other equipment;

“fishing dispute” means any dispute between two or more persons or groups of persons engaged in fishing in regard to the right to fish, or to the time, manner or location of fishing in any part of Sri Lanka Waters and includes a dispute regarding the use of water or land for aquaculture purposes;

“fishing operation” means catching, taking, killing, collecting, or culturing fish by any method and includes an attempt to catch, take, kill, collect or culture fish;

“foreign fishing boat” means any fishing boat other than a local fishing boat;

“import” means to bring into Sri Lanka, by sea or by air, from any place outside or beyond the limits of Sri Lanka;

“inland waters” means any public rivers, lakes, estuaries, lagoons, streams, tanks, pools, channels and any other public areas of fresh or brackish water in Sri Lanka;

“local fishing boat” means any fishing boat-

- (a) wholly owned by the Government of Sri Lanka or any public corporation established by or under any law of Sri Lanka;
- (b) wholly owned by one or more persons who are citizens of Sri Lanka; or
- (c) wholly owned by any company, society or other association of persons, incorporated or established under the law of Sri Lanka, a majority of the voting shares of which are held by citizens of Sri Lanka;

“Minister” means the Minister appointed under Article 44 of the Constitution to be in charge of the subject of Fisheries and Aquatic Resources;

“National Aquatic Resources Research and Development Agency” means the National Aquatic Resources Research and Development Agency established by the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981;

“pearl bank” means such area as may from time to time be prescribed by regulation and includes the bed of such pearl bank;

“pearl oyster” means a pearl bearing oyster of any description, and includes the mollusc commonly called the “window pane oyster” or the “Tampalakam pearl oyster” and scientifically known as *Placuna placenta*, as well as any other pearl producing mollusc which may be introduced, or laid down, off the coasts of Sri Lanka, or in the bays or inland waters of Sri Lanka;

“prescribed” means prescribed by regulations made under this Act;

“sale” with its grammatical variations and cognate expressions, means any transfer of the possession of fish by one person to another in the ordinary course of trade or business for cash or deferred payment or for other valuable consideration;

“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 the 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, channels, and all other public inland or internal waters.

Application of this Acts.

67. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Fauna and Flora Protection Ordinance (Chapter 469) and the Forest Ordinance (Chapter 451) or of any regulation or rule made under such Ordinances relating to the taking of fish or to the manner of taking fish in Sri Lanka Waters.