

**AN ACT TO REPEAL AND REPLACE THE FISHERIES AND AQUATIC RESOURCES ACT, No. 2 of 1996.**

AN ACT TO PROVIDE FOR THE REGULATION, LONG TERM CONSERVATION AND SUSTAINABLE USE OF MARINE FISHERIES AND AQUATIC RESOURCES, AND MARINE ECOSYSTEMS FOR THE BENEFIT OF THE PEOPLE OF SRI LANKA; TO GIVE EFFECT TO SRI LANKA'S OBLIGATIONS UNDER REGIONAL AND INTERNATIONAL AGREEMENTS; AND TO REPEAL AND REPLACE THE FISHERIES AND AQUATIC RESOURCES ACT, No. 2 of 1996 AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH WITH OR INCIDENTAL THERETO.

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

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	INTRODUCTORY PROVISIONS
<b>Short title and commencement</b>  <b>Section 1</b>	<ol style="list-style-type: none"> <li>1. This Act may be cited as the Fisheries and Aquatic Resources Act, No. xxx of 2023.</li> <li>2. This Act shall come into force on such a date as the Minister may appoint by Order published in the Gazette (hereafter referred to as the —appointed date)).</li> </ol>
<b>Scope and application</b>  <b>Section 2</b>	<ol style="list-style-type: none"> <li>1. The provisions of this Act shall apply to marine fishing and related activities and any matter or activity connected with or incidental thereto when they are carried out: <ol style="list-style-type: none"> <li>a) On the territory of Sri Lanka;</li> <li>b) In Sri Lankan waters, including by fishing vessels flying the flag of, or registered in <b>another State</b>;</li> <li>c) By Sri Lankan flagged vessels operating outside Sri Lankan waters; or</li> <li>d) By nationals of Sri Lanka, without prejudice to the primary responsibility of the flag State.</li> </ol> </li> <li>2. Aquaculture activities are excluded from the scope of this Act.</li> </ol>
<b>Objective</b>  <b>Section 3</b>	<p>The objective of ensuring the long-term conservation and sustainable use of fisheries and aquatic resources, and the development of the fisheries sector for the benefit of the people of Sri Lanka, shall be met by:</p> <ol style="list-style-type: none"> <li>a) Using the best scientific and socioeconomic evidence available when adopting fisheries management and development plans and related fisheries measures, and contributing to the collection of scientific data;</li> <li>b) Addressing excess fishing capacity of the fleets, and ensuring that levels of fishing effort do not exceed those commensurate with sustainable use of fishery resources, with a view to having economically viable fleets without overfishing marine aquatic resources;</li> <li>c) Applying the precautionary approach to fisheries management to ensure that exploitation of marine resources restores and maintains populations of harvested species at levels that produce maximum sustainable yield;</li> <li>d) Applying the ecosystem approach to fisheries management as to protect the biodiversity of habitats and ecosystems associated with aquatic marine resources, and to ensure that</li> </ol>

	<p>negative impacts of fishing activities on the marine ecosystem are minimized;</p> <ul style="list-style-type: none"> <li>e) Developing and encouraging the use of selective, environmentally safe and cost-effective fishing gears and techniques;</li> <li>f) Minimizing pollution and waste originating from fishing, discards, and catch by lost or abandoned gear;</li> <li>g) Recognising the importance of fisheries for subsistence and coastal fisheries for the socioeconomic development of fishing communities and to contribute their fair standard of living;</li> <li>h) Effectively combating illegal, unreported and unregulated ('IUU') fishing activities in line with applicable national, regional and international instruments including the elimination of any economic incentives contributing to these activities;</li> <li>i) Effective monitoring, control and surveillance of fishing and fishing related activities, and the enforcement of the law;</li> <li>j) Following relevant regional or international obligations and applicable rules of international law;</li> <li>k) Ensuring the safety and wellbeing of fishers and fish-workers;</li> <li>l) Contribute to gender balance between women and men in employment, social inclusion, representation and participation in decision making processes in the fisheries sector;</li> <li>m) Creating an enabling environment for foreign direct investments and the development of competitive fishing industry for the processing, import and export of fish and fishery products; and</li> <li>n) Ensuring quality and food safety of fish and minimizing post-harvest losses.</li> </ul>
	<b>PART I</b> <b>ADMINISTRATION</b>
<b>Department for Fisheries and Aquatic Resources (DFAR)</b> <b>Section 4</b>	<p>The Department of Fisheries and Aquatic Resources (DFAR), shall be the government agency charged with the responsibility for implementing and enforcing the provisions of this Act.</p>

<p><b>Appointment of Director-General and other Officers</b></p> <p><b>Section 5</b></p>	<ol style="list-style-type: none"> <li>1. There shall be appointed: <ol style="list-style-type: none"> <li>a) A person, to be or to act as the Director-General of Fisheries and Aquatic Resources (‘Director-General’) in accordance with such procedures as may be required by the laws of Sri Lanka;</li> <li>b) One or more person or persons, to be or to act as Director of Fisheries and Aquatic Resources (‘Director’), each in support of the functions and duties of the Director-General;</li> <li>c) Such other officers as may, from time to time, be necessary for the purposes of implementing this Act, including <i>inter alia</i>; licensing officers, authorized officers and dispute settlement officers.</li> </ol> </li> <li>2. Excepting acts of gross recklessness or negligence, persons appointed pursuant to subsection (1), or other person, employee or agent acting on behalf of or carrying out functions under this Act who lawfully does, or omits to do any act in pursuance or intended pursuance of any functions, powers or duties conferred by or under this Act shall not be subject to any legal action, or civil or criminal liability with respect to such act, whether on the grounds of want of jurisdiction, mistake of law or fact, or on any other grounds, unless the act, or omission to act, was done in bad faith without reasonable cause.</li> </ol>
<p><b>Functions and Duties of the Director-General</b></p> <p><b>Section 6</b></p>	<ol style="list-style-type: none"> <li>1. The Director-General shall, in the performance of his /her duties under this Act, carry out the following general functions: <ol style="list-style-type: none"> <li>a) the administration and implementation of this Act;</li> <li>b) the management, development and sustainable use of fisheries and aquatic resources of Sri Lanka in accordance with the objective, principles and provisions of this Act for the benefit of the people of Sri Lanka under sections (72), (74) to (78), (87) to (90) and (92) to (95);</li> <li>c) the development of policies and strategies to guide the administration and Implementation of this Act in a manner compatible with the conservation and sustainable use of the fisheries and aquatic resources and the sovereign rights of Sri Lanka, under section (70);</li> <li>d) the promotion of Sri Lanka’s interests and rights in matters falling within the scope of this Act in bilateral, sub-regional, regional and international processes and organizations, and the commensurate discharge of Sri Lanka’s obligations; and</li> <li>e) the development of transparent and accountable processes for the management and development of the fisheries and</li> </ol> </li> </ol>

	<p>aquatic resources and shall, in the performance of the above functions, take into account as appropriate the advice and recommendations of such bodies as may be established in accordance with this Act, including the Advisory Council, the Fisheries Coordinating Committees and Fisheries Committees in accordance with sections (9),(10) and (11) of this Act, respectively.</p> <p>2. In particular, the Director-General shall be responsible for the following duties, specified in this Act:</p> <p>a) To appoint:</p> <ul style="list-style-type: none"> <li>i) the members of the Coordinating Committee and to preside the meetings under section (10);</li> <li>ii) the members of the Panel of Experts under section (135);</li> <li>iii) authorized officers and other personnel for the purposes of monitoring, control and surveillance under section (119);</li> </ul> <p>b) To determine the functions of the Fisheries Committees, and registration of such committees under section (11)(2)(h) and (11)(3);</p> <p>c) To maintain a register of fishing vessels under section (13)(1), and imported vessels under section (15), and:</p> <ul style="list-style-type: none"> <li>i) to issue the certificate of registration under section (16.7) and (15.7);</li> <li>ii) renew the certificate of registration under section (19);</li> <li>iii) change information in the register under section (20);</li> <li>iv) cancellation, deregistration, and suspension of registration under sections (21), (22) and (23), respectively;</li> <li>v) registration of instruments of mortgage and transfer of mortgages under sections (24) and (29);</li> <li>vi) issue certified copies or extracts from the register under section (32);</li> <li>vii) pay to the Provincial Fund of each Province the given fee for the registration of fishing vessels and to transmit the information of registration of vessels under sections (17) and(18);</li> </ul> <p>d) To maintain a register for fishers and to issue identity cards under section (35);</p> <p>e) To decide the total number of licenses to fish in Sri Lankan waters under section (37), and to:</p> <ul style="list-style-type: none"> <li>i) issue and renew fishing licenses for fishing in Sri Lankan waters, the high seas, and the waters of another</li> </ul>
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	<p>States under sections (41), (44), (45), (46);</p> <ul style="list-style-type: none"> <li>ii) suspend or cancel fishing licenses for fishing on the high seas or in the waters of another States under section (47);</li> <li>iii) To allow derogations to transfer fishing licenses under section (39);</li> <li>iv) To issue registration certificates and licenses to process fish, export, import or re-export fish and fishery products, and to suspend or cancel such registration and license under sections (101) to (103)</li> <li>v) To issue licenses for entry into port, transshipment, and landing under sections (111), (113) and (114), respectively;</li> <li>f) To issue health certificates and catch certificates for export under section (106);</li> <li>g) Maintain an electronic register of fishing licenses and other licenses under section (64);</li> <li>h) To administer the Fund under section (109);</li> <li>i) To designate and publicize ports for the purposes of port state measures under section (115);</li> <li>j) To establish an observer programme and deploy observers under sections (116), (117) and (58);</li> <li>k) Approve the confiscation of the passports and seamen's books during the investigation of an offence under section (128);</li> <li>l) Try to resolve fishery disputes by conciliation, and to appoint an authorized officer to this end where appropriate under section (131);</li> <li>m) Compound offences under section (136);</li> <li>n) Institute proceedings to bring action against any person or vessel for any act or omission within the jurisdiction of a Magistrate's Court under section (140);</li> <li>o) Dispose of seized or forfeited property under section (125) and (159); and,</li> <li>p) Issue certificate of evidence under section (160).</li> </ul> <p>3. Subject to this Act, the Director-General may delegate in writing to any Director or any other officer under his/her management, those duties contained in the sections above.</p>
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<p><b>Functions and Duties of the Director</b></p> <p><b>Section 7</b></p>	<ol style="list-style-type: none"> <li>1. Any Director shall carry out the following functions and duties delegated to him/her by the Director-General in accordance with section (6)(3), to issue and renew fishing licenses to fish in Sri Lankan waters under sections (41)(2), and (43).</li> <li>2. Any Director shall be responsible for the following duties specified under this Act: <ol style="list-style-type: none"> <li>a) To cancel the registration of a Fisheries Committee under section (11)(5);</li> <li>b) To maintain records of vessels under section (13)(3);</li> <li>c) To suspend or cancel fishing licenses to fish in Sri Lankan waters under section (47)(1);</li> <li>d) To furnish particulars of all licenses granted, renewed, cancelled, suspended or transferred of fishing vessels owned by persons residing in any Province to the Secretary of the Provincial Ministry of Fisheries under section (49);</li> <li>e) To notify the owner of the vessel to remove the abandoned vessel and fishing material(s) under section (130).</li> </ol> </li> <li>3. Subject to this Act, any Director may delegate in writing to any officer under his/ her management the duties of issuing, renewal, suspension or cancellation of licenses to licensing officers for each administrative District, under sections (41) to (43) and (47).</li> </ol>
<p><b>The Minister</b></p> <p><b>Section 8</b></p>	<ol style="list-style-type: none"> <li>1. The Minister in charge of the subject Fisheries (the <u>Minister</u>) shall have the power and authority to perform or exercise the functions and duties as are provided under this Act, in particular to: <ol style="list-style-type: none"> <li>a) Appoint members of the Council, and remove any member from office under section (9)(2);</li> <li>b) The Minister may, on behalf of the government, enter into bilateral, sub-regional, regional, or international agreements or similar arrangements with another States related to fisheries access and /or cooperation under section (67)(3). Where the decision is taken to enter into such agreements, the Minister, prior to entering into such agreements, shall consult the Minister in charge of the subject of Foreign Affairs.</li> <li>c) Submit the National Fisheries Policy to the Cabinet of Ministers for approval under section (70);</li> <li>d) Published the list of the total allowable catch and /or</li> </ol> </li> </ol>

	<p>total capacity of fishing effort to be harvested within a year, by Order in the Gazette under section (72);</p> <ul style="list-style-type: none"> <li>e) Adopt conservation and management measures as part of a Fishery Management Plan in accordance with sections (72);</li> <li>f) designate any fishery or fisheries in Sri Lanka waters to be subject to a Fishery Management Plan under section (73), and declare an area to be a Fisheries Management Area under section (74);</li> <li>g) To declare a closed area to fishing, fishing seasons, and fisheries reserves under sections (87) and (88);</li> <li>h) To declare protected species under section (89);</li> <li>i) To appoint the members of the Fisheries Dispute Settlement Panel under section (133); and,</li> <li>j) To approve the disclosure of confidential information under section (170).</li> </ul> <p>2. In the exercise of its authority, functions and duties, the Minister may adopt regulations for and in respect of all or any matters stated or required in this Act to be prescribed, or for which regulations are required to be made under this Act.</p> <p>3. The adoption of regulations made by the Minister under this Act shall conform to the following procedure:</p> <ul style="list-style-type: none"> <li>a) Regulations shall be published in the Gazette and shall come into effect on the date of such publication or on such later day as may be specified in the regulation.</li> <li>b) Every regulation shall, at the earliest time possible 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 there under.</li> <li>c) Notification of the date on which any regulation be deemed to be rescinded shall be published in the Gazette.</li> </ul> <p>4. The Minister may delegate any of the functions and duties vested upon him/ her under this Act to the Director-General, except the power to adopt regulations under subsection (3) of this section.</p>
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<p><b>Advisory Council</b></p> <p><b>Section 9</b></p>	<ol style="list-style-type: none"> <li>1. An Advisory Council is hereby established.</li> <li>2. The functions and responsibilities of the Advisory Council shall be to advise: <ol style="list-style-type: none"> <li>a) The Minister on all matters relating to the management, regulation, conservation and development of fisheries and aquatic resources in Sri Lankan waters, and such other matters as the Minister may refer to the Advisory Council for advice; and,</li> <li>b) The Director-General on all such matters relating to the administration of this Act, as he may refer to the Advisory Council for advice.</li> </ol> </li> <li>3. The Advisory Council shall, respecting the principle of gender balance under section (3) (1), be comprised of the members, as determined by the Minister, from amongst the officers specified in Schedule 1. In relation to the membership and participation to meetings, the following rules apply: <ol style="list-style-type: none"> <li>a. The Chairman of the Council shall be the Secretary to the Ministry of Fisheries.</li> <li>b. The list of members of the Advisory Council is provided in schedule 1 to this Act. In addition to this list of members, the Advisory Council may invite any other such persons to attend its meetings as observers.</li> <li>c. The quorum of the Advisory Council shall be [10] at any meeting;</li> <li>d. A member shall be disqualified from being an appointed member of the Advisory Council if: <ol style="list-style-type: none"> <li>i. He/ she is, or becomes, a Member of Parliament; or</li> <li>ii. He/she is not, or ceases to be, a citizen of Sri Lanka.</li> </ol> </li> <li>e. The Minister may remove from office any appointed member of the Advisory Council at his/ her own discretion.</li> <li>f. The Minister shall appoint a replacement member to hold office in the following cases: <ol style="list-style-type: none"> <li>i. In the event of the vacation of office of any appointed member;</li> <li>ii. When the member has been removed from office in accordance with subsection (3)(d); or</li> </ol> </li> </ol> </li> </ol>
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	<p>iii. When the 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, and as for as long as the period of absence.</p> <p>4. Every appointed member of the Advisory Council shall hold office for a period of three years and shall be eligible for reappointment, unless he/she vacates office before term, or is removed from office by the Minister under subsection(2)(e).</p> <p>5. The Advisory Council may adopt its own rules of procedure for the conduct of its meetings and shall follow such regulations as may be prescribed. No act or proceedings of the Advisory Council shall be invalid by the sole reason of a vacancy in the Advisory Council, or any defect in the appointment of a member of the Advisory Council.</p>
<p><b>Fisheries Management Coordinating Committees</b></p> <p><b>Section 10</b></p>	<p>1. There shall be a Fisheries Management Coordinating Committee (the ‘Coordinating Committee’) for every Fisheries Management Area to be designated by the Minister in accordance with section (8) (1).</p> <p>2. The Coordinating Committee shall be the governing body of the Fisheries Management Area. It shall be charged with submitting to the Director-General a fisheries development and management plan in respect of the Fisheries Management Area, within a period of one year from the date of publication of the Order establishing that Fisheries Management Area. The procedure to follow for the adoption of fisheries management plans is laid down in section (76).</p> <p>3. The Coordinating Committee shall be constituted by the Director-General from among the persons specified in schedule 2 to this Act, taking into consideration the respect of gender balance under section (3)(1), and the matter to be determined by such Coordinating Committee.</p> <p>4. The Director-General shall appoint from among the officials referred to in schedule 2, a Secretary or a Convener of the Coordinating Committee. The Secretary or</p>

	<p>the Convener shall convene all meetings of the Coordinating Committee constituted for a Fisheries Management Area.</p> <p>5. The Coordinating Committee constituted for a Fisheries Management Area shall meet at least once in every month, or in the case of an emergency.</p> <p>6. The Director-General or his/her nominee shall preside over the meetings of the Coordinating Committee. In the absence of the Director-General or his/her designee from a meeting of a Coordinating Committee, the members present may elect, from among themselves, a Chairman for that meeting.</p> <p>7. 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.</p>
<p><b>Fisheries Committees</b></p> <p><b>Section 11</b></p>	<p>1. Fishers registered under section (35) may form themselves into a Fisheries Committee. Elected members from the Fisheries Committee may participate in the Coordinating Committee meetings as provided in Schedule 2.</p> <p>2. The functions of a Fisheries Committee may include:</p> <ol style="list-style-type: none"> <li>To assist its members to obtain vessels, gear, and equipment to be used in fishing operations;</li> <li>To carry out social infrastructure and welfare activities with a view to improving the living standards of the fishing community of that area;</li> <li>Providing a forum for the discussion and resolution of issues relating to the management of relevant fisheries, including: <ol style="list-style-type: none"> <li>Management arrangements for the fishery</li> </ol> </li> </ol>

	<p>resources;</p> <ul style="list-style-type: none"> <li>ii) Monitoring mechanisms;</li> <li>iii) Surveillance and enforcement priorities; and,</li> <li>iv) Research priorities in accordance with the objectives of fisheries resource management.</li> </ul> <ul style="list-style-type: none"> <li>d) Managing the collection of information and data relating to matters within the scope of this Act;</li> <li>e) Facilitating information sharing among stakeholders;</li> <li>f) Representing the members of the fisheries committee in other for a including government of other entities established by the Director-General or otherwise under this Act;</li> <li>g) To prepare, revise and maintain a register of fishers, residing or engaged in fishing within the area of authority of such committee, in accordance with the prescribed form and procedures as laid down in implementing regulation(s);</li> <li>h) Such other purpose in accordance with the objectives and principles of this Act as may be prescribed or approved by the Director-General.</li> </ul> <p>3. The Fisheries Committee may apply in written for its registration to the Director-General. The Director-General may register such Committee by its assigned name, and shall publish in the Gazette a notification of such registration.</p> <p>4. Every Fisheries Committee established under this Act by name assigned to it, shall upon registration under subsection (3), be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.</p> <p>5. The Director may cancel the registration of any Fisheries Committee if he/she is satisfied, after holding such inquiry as he/she may deem fit that the Fisheries Committee has been inactive or has failed to conduct itself in the interests of its members.</p> <p>6. The Director shall, where he/she cancels the registration of a Fisheries Committee, appoint a person to be liquidator of that Fisheries Committee who shall have the power to:</p> <ul style="list-style-type: none"> <li>a) take possession of the books, documents and assets of the fisheries committee;</li> <li>b) sell the property of the fisheries committee;</li> </ul>
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	<ul style="list-style-type: none"> <li>c) decide any question of priority among the creditors of the fisheries committee;</li> <li>d) compromise any claim by or against the fisheries committee with the prior approval of the Director; and,</li> <li>e) Arrange for the distribution of the assets of the fisheries committee in the prescribed manner.</li> </ul> <p>In the liquidation of any fisheries committee, its funds are 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 Fisheries Fund under section (109).</p> <p>7. The Minister may make regulations in relation to Fisheries Committees, consistent with this section:</p> <ul style="list-style-type: none"> <li>a) Requirements and procedures for establishing such Committees, including inter alia; registration, information and membership;</li> <li>b) Powers and authorities of the Fisheries Committee;</li> <li>c) Officers and their election;</li> <li>d) Procedures for meetings;</li> <li>e) Finances;</li> <li>f) Maintenance of accounts;</li> <li>g) The audit of accounts;</li> <li>h) Cancellation or revocation; and,</li> <li>i) Such other matters as may be consistent with this section and in accordance with this Act.</li> </ul>
<b>Annual Administrative Report</b>  <b>Section 12</b>	<p>The Director-General shall prepare an administrative report annually and shall submit it to the Parliament.</p>
	<b>PART II</b> <b>REGISTRATION</b>
	<b>CHAPTER 1 – Registration of Fishing Vessels</b>
<b>Register of Fishing Vessels</b>  <b>Section 13</b>	<p>1. The Director-General shall maintain a register of fishing vessels with the minimum information on vessel characteristics and activity, including the vessel registration number, name and the address of the owner/s and description of the vessel for the purpose of exercising effective control on fishing vessels, managing the capacity of fishing fleets and measures established under this Act, in line with section (3) (b) (h) (i) and (k).</p>

	<p>2. The Director-General shall maintain a register of vessels used for recreational fisheries, including information on the vessel, the vessel registration number, name and the address of the owner.</p> <p>3. The Director may, on the basis of the information contained in the register referred to in subsections (1) and (2), maintain as many records of vessels as he/she may consider necessary, or may be prescribed for the purposes of better management and control of such fleets, under this Act, any implementing regulations thereof, or any international agreement binding upon Sri Lanka, including, <i>inter alia</i>, the following fleets:</p> <ol style="list-style-type: none"> <li>Fishing for scientific purposes;</li> <li>Fishing for species regulated by the IOTC on the high seas;</li> <li>Fishing in third country waters;</li> <li>Fishing under data collection programs; and,</li> <li>Fishing for recreational fisheries.</li> </ol> <p>4. The Director-General shall ensure that the information in the register of fishing vessels under section (15), and the information provided in any record of vessels established under this Act, is updated and consistent.</p>
<p><b>General obligation to carry the certificate of registration on board</b></p> <p><b>Section 14</b></p>	<p>1.</p> <ol style="list-style-type: none"> <li>A Sri Lankan vessel shall not be authorized to conduct fishing operations unless it has been issued a certificate of registration in accordance with the procedure laid down in this section.</li> <li>The original or a certified copy of the certificate of registration shall be carried on board at all times.</li> </ol> <p>2 Any master or operator who contravenes subsections 1(a) or 1 (b) commits an offence, and upon conviction the sanctions of schedule III shall apply.</p>
<p><b>Registration</b></p> <p><b>Section 15</b></p>	<p>1. The owner or operator, who intends to register a vessel as a fishing vessel and to obtain a certificate of registration in respect of that vessel, shall make an application to the Director-General, or any other officer authorized by him/her on that behalf, in the prescribed form and shall be accompanied by the prescribed fee.</p> <p>2. The Director-General shall only register a fishing vessel</p>

	<p>after the vessels has been inspected by an authorized officer, who has examined the vessel and issued a report of seaworthiness to be attached to the application of registration referred to in subsection (1). In addition, the Director-General shall verify that the following requirements and conditions are met:</p> <ol style="list-style-type: none"> <li>a. Complete and accurate information on the fishing vessel has been received in accordance with the requirements established under the prescribed form;</li> <li>b. Valid Insurance certificate;</li> <li>c. Adequate number of life jackets on board;</li> <li>d. The fishing vessel is not listed in the IUU vessel list of any Regional Fisheries Management Organization;</li> <li>e. The fishing vessel or the operator do not have any pending sanctions with any prior flag State;</li> <li>f. The fishing vessel is not registered in another State; and,</li> <li>g. Any other requirement as may be stipulated in the regulations formulated under this section.</li> </ol> <ol style="list-style-type: none"> <li>3. The registration of an imported fishing vessel shall be subject to the prior approval from the Technical Committee for Registration of Imported Fishing Vessels, in accordance with the procedure laid down in section (16).</li> <li>4. Upon receipt of an application under subsection (1), the Director-General may call upon the applicant to furnish additional documents or information to prove ownership of the fishing vessel.</li> <li>5. The person whose name appears in the register of fishing vessels shall deemed to be the owner of such vessel.</li> <li>6. Where the Director-General decides to refuse the application for the registration of a fishing vessel, the reasons for such refusal shall be duly communicated in writing to the applicant. The decision of such refusal shall be deemed to have been communicated, after the expiration of thirty (30) days from the date of dispatch of such decision by registered post to the address provided in the application or by any other means of electronic communication.</li> <li>7. After the registration of a fishing vessel the Director-</li> </ol>
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	<p>General shall issue a certificate of registration in the prescribed form to the applicant thereof.</p> <p>8. For locally built new vessels, upon the receipt of an application for registration initially, a provisional certificate of registration shall be issued until the certificate of registration is issued.</p> <p>9. The owner or operator of a registered fishing vessel shall cause the registration number and the distinguishing letters allotted to that vessel at the time of registration to be clearly engraved or marked on each side of the vessel in accordance with prescribed conditions.</p> <p>10. The owner or operator who contravenes the provisions of subsection (9) commits an offence and upon conviction, the sanctions of schedule III fine level [2] shall apply.</p> <p>11. The Minister may make regulations to determine the form for the application, payable fees, accompanying certificates, registration number and name of the vessels, including the marking of fishing vessels and any other matter related to the registration of vessels within the scope of this Act.</p>
<p><b>Registration of an Imported Fishing Vessels</b></p> <p><b>Section 16</b></p>	<p>1. A Technical Committee for the Importation of Fishing Vessels (‘Technical Committee’), operating within the Department of Fisheries and Aquatic Recourses (DFAR) is hereby established.</p> <p>2. The Technical Committee shall consist of representatives of the following agencies:</p> <ul style="list-style-type: none"> <li>a) DFAR, nominated by the Director-General;</li> <li>b) The Ministry of Fisheries, nominated by the Secretary to the Ministry;</li> <li>c) The Board of Investments under the Ministry of Commercial Trade;</li> <li>d) The Department of Immigration and Emigration under the Ministry of Finance;</li> <li>e) The Department of Customs under the Ministry of Finance; and,</li> <li>f) The Department of Import and Export Control under the Ministry of Finance</li> </ul> <p>3. Prior to the registration of an imported fishing vessel under</p>



	<p>this section, the Technical Committee shall give its approval on the basis of the assessment of the documents provided under subsections (4) and (5), as applicable, and the compliance of conditions under subsection (6).</p> <ol style="list-style-type: none"> <li>4. Any person intending to import a foreign fishing vessel, shall disclose the source of income acquired to purchase the vessel, and shall provide the following documents to the Director-General to be sent to the Technical Committee for evaluation: <ol style="list-style-type: none"> <li>a) The original copy of the latest fishing license issued by the flag State;</li> <li>b) Prior bill of sale identifying prior owner(s) of the vessel for the last three consecutive years; and,</li> <li>c) Any relevant documents to prove that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the fishing vessel.</li> </ol> </li> <li>5. By way of derogation, the provisions of subsection (3) (a) to (c) shall not apply to the importation of a newly built fishing vessel, where instead, the original ship builder's certificate for new built vessels shall be provided.</li> <li>6. The compliance of the following conditions shall be obligatory for the importation of a foreign built fishing vessel: <ol style="list-style-type: none"> <li>a) The fishing vessel to be imported shall be no included in an IUU vessel list of a Regional Fisheries Management Organization and;</li> <li>b) The exporting State of a fishing vessel operated for catching species regulated by Regional Fisheries Management Organizations, shall be a party to that organization.</li> </ol> </li> <li>7. On the basis of the prior approval by the Technical Committee, the Director-General shall determine the registration of the fishing vessel, and shall issue a provisional registration certificate to the vessel owner, to import the fishing vessel, and subject to the applicable regulations on customs, immigration and defence.</li> </ol>
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<p><b>Payment of Fees to the Provincial Fund</b></p> <p><b>Section 17</b></p>	<p>The Director-General shall, at the end of each year, pay to the Provincial Fund of each Province such percentage of the fees received during that year for the registration of fishing vessels referred to in sections(15) and (16), owned by persons residing in that province, as may be prescribed.</p>
<p><b>Transmission of Information to the Province</b></p> <p><b>Section 18</b></p>	<p>The Director-General shall, on a regular basis and at least once a year, transmit the information of registration of fishing vessels owned by persons residing in each Province, obtained under sections (15) and (16), to the Secretary of the Provincial Ministry of Fisheries.</p>
<p><b>Duration and Renewal of the Certificate of Registration</b></p> <p><b>Section 19</b></p>	<ol style="list-style-type: none"> <li>1. A certificate of registration for fishing vessels issued in accordance with section (15) (7) shall be valid for a period of one year since the date of issuance. The owner or operator of the registered fishing vessel may apply for renewals of the certificate of registration for equivalent validity periods, in accordance with the procedure laid down in this section.</li> <li>2. The procedure for renewal of the certificate of registration shall be initiated by the owner or operator at least forty-five(45) days prior to the date of expiration of the certification of registration, by forwarding to the Director-General, or any other officer authorized on his or her behalf, with the following documents: <ol style="list-style-type: none"> <li>a) Application for renewal in the prescribed form;</li> <li>b) Valid annual Seaworthiness Certificate;</li> <li>c) Valid annual certificate of insurance;</li> <li>d) The certificate of registration for the current year; and</li> <li>e) Accompanied by the prescribed fee.</li> </ol> </li> <li>3. The Director General shall, within fifteen (15) days from the date of receipt of the documents stated in subsection (2), inspect the vessel and verify that the information provided is complete and accurate.</li> <li>4. Upon receipt of the information of subsection 2, the Director-General or any officer authorised by him/her in that behalf shall, before the expiration of the certificate of registration: <ol style="list-style-type: none"> <li>a) verify that the conditions required under section</li> </ol> </li> </ol>

	<p>(15)(5)(b) to (e) are met;</p> <p>b) make the necessary entries in the certificate of registration; and,</p> <p>c) Return such certificate to the applicant.</p> <p>5. Upon the renewal of the registration of a fishing vessel, a certificate of renewal shall be issued to the owner or operator of the vessel in the prescribed form.</p>
<p><b>Changes of information in the Register</b></p> <p><b>Section 20</b></p>	<p>1. The owner or operator of a fishing vessel shall inform the Director General of any modification of the information provided for the registration of that vessel within the established timeframe and using the prescribed form. In particular, the following information shall be transmitted:</p> <p>a) Any transfer of ownership or possession of a registered fishing vessel shall be reported within twenty-one (21) days of such change; and,</p> <p>b) The breaking up or loss of a registered fishing vessel shall be reported immediately, and in any case, no later than fourteen (14) days of such breaking up or loss.</p> <p>2. The installation of an engine into a registered non-motorized fishing vessel, shall require the owner to apply for re-registration of that vessel under section (19), using the prescribed form.</p> <p>3. The Director-General shall, upon verification of the new information provided under subsection (1) and the payment of the prescribed fee, register the new information in the register to be maintained by DFAR under section (13).</p> <p>4. The failure by the owner or operator to report the information of subsection (1) within the prescribed period shall constitute an offence. The Director-General shall, taking into account the circumstances of each case impose a fine, and section (137) shall apply <i>mutatis mutandis</i>.</p>
<p><b>Cancellation of the Registration of Fishing Vessels</b></p> <p><b>Section 21</b></p>	<p>1. The owner of a registered fishing vessel shall apply to the Director-General, in writing using the prescribed form along with all necessary supporting documents, for the cancellation of registration of such vessel on his/her name from the register of fishing vessels in the following circumstances:</p>

	<ul style="list-style-type: none"> <li>a) No longer to be used for commercial fishing;</li> <li>b) The vessel has not been operational in the last three consecutive years;</li> <li>c) Totally destroyed, lost or rendered permanently unserviceable, based on a proven technical re-coronation.</li> </ul> <p>2. The Director-General shall cancel the registration of the fishing vessel under subsection (1), after satisfying himself/herself on the fact that:</p> <ul style="list-style-type: none"> <li>a) The fishing vessel for which cancellation has been initiated shall no longer be used for commercial fishing under a Sri Lankan flag; and,</li> <li>b) No pending sanctions lie on the owner or the fishing vessel.</li> </ul> <p>3. The Director-General may proceed to cancel the registration of a fishing vessel where such fishing vessel:</p> <ul style="list-style-type: none"> <li>a) Is no longer in a seaworthy condition;</li> <li>b) It is found to be abandoned and /or the owner of the vessel cannot be found;</li> <li>c) Is to be found registered in another State;</li> <li>d) Has been convicted for illegal, unreported or unregulated fishing activities requiring the cancellation of the registration of the fishing vessel;</li> <li>e) In any other situation where, after conducting all the necessary investigations, the vessel cannot be found;</li> <li>f) Not reporting changes of the original structure, engine and equipment without prior approval; and,</li> <li>g) The Director-General may decide to cancel registration of the fishing vessel when the fishing license is cancelled.</li> </ul> <p>4. The Director-General shall notify the owner in writing the effective date of cancellation under subsections (1) and (3) and shall issue the certificate of cancellation to that effect.</p>
<b>Exportation of Fishing Vessels</b>  <b>Section 22</b>	<p>1. Before the Director General deregisters a fishing vessel from the register, he/she shall verify the following information:</p> <ul style="list-style-type: none"> <li>a) Where the fishing vessel is to be used to conduct fishing operations for species regulated by a Regional Fisheries Management Organization, the importing</li> </ul>

	<p>State shall be a party to that organization;</p> <p>b) The fishing vessel register is managed and controlled by the importing State; and,</p> <p>c) The person importing the fishing vessel does not have any pending sanctions for illegal, unreported or unregulated fishing.</p> <p>2. The Director General after satisfying himself/herself on the verification of the information of subsection (1), and where the following conditions are met, shall deregister the fishing vessel from the register referred under section (13):</p> <p>a) The vessel monitoring system (VMS) is disconnected from the vessel, and where the device is state property, it shall be rendered to an authorized officer;</p> <p>b) The automatic identification system (AIS) and any other electronic device configured to the country code of Sri Lanka shall be deactivated; and,</p> <p>c) The carved or permanently marked vessel registration number shall be completely removed from the vessel in the presence of an authorized officer.</p> <p>3. The Director-General shall notify the owners in writing the effective date of deregistration and shall issue the certificate of deregistration to that effect.</p>
<p><b>Suspension of the Registration of Fishing Vessels</b></p> <p><b>Section 23</b></p>	<p>The Director-General may proceed to suspend the registration of a fishing vessel where such vessel has been sanctioned for an offence under sections (x SL to complete x) requiring the suspension of the registration of the fishing vessel.</p>
<p><b>Registration of Instruments of Mortgage</b></p> <p><b>Section 24</b></p>	<p>1. The owner of a fishing vessel registered in the register of fishing vessel shall inform the Director-General of every instrument of mortgage linked to the fishing vessel.</p> <p>2. Upon receipt of the information specified in subsection (1), the Director-General shall register the instrument of mortgage in the order with which it is submitted in the register of fishing vessel referred to in section (13).</p>

<b>Priority of Instruments of Mortgage</b>  <b>Section 25</b>	<p>When there are more than one instruments of mortgage registered in respect of the same fishing vessel, such instruments, shall be given priority in accordance with the date on which such instrument is registered and not according to the date of execution provided that any fraud or collusion in securing the prior registration of any instrument of mortgage shall defeat the priority of the person claiming there under.</p>
<b>Registered Mortgage of Fishing Vessel to Subsist</b>  <b>Section 26</b>	<p>Notwithstanding anything in any other law, where an instrument of mortgage of a fishing vessel is registered under section (24) any sale or other disposition of the fishing vessel 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 fishing vessel which shall remain subject to the mortgage in the hands of the transferee or other person in whose favour such disposition is affected.</p>
<b>Entry of Discharge of Mortgage</b>  <b>Section 27</b>	<p>Where a registered mortgage of a local fishing vessel is discharged, the Director-General 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 vessel to the effect that the mortgage has been discharged.</p>
<b>Mortgage Not Effected by Bankruptcy</b>  <b>Section 28</b>	<p>A registered mortgage of a fishing vessel shall not be effected 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 fishing vessel 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.</p>
<b>Transfer of Mortgages and Registration</b>  <b>Section 29</b>	<ol style="list-style-type: none"> <li>1. A registered mortgage of a local fishing vessel may be transferred to any person and the instrument effecting the transfer (‘instrument of transfer’) shall be in the prescribed form. Every instrument of transfer shall be submitted to the Director-General for registration.</li> <li>2. Every instrument of transfer of a mortgage shall be registered by the Director-General in the register of local fishing vessels.</li> </ol>

	<p>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 vessels.</p>
<p><b>Transmission of Interest Mortgage on Bankruptcy</b></p> <p><b>Section 30</b></p>	<p>1. Where the interest in a mortgage of a local fishing vessel is transmitted by bankruptcy, death, or any other lawful means, not being a transfer under section (29), the person to whom the interest is transmitted shall:</p> <p>a) make a declaration to the Director-General stating his name, address and the manner in which the interest in the mortgage has been transmitted to him; and</p> <p>b) Produce to the satisfaction of the Director-General evidence of the transmission of the interest in the mortgage of the local fishing vessel.</p> <p>2. The Director-General shall, on receipt of the declaration and on production of the evidence referred to in subsection (1), enter in the register of local fishing vessels 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 vessel.</p> <p>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 (29), shall enjoy the same priority as was enjoyed by such mortgagee.</p>
<p><b>Publicity</b></p> <p><b>Section 31</b></p>	<p>The information in the register of fishing vessels under section (13) and the information of the register of fishers under section (35) shall be publicly available, subject to any applicable laws regarding the confidentiality of information, and in so far as it is consistent with the provisions of this Act, and in particular sections (170) and (171).</p>
<p><b>Searches and Copies</b></p> <p><b>Section 32</b></p>	<p>All registers and documents kept under this Act may be searched and examined by any person claiming to be interested therein or by his/her 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-General on payment of the prescribed fee.</p>

<p><b>Evidence</b></p> <p><b>Section 33</b></p>	<p>A copy or extract purporting to be certified under the hand of the Director-General is deemed to be a true copy of, or extract from, any register or document kept pursuant to this Part. The certified copy shall be admissible as evidence without proof of the signature or appointment of the Director-General and shall be <i>prima facie</i> evidence of the contents of such register or document for all purposes and in all proceedings, civil or criminal, in line with section (160).</p>
<p><b>Other Written Law Not to Apply</b></p> <p><b>Section 34</b></p>	<p>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.</p>
<p><b>CHAPTER 2 – Registration of Fishers</b></p>	
<p><b>Registration of Fishers</b></p> <p><b>Section 35</b></p>	<ol style="list-style-type: none"> <li>1. The Director-General shall cause to be maintained a register of persons engaged in fishing (‘Register of Fishers’) and shall issue an identity card as prescribed to each such person.</li> <li>2. Any person intending to engage in fishing, including the persons registered with a Fisheries Committee, shall apply to the Director-General for registration as a fisher as prescribed.</li> <li>3. Every Fisheries Committee shall in the prescribed manner and form, prepare, revise and maintain a register of fishers residing or engaged in fishing within its fisheries management area declared under section (74).</li> <li>4. Every Fisheries Committee shall transmit updated information of the register specified under subsection (3), to the Director-General on a regular basis, and at least once a year.</li> <li>5. Any person who contravenes the provisions of subsection (2) commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply. The Minister may make regulations in respect of the conditions and application procedure to obtain an identity card under subsection (2), and the procedure to be followed in the preparation and revision of the Register of Fishers referred to in subsection</li> </ol>



	<p>(1), which shall include, <i>inter alia</i>:</p> <ol style="list-style-type: none"> <li>for any person who claims to be entitled to have his/her name entered in such register to apply to the Fisheries Committee for registration;</li> <li>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;</li> <li>the procedure to be followed by the Fisheries Committee in the determination of such applications; and</li> <li>for appeal to the Director-General from the determination of a Fisheries Committee on any claims or objections made to such Committee.</li> </ol>
	<b>PART III</b> <b>LICENSING</b>
	<b>CHAPTER 1 – Licenses for Fishing Vessels</b>
<b>Licensing of Fishing Operations</b>  <b>Section 36</b>	<ol style="list-style-type: none"> <li>In order to effectively monitor and control fishing vessels and their activities, and adequately combating illegal, unreported or unregulated fishing activities in line with section (3) (h) and (i), a Sri Lankan fishing vessel shall not engage in fishing operations in Sri Lankan waters or in areas beyond national jurisdiction, except under the authority, and otherwise than in accordance with the terms and conditions of a fishing license granted under the procedures specified in this Part.</li> <li>The Minister may adopt regulations to determine the form for the application, payable fees and any other matter related to the licensing of fishing vessels and fishers to conduct fishing operations, and licenses for sport fishing under this Part.</li> </ol>
<b>General Principles of Issuance of Fishing Licenses</b>  <b>Section 37</b>	<ol style="list-style-type: none"> <li>The number of fishing licenses to be issued under section 42(5) to conduct fishing operations in Sri Lankan waters shall be commensurate with the spawning stock biomass of fisheries resources and their sustainable utilization in accordance with the objective laid down in section 3(b).</li> <li>For the purpose of subsection (1), the National Aquatic Resources and Development Agency (‘NARA’) or any other authorised agency on that behalf shall submit a report in every three(3) years to the Director General pertaining to</li> </ol>

	<p>the stock status of fisheries resources.</p> <p>3. The Director-General shall decide on the total number of fishing licenses to be issued annually to conduct fishing operations in Sri Lankan waters, on the basis of the report referred to in subsection (2), in line with the National Fisheries Management and Development Plan and where applicable the National Fleet Development Plan, and upon consultation with the Advisory Council, and any other stakeholder as may be appropriate. Provided no licenses to conduct fishing operations shall be issued to a person in Sri Lankan waters and High seas simultaneously.</p>
<p><b>Duration of the Fishing License</b></p> <p><b>Section 38</b></p>	<p>Fishing licenses are valid for a period of one year from the date of issuance of such license, unless suspended or cancelled earlier.</p>
<p><b>Transfer of Fishing Licenses</b></p> <p><b>Section 39</b></p>	<ol style="list-style-type: none"> <li>1. No license granted under this part shall be transferable except with the written approval of the Director-General or the licensing officer as the case may be:</li> <li>2. Where a fishing license is transferred under subsection (1), the: <ol style="list-style-type: none"> <li>a) License to conduct fishing operations in Sri Lanka waters under section 42(5), shall be endorsed upon such license.</li> <li>b) Fishing licenses to conduct fishing operations in areas beyond national jurisdiction under sections (44) (5) and (45) (5) and, shall be endorsed upon such license.</li> </ol> </li> <li>3. In the event of a transfer under subsection (2), the registration of the fishing vessel shall be transferred in the transferee's name.</li> <li>4. No person whose license has been cancelled under section (47) shall be entitled to have a license transferred in his or her name.</li> <li>5. Any person who contravenes the foregoing provisions of this section commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply.</li> </ol>

<p><b>Foreign Flagged Vessels</b></p> <p><b>Section 40</b></p>	<ol style="list-style-type: none"> <li>1. Fishing by foreign flagged fishing vessels in Sri Lankan waters is prohibited.</li> <li>2. By way of derogation from subsection (1), the Director-General with the approval of the Minister, may on application made therefore and payment of the prescribed fee issue a permit in respect of any foreign fishing vessel, authorizing that vessel to be used for such fishing and related activities in such area or areas of Sri Lankan waters, and during such periods, as may be specified in the permit. The application for a license procedure under sections (42) and the suspension and cancellation of the license under section (47) of this Act shall apply, <i>mutatis mutandis</i>, to foreign flagged vessels.</li> <li>3. By way of derogation from subsection (1), foreign flagged vessels may be authorized to conduct fishing for scientific research under sections (92) and (93).</li> <li>4. The owner or operator of a foreign flagged fishing vessel not licensed or authorized to conduct fishing operations in Sri Lankan waters pursuant to this Act, or under an applicable access agreement and entering Sri Lankan waters, shall report to the Director General by electronic means, at prescribed distance and /or time intervals the following information: <ol style="list-style-type: none"> <li>a) Its name;</li> <li>b) International Radio Call Sign;</li> <li>c) Flag registration;</li> <li>d) Date and time of entry to and exit from Sri Lanka waters;</li> <li>e) Position (to 1 minute of arc);</li> <li>f) Intended activity; and,</li> <li>g) Catch on board.</li> </ol> </li> <li>5. The master or operator of a foreign flagged fishing vessel shall ensure that when entering Sri Lankan waters, the fishing gear shall be lashed and stowed according to prescribed conditions, so that they may not be readily used.</li> <li>6. Where the owner or operator of a foreign fishing vessel not licensed or authorized pursuant to this Act, or under an applicable access agreement is entering Sri Lankan waters and refuses or otherwise fails to report the information</li> </ol>
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	<p>described in subsection (4), it shall be presumed, in the absence of evidence to the contrary, that all fish found on board have been caught within the fisheries waters of Sri Lanka in contravention of this Act.</p> <p>7. Where in any prosecution instituted under this Act following the seizure of a foreign fishing vessel by an enforcement vessel, the place in which an event is alleged to have taken place is in issue, the place stated in a certified copy of the relevant entry in the logbook or other official record of the enforcement vessel as being the place in which the event took place shall be presumed until the contrary is proved, to be the place in which such event took place.</p> <p>8. The owner or operator of a foreign fishing vessel operating against the provisions of subsections (1), (4) and/or (5) commits an offence, and upon conviction, the sanctions of schedule III shall apply.</p> <p>9. The owner or operator of a foreign fishing vessel for which a fishing permit has been issued, who contravenes the conditions of the permit, commits an offence, and upon conviction, the sanctions of the schedule III shall apply.</p> <p>10. The Minister may make regulations to grant determine the application procedure and form, and the conditions for fishing for foreign vessels in Sri Lankan waters, including the creation of joint ventures. The Minister may prescribe the areas of Sri Lankan waters which shall be reserved for Sri Lankan fishers and no foreign vessel shall operate within the scope of the principles and objectives of this Act.</p>
<p><b>Licensing Authority</b></p> <p><b>Section 41</b></p>	<p>1. The Director-General shall have authority to grant issue; renew fishing licences to conduct fishing operations in Sri Lankan waters, in the high seas and in the waters of another States as required under this Act.</p> <p>2. Any Director authorised by the Director-General shall have authority to grant, issue, renew fishing licenses to conduct fishing operations in Sri Lankan waters required under this Act.</p>

	<p>3. The Director referred to in subsection (2) may in writing delegate the power of issuing licenses to licensing officer(s) appointed for this purpose for each administrative District, in accordance with section (5)(1)(c).</p>
<p><b>Application for a Fishing License to Conduct Fishing Operations in Sri Lankan waters</b></p> <p><b>Section 42</b></p>	<p>1. The owner or operator of a fishing vessel shall apply for a fishing license to conduct fishing operations in Sri Lankan waters, using the prescribed form and accompanied by the prescribed fee, to the licensing officer of the administrative District in which the fishing operation is to be carried out.</p> <p>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 shall be made to the Director referred to in section (41) (2).</p> <p>3. Upon receipt of an application for a fishing license, the licensing officer or the Director, as the case may be, shall grant a fishing licence solely once the vessel has been examined by an authorized officer and the following conditions are met:</p> <ul style="list-style-type: none"> <li>a) Complete and accurate information on the vessel and the owner or operator has been received in accordance with the requirements specified in the prescribed form;</li> <li>b) The fishing vessel, the owner or the operator are not subject to any pending sanctions for having contravened the provisions of this Act;</li> <li>c) The fishing vessel has a registration number and duly engraved external markings;</li> <li>d) The fishing gear is properly marked in accordance with prescribed conditions;</li> <li>e) Navigational and safety equipment is properly installed on board in accordance with prescribed conditions;</li> <li>f) Communication equipment is duly installed enabling the authorized officers to communicate with the vessel.</li> </ul> <p>4. Where the licensing officer or the Director, as the case may be, decides to refuse the application for a fishing license under subsection (3), the reasons for such refusal shall be communicated in writing to the applicant. The decision of such refusal shall be deemed to have been communicated within two weeks from the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.</p>

	<p>5. Where the application for a fishing license in accordance with subsection (3) is approved, the licensing officer or the Director, as the case may be, shall issue the fishing license to the applicant in the prescribed form. The fishing license shall contain the following information:</p> <ol style="list-style-type: none"> <li>Registration number of the vessel for which the fishing license is issued;</li> <li>The fishing gear/ methods permitted under the license;</li> <li>Fishing area;</li> <li>Authorized landing sites;</li> <li>Fishing season(s), where applicable;</li> <li>Fishing time(s), where applicable;</li> <li>Fishing species permitted to be caught under the license; and,</li> <li>Any other conditions as may be imposed by the Director-General.</li> </ol> <p>(6) Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule III shall apply.</p>
<p><b>Renewal of a Fishing License to Conduct Fishing Operations in Sri Lankan waters</b></p> <p><b>Section 43</b></p>	<ol style="list-style-type: none"> <li>The owner or operator of a fishing vessel may apply for the renewal of the fishing license of that vessel to the licensing officer. The application for the renewal shall be submitted sixty (60) days prior to the date of expiry of the fishing license, in accordance with the procedure laid down in this section.</li> <li>If there is no licensing officer appointed for the administrative District in which the fishing operation is authorised by the license, the application for renewal shall be made to the Director referred to in section 42(2).</li> <li>The licensing officer or the Director, as the case may be, shall within fourteen(14) days from the date of the receipt of the application under subsection 3 renew the fishing license if he or she is satisfied that: <ol style="list-style-type: none"> <li>The fishing vessel, and the owner or operator are not subject to any pending sanctions for having contravened the terms and conditions of the fishing license;</li> <li>The licensee has paid the prescribed fee for renewal of the fishing license; and,</li> <li>The renewal of the license will not undermine the effectiveness of the conservation and management</li> </ol> </li> </ol>

	<p>measures under this Act or any implementing regulations thereof upon the renewal of the fishing license, a new fishing license shall be issued to the applicant in the prescribed form.</p> <p>4. The Director or the licensing officer, as the case may be, shall communicate the decision of any non-renewal of the fishing license to the owner or operator in writing. The decision of such refusal shall be deemed to have been communicated within two weeks from the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.</p>
<p><b>Application for a Fishing License to Conduct Fishing Operations on the High Seas</b></p> <p><b>Section 44</b></p>	<p>1. The owner or operator of a fishing vessel shall apply for a fishing license to conduct fishing operations on the high seas to the Director-General, using the prescribed form accompanied by the prescribed fee.</p> <p>2. An affidavit shall state the applicant has not been issued a valid fishing license to conduct fishing operations on the high seas by another State and shall accompany the application referred to in subsection (1).</p> <p>3. Upon receipt of an application under subsection (1), the Director-General, shall grant a fishing licence once the vessel has been examined by an authorized officer and if the following conditions are met:</p> <ul style="list-style-type: none"> <li>a) Complete and accurate information on the vessel and the owner or operator has been received in accordance with the requirements specified in the established prescribed form;</li> <li>b) The fishing vessel, the owner or operator are not subject to any pending sanctions for having contravened the provisions of this Act;</li> <li>c) The fishing vessel has a registration number and duly engraved external markings;</li> <li>d) The fishing gear is properly marked in accordance with prescribed conditions, allowing the identification of the owner;</li> <li>e) Navigational, communications and safety equipment are properly installed on board in accordance with prescribed conditions;</li> <li>f) The fishing vessel is in compliance with implementing</li> </ul>

	<p>regulations under this Act on the construction of fishing vessels;</p> <p>g) The fishing vessel is equipped with vessel monitoring system;</p> <p>h) Complete transshipment declaration has been submitted where applicable and;</p> <p>i) Where appropriate, any other specific condition as required by a national or regional rules applicable to Sri Lanka, or by binding measures from international Fisheries Management Organization to which Sri Lanka is a party contractual party.</p> <p>4. Where the licensing officer or the Director, as the case may be, decides to refuse the application for a fishing license under subsection (3), the reasons for such refusal shall be communicated in writing to the applicant. The decision of such refusal shall be deemed to have been communicated within two weeks from the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.</p> <p>5. Where the application for a fishing license in accordance with subsection (3) is approved, the Director-General shall issue the fishing license to the applicant in the prescribed form. The fishing license shall contain the following conditions:</p> <p>a) Registration number of the vessel for which the fishing license is issued;</p> <p>b) Fishing period;</p> <p>c) The fishing gear/ methods permitted under the license;</p> <p>d) Fishing area;</p> <p>e) Authorized landing sites;</p> <p>f) Fishing species permitted to be caught under the license; and,</p> <p>g) Whether any GPS device and Echo sounder are carried on board.</p> <p>(6) Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply.</p>
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<p><b>Application for a Fishing License to Conduct Fishing Operations in the Waters of Another State</b></p> <p><b>Section 45</b></p>	<ol style="list-style-type: none"> <li>1. The owner or operator of a fishing vessel intending to conduct fishing operations in the waters of another State, shall first apply to the Director-General for such license using the prescribed form and accompanied by the prescribed fee. Once the vessel has been examined by an authorized officer and the conditions of section (44) (3) are met, a fishing license may be granted by the Director-General.</li> <li>2. Upon receipt of the fishing license referred to in subsection (1), the owner or operator of the fishing vessel intending to conduct fishing operations in the waters of another State, shall apply to the coastal State for a fishing license in accordance with the procedures of that coastal State, and the terms and condition of any fishery agreement or any other arrangement as referred to in section (67).</li> <li>3. Where the Director-General decides to refuse the application for the fishing license under subsection (1), the reasons for the refusal shall be stated in the application and shall be deemed to have been communicated in writing within fourteen (14) days from the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.</li> <li>4. Where the application for a fishing license in accordance with subsection (3) is approved, the Director-General, shall issue the fishing license to the applicant in the prescribed form.</li> <li>5. Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply.</li> </ol>
<p><b>Renewal of a Fishing License to Conduct Fishing Operations on the High Seas or in the Waters of Another States</b></p>	<ol style="list-style-type: none"> <li>1. The owner or operator of a vessel intending to continue fishing operations on the high seas or in the waters of another State, may apply for the renewal of the fishing license to the Director-General. The application for the renewal shall be initiated forty-five (45) days before the expiration date of the fishing license, in accordance with the procedure laid down in this section.</li> </ol>

<p><b>Section 46</b></p>	<ol style="list-style-type: none"> <li>2. The Director-General, shall within fourteen(14) days from the date of the receipt of the application under subsection (1) renew the fishing license if he/ she is satisfied that: <ol style="list-style-type: none"> <li>a) The fishing vessel, the owner or operator are not subject to any pending sanctions for having contravened the terms and conditions of the fishing license;</li> <li>b) The licensee has paid the prescribed fee for renewal of the fishing license; and,</li> <li>c) The renewal of the license shall not undermine the effectiveness of the conservation and management measures.</li> </ol> </li> <li>3. Upon the renewal of the fishing license, a new fishing license shall be issued to the applicant in the prescribed form.</li> <li>4. Where the Director-General decides to refuse the renewal of the fishing license under subsection (1), the reasons for the non-renewal shall be stated in the application and shall be deemed to have been communicated in writing within fourteen (14) days from the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.</li> </ol>
<p><b>Cancellation or Suspension of the Fishing License</b></p> <p><b>Section 47</b></p>	<ol style="list-style-type: none"> <li>1. The Director or authorized officer, as the case may be, shall cancel the fishing license referred to in section 42(5), and the Director-General shall cancel the fishing license referred to in sections 44(6) and 45(5) in the following circumstances: <ol style="list-style-type: none"> <li>a) The registration of the fishing vessel is cancelled or suspended under sections (21) and (23), respectively;</li> <li>b) The fishing vessel to which the license applies has ceased to be a Sri Lankan fishing vessel,</li> <li>c) Where relevant evidence indicates that the fishing vessel, the owner or operator have conducted unauthorized fishing in the waters of another States or on the high seas, or;</li> <li>d) The fishing vessel, the owner or operator have been sanctioned for an offence requiring the cancellation of the fishing license.</li> </ol> </li> </ol>

	<p>2. The Director or authorized officer, as the case may be, shall suspend the fishing license referred to in section 42(5), and the Director-General shall suspend the fishing license referred to in sections 44(6) and 45(5), after satisfying himself /herself on the fact that:</p> <ul style="list-style-type: none"> <li>a) The fishing vessel, the owner or operator have contravened the terms and conditions of the fishing license,</li> <li>b) The license has been issued on the basis of false, misleading or inaccurate information provided by the applicant, or;</li> <li>c) Where the fishing vessel, the owner or operator have been sanctioned for an offence requiring the suspension of the license of the fishing vessel.</li> </ul> <p>3. The authority deciding to cancel or suspend the fishing license of a fishing vessel under subsections (1) or (2) shall communicate that decision to the owner or operator by registered post, or any other electronic means. The reasons for that decision shall be deemed to have been communicated in writing fourteen (14) days after the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.</p>
<p><b>Appeals</b></p> <p><b>Section 48</b></p>	<p>1. Where an application for a fishing license is refused under sections (42)(4), (44)(5) or (45)(4), non-renewed under section (43)(5) or (46)(5) cancelled or suspended under section (47), the licensee aggrieved by such decision may appeal to the Director-General, under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him.</p> <p>2. Where the Director-General refuses the appeal, a further appeal may be made to the Secretary to the Ministry of Fisheries, whose decision shall be final.</p> <p>3. The Director-General or the Secretary shall, in considering an appeal under subsection (2), notify the appellant of the decision in writing, together with the reasons thereof, within thirty (30) days of receiving notification of the appeal by the applicant.</p>

<b>Transmission of Information with the Provinces</b>  <b>Section 49</b>	The Director shall furnish particulars of all licenses granted, renewed, cancelled, suspended or transferred in accordance with the provisions of this Part, in respect of fishing vessels owned by persons residing in any Province to the Secretary of the Provincial Ministry of Fisheries.
	<b>CHAPTER 2 – Obligations for Holders of Licenses for Fishing Vessels</b>
<b>Compliance with the Act</b>  <b>Section 50</b>	<ol style="list-style-type: none"> <li>1. No person shall engage in any activity specified in this Act, or use a Sri Lankan fishing vessel, foreign fishing vessel or other vessel, except in accordance with this Act and such applicable access or other agreement as may be required.</li> <li>2. Sri Lankan nationals shall neither support, not engage in IUU fishing activities including as crew members, master or operator of a fishing vessel.</li> <li>3. Without prejudice to the primary responsibility of flag States, the Director-General shall endeavour to cooperate with other States engaging Sri Lankan nationals as referred to in subsection (2), as to identify nationals supporting and /or engaging in IUU fishing and to take appropriate measures against those nationals.</li> </ol>
<b>Obligations with Reference to Fishing Licenses</b>  <b>Section 51</b>	<ol style="list-style-type: none"> <li>1. The owner or operator of a Sri Lankan fishing vessel shall ensure that the fishing vessel shall not engage in fishing operations in Sri Lankan waters or in areas beyond national jurisdiction, except under the authority of <b>a valid and applicable fishing license</b> as required under this Act, and fishing operations are conducted in <b>accordance with the terms and conditions of such a fishing license</b> granted under the procedures specified in this Part.</li> <li>2. Any person who contravenes subsection (1) commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply.</li> </ol>
<b>License to be carried on board</b>  <b>Section 52</b>	<ol style="list-style-type: none"> <li>1. The owner or operator shall ensure that the master of the fishing vessel carries the license on board at all times, and produces such license for inspection when required to do so by a duly authorized officer.</li> <li>2. Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> </ol>

<p><b>Departure and Arrival</b></p> <p><b>Section 53</b></p>	<ol style="list-style-type: none"> <li>1. The master or operator of an inboard fishing vessel shall, prior to departure or on arrival at a designated fishing port or anchorage, obtain approval for such actions by an authorized officer.</li> <li>2. The master and crew members of a fishing vessel shall confirm their identity to the authorized officer before departure and on arrival.</li> <li>3. The catch certificate shall be issued by the Director-General, or a nominated authorized officer of the of DFAR.</li> <li>4. For any incident reported during the time period between departure and arrival of a fishing vessel, the master and crew members of such vessel shall be responsible.</li> <li>5. The master, operator or crew member who contravenes the provisions of subsections (1) and (2) commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> </ol>
<p><b>Record of Fisheries Data</b></p> <p><b>Section 54</b></p>	<ol style="list-style-type: none"> <li>1. The master or operator of any mechanized fishing vessel operating in Sri Lankan waters or on the high seas, shall carry on board a logbook issued by the Director-General and shall maintain or cause to be maintained a record of fisheries data in that logbook, including catches and by-catches, as prescribed in the fishing licence, for each fishing trip.</li> <li>2. The master or operator shall produce the logbook for inspection to any authorized officer, if so required by such officer.</li> <li>3. The master or operator shall submit the information recorded in the logbook to the authorised officer enabling him/her to establish the traceability of such fish.</li> <li>4. The master or operator who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> </ol>

<p><b>Landing and Reporting</b></p> <p><b>Section 55</b></p>	<ol style="list-style-type: none"> <li>1. The master or operator of a fishing vessel shall land fish taken by his/ her fishing vessel only at the port, anchorage <b>or landing site</b> designated in the fishing license, and in accordance with the conditions established under section (114).</li> <li>2. On reaching a port or anchorage, the master or operator shall submit such information to an authorized officer as prescribed.</li> <li>3. The master or operator who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply.</li> </ol>
<p><b>Vessel Monitoring System (VMS)</b></p> <p><b>Section 56</b></p>	<ol style="list-style-type: none"> <li>1. No Sri Lankan Multiday vessel shall be authorized to conduct fishing operations in either EEZ or High seas unless a fully functioning satellite-based vessel monitoring system ('VMS') is installed on board, allowing that vessel to be automatically located and identified, and to transmit position data at regular intervals to the Fisheries Monitoring Centre ('FMC').</li> <li>2. The owner or operator of any fishing vessel carrying out fishing activities in either EEZ or High seas shall: <ol style="list-style-type: none"> <li>a) Install and maintain a VMS on board the fishing vessels and ensure it shall be fully operational at all times;</li> <li>b) Ensure that the VMS on board the vessel shall be tamper resistant, preventing the input or output of false positions, and shall not be capable of being over-ridden, whether manually, electronically or otherwise, and is: <ol style="list-style-type: none"> <li>i) Located within a sealed unit; and</li> <li>ii) Protected by official seals of a type that will indicate whether the unit has been accessed or tampered with.</li> </ol> </li> <li>c) Transmit the following information to the FMC at least once every four hours, or as prescribed: <ol style="list-style-type: none"> <li>i) The vessel identification;</li> <li>ii) The current geographical position of the vessel (longitude, latitude) with a position error which shall be less than 500 metres at a confidence level of 99%;</li> <li>iii) The date and time (expressed in UTC) of the fixing of the said position of the vessel; and,</li> <li>iv) The speed and course of the fishing vessel.</li> </ol> </li> </ol> </li> </ol>

	<p>3. The owner or operator who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule III shall apply.</p>
<p><b>Marking of Fishing Gears</b></p> <p><b>Section 57</b></p>	<p>1. The owner or operator of a fishing vessel shall mark all fishing gears on board the vessel in accordance with prescribed regulations.</p> <p>2. The owner of operator of a fishing vessel contravening the regulations on the marking of fishing gears commits an offence and upon conviction, the sanctions of schedule III shall apply.</p> <p>3. The Minister may make regulations to implement conditions in relation to the registration and marking of fishing gears and their owners, the officers by whom they shall be registered and payable fees as required within the scope of this Act or any international agreement binding upon Sri Lanka.</p>
<p><b>On-board Observers</b></p> <p><b>Section 58</b></p>	<p>1. The owner, master or operator and each crew member of any vessel on which an observer is deployed shall, in addition to the requirements in section (117), allow and assist such observer or other person appointed in accordance with section (119)(2)to:</p> <ul style="list-style-type: none"> <li>a) board such vessel at such time and place as the Director-General may require;</li> <li>b) receive and transmit messages and communicate with the shore and other vessels by means of the vessel's communications equipment;</li> <li>c) gather such information relating to fisheries as may be required for purposes of carrying out his duties and the objectives of this Act;</li> <li>d) disembark at such time and place as the Director-General may require or in accordance with an applicable access agreement, provided it is in accordance with the safe operation of the vessel; and</li> <li>e) Comply with such other requirements in relation to observers or port samplers as the Director-General may require or as may be prescribed, when the vessel is at any place in Sri Lanka waters, or consistently with international law and international conservation and management measures.</li> </ul>

	<ol style="list-style-type: none"> <li>2. The master or operator of any vessel on which an observer is placed, shall provide full board, accommodation, and access to any cooking and toilet facilities and amenities to officer level or similar approved standard and free of charge at all times.</li> <li>3. The observer shall undertake the duties prescribed by this Act, any implementing regulations thereof, and any international agreement, and in particular the observer shall: <ol style="list-style-type: none"> <li>a) Treat as confidential all information with respect to the fishing operations, the master or operator and the crew, and accept this requirement in writing as a condition of appointment as an observer;</li> <li>b) Comply with requirements established in this Act and any implementing regulations thereof; and,</li> <li>c) Respect the hierarchy and general rules of behaviour which apply to all vessel personnel, provided such rules do not interfere with the duties of the observer.</li> </ol> </li> <li>4. Any owner, master or operator and crew member of any vessel on which an observer is placed in accordance with this Act who does not comply with subsection (1), (2) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> <li>5. Any observer on board any vessel in accordance with this Act who does not comply with subsection (3) commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> </ol>
<p><b>Observers cost</b></p> <p><b>Section 59</b></p>	<ol style="list-style-type: none"> <li>1. The costs of operating an observer programme pursuant to this Act shall be recovered from the master or operator of the vessels in respect of any vessel licensed under this Act at such level and in such manner as the Director-General may require.</li> <li>2. The costs referred to in subsection (1) may include, <i>inter alia</i>: <ol style="list-style-type: none"> <li>a) Insurance coverage;</li> <li>b) Salary;</li> <li>c) Allowances;</li> <li>d) Equipment;</li> <li>e) Training;</li> <li>f) All travel and associated expenses to and from the vessel; and</li> <li>g) Other costs associated with the management and</li> </ol> </li> </ol>



	<p>administration of an observer programme at a level to be approved by the Director-General.</p> <p>3. Where payment of the costs referred to in subsection (2) is not made at the required time, or within thirty (30) days as may be required by the Director-General, the relevant licence shall be cancelled.</p>
	<b>CHAPTER 3 – Licenses for Fishers</b>
<p><b>Fishing License for Fishers with no vessel</b></p> <p><b>Section 60</b></p>	<p>1. No person shall engage in fishing operations with prescribed fishing equipment in Sri Lankan waters, except under the terms and conditions of a fishing license granted in accordance with the provisions of this Act and any implementing regulation thereof.</p> <p>2. Any person contravening subsection (1) commits an offence and upon conviction, the sanctions of schedule III shall apply.</p>
<p><b>Fishing License for Fishers to Engage in Fishing Operations in a Foreign Vessel</b></p> <p><b>Section 61</b></p>	<p>1. Any citizen of Sri Lanka intending to serve in a foreign flagged fishing vessel, and registered under section (35) to this Act, shall apply for a license in the prescribed form from the Director-General. However, such license shall not entitle any fisher to be employed in another state pertaining to any fishing or fishery related activities.</p> <p>2. The Director General shall not grant a license under subsection (1) to any citizen of Sri Lanka to serve in a foreign flagged fishing vessel, or to engage in any fishery related activity of another state who has either being convicted or has pending sanctions for having been involved in IUU fishing activities.</p> <p>3. Any Sri Lankan citizen serving in a foreign flagged fishing vessel in contravention with the obligation to have a licence under subsection (1) commits an offence, and upon conviction a schedule III fine level [3] shall apply.</p>

	<b>CHAPTER4 – Licenses for Masters</b>
<b>Licenses for Masters</b> <b>Section 62</b>	<ol style="list-style-type: none"> <li>1. Any citizen of Sri Lanka intending to serve as a master in a fishing vessel to conduct fishing operations either in: <ol style="list-style-type: none"> <li>a) in Sri Lankan waters; or,</li> <li>b) the high seas; or,</li> <li>c) In the waters of another State</li> </ol> <p>Must obtain a certificate of competence issued by a recognized institute approved by the Director-General and upon the production of such certificate, the Director-General shall issue such person with the relevant license.</p> </li> <li>2. The Director-General shall not grant a license under subsection (1) to any person who is either convicted of any offence, or is subject to any pending sanction for: <ol style="list-style-type: none"> <li>a) Having contravened the conditions stipulated in the license referred to in subsection (1);and /or,</li> <li>b) Having violated the conditions provided for the fishing license issued for fishing operations under his or her command; and /or,</li> <li>c) Having committed any offence or violation of any provisions of this Act.</li> </ol> </li> <li>3. Any person serving as master in a fishing vessel as referred to in subsection (1) without the certificate of competence and relevant license issued in accordance with this section, commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> </ol>
	<b>CHAPTER 5 – Recreational Fisheries</b>
<b>Recreational Fisheries</b> <b>Section 63</b>	<ol style="list-style-type: none"> <li>1. Any person engaged in recreational fisheries, including ‘catch and release’ fishing, shall conduct such activity under the terms and conditions of a fishing license issued by the Director-General in accordance with prescribed regulations and upon the payment of the prescribed fee.</li> <li>2. Recreational fishing activities shall be compatible with the objectives and purposes of this Act and any implementing regulations pursuant to this Act.</li> <li>3. License holders for recreational fisheries for ‘catch and release’ shall return alive to the sea all fish and aquatic resources so caught.</li> </ol>

	<ol style="list-style-type: none"> <li>4. License holders for recreational fisheries operations shall not be entitled to sale or offer for sale any part or whole of the fish or aquatic resources so caught.</li> <li>5. Where recreational fishing is authorized for species under management plans, the conditions for fishing shall be established under such plans.</li> <li>6. Any person who contravenes the provisions of subsection (1) commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> <li>7. The Minister may make regulations to determine the conditions, procedure and application form for the license referred to in subsection (1), and shall, on the recommendation of NARA or any other recognized research institution, implement regulations on recreational fishing under the objectives and purposes of this Act.</li> </ol>
	<b>CHAPTER 6 – Register of Licences</b>
<b>Register of Licenses</b>  <b>Section 64</b>	<ol style="list-style-type: none"> <li>1. The Director-General shall cause to be maintained an electronic register of fishing licenses for Sri Lankan vessels to conduct fishing activities in: <ol style="list-style-type: none"> <li>a) Sri Lankan waters in accordance with section (42);</li> <li>b) In the high seas under section (44);and,</li> <li>c) In the waters of another States under section (45).</li> </ol> </li> <li>2. The Director-General may decide to cause to be maintained a register of licenses for: <ol style="list-style-type: none"> <li>a) Foreign fishing vessels under sections (40);</li> <li>b) Fishers, as referred to in sections (60) and (61);</li> <li>c) Masters under section (62);</li> <li>d) Recreational fisheries as provided in section (63);</li> <li>e) Fishing for scientific research and data collection under sections (92) and (94);</li> <li>f) Scientific research by a foreign research organization or another State under section (93);</li> <li>g) Processing fish, export, import or re-export fish and fishery products under section (102);</li> <li>h) Transshipment at sea of fish or fishery products under section (113);</li> <li>i) Landing of fish or fishery products under section (114); and,</li> </ol> </li> </ol>

	<p>j) Any other activity or activities as may be prescribed.</p> <p>3. A copy or extract purporting to be certified with the signature of the Director-General to be a true copy of, or extraction from, any register maintained under this section shall be admissible evidence without proof of the signature or appointment of the Director-General and shall be <i>prima facie</i> evidence of the contents of such register for all purposes, and in all proceedings, civil or criminal instituted under this Act.</p>
	<p style="text-align: center;"><b>PART IV</b> <b>FISHING OPERATIONS IN AREAS BEYOND NATIONAL JURISDICTION</b></p>
<p><b>Non-Regulated Species on the High Seas</b></p> <p><b>Section 65</b></p>	<p>1. Fishing vessels shall only be authorized to conduct fishing operations on non-regulated species by a Regional Fisheries Management Organization in the high seas, where such fishing operations are part of a scientific program for data collection for exploratory fisheries in accordance with section (93) of this Act.</p> <p>2. The owner or operator planning to conduct fishing operations for exploratory fisheries as referred to in subsection (1), shall request it in the application for a fishing license under section (44). Upon receipt of the application, the Director-General shall transmit the details of the fishing vessel and planned fishing activities to NARA for inclusion of the fishing vessel in the program for data collection for exploratory fisheries.</p> <p>3. If the Director-General decides to issue a fishing license as referred to in subsection (2), he/she shall specify that the fishing operations of that fishing vessel are part of a scientific program for data collection for exploratory fisheries on non-regulated species on the high seas.</p> <p>4. NARA shall include an analysis of the data collected under exploratory fisheries in the annual report on the state of fisheries resources referred to in section (69)(2).</p> <p>5. Any person who contravenes subsection (1) commits an offence and upon conviction, the sanctions of schedule III shall apply.</p>

<p><b>Species Regulated by RFMOs</b></p> <p><b>Section 66</b></p>	<ol style="list-style-type: none"> <li>1. Fishing vessels shall only conduct fishing operations on species regulated by a Regional Fisheries Management Organization, where Sri Lanka is party to that organization, and under the authority of a fishing license issued in accordance with section (44).</li> <li>2. Any person who contravenes the provisions of subsection (1) commits a serious offence and upon conviction, any applicable penalty level specified under section (139) shall be applicable.</li> <li>3. The Minister may make regulations to implement conservation, management and control measures adopted by Regional Fisheries Management Organizations where Sri Lanka is party.</li> </ol>
<p><b>Fishing in the Waters of another state</b></p> <p><b>Section 67</b></p>	<ol style="list-style-type: none"> <li>1. The master or operator of a Sri Lankan fishing vessel shall be authorized to conduct fishing operations in the waters of another State where such operations are undertaken under the framework of a fisheries agreement, or other kind of arrangement, between Sri Lanka and that another State, and under the authority of a fishing licence issued in accordance with the procedure laid down in section (45).</li> <li>2. Any person who contravenes the provisions of subsection (1) commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> <li>3. The Minister may, on behalf of the Government, enter into bilateral, sub-regional, regional and international agreements or similar arrangements with other states, related to fisheries access and /or cooperation, in accordance with this Act and any international obligations of Sri Lanka, and taking into account applicable standards, policies or strategies.</li> </ol>
<p><b>Right to Repatriation</b></p> <p><b>Section 68</b></p>	<ol style="list-style-type: none"> <li>1. Sri Lankan nationals serving as crew members in Sri Lankan flagged vessels are entitled to repatriation to be borne—by the ship owner in any circumstances, in the following situations: <ol style="list-style-type: none"> <li>a) If the employment agreement of the crew member expires while being abroad;</li> <li>b) When the employment agreement is terminated by the ship owner, or by the crew member for justified reasons; and</li> <li>c) When the crew member is no longer able to carry out</li> </ol> </li> </ol>

	<p>his/her duties under the employment agreement or cannot be expected to carry them out in the specific circumstances, including cases where the vessel is arrested by another State.</p> <p>2. Ship owners shall not require crew members to make an advance payment towards the cost of repatriation at the beginning of their employment, and also from recovering the cost of repatriation from the crew member's wages or other entitlements, except where the crew member has been found to be in serious default of his/her employment obligations.</p> <p>3. The Minister may make regulations to prescribe appropriate provisions determining the circumstances in which crew members are entitled to repatriation, the maximum duration of service periods on board following which the crew member is entitled to repatriation, and the precise entitlements to be accorded by ship owners for repatriation. The Minister may make regulations to implement in the provisions of the 2007, International Labour Convention on Work on Fishing Convention, No 188.</p>
	<p style="text-align: center;"><b>PART V</b>  <b>MANAGEMENT OF FISHERIES AND OTHER AQUATIC RESOURCES</b></p>
<p><b>General Principles of Fisheries Management</b></p> <p><b>Section 69</b></p>	<p>1. Fisheries management and conservation measures adopted under this Part shall be based on the best available scientific evidence provided by NARA or any other relevant scientific institute recognized by the Director-General and other relevant scientific institutes where appropriate, to ensure long-term sustainability of fisheries and aquatic resources and their optimum utilization.</p> <p>2. For the purpose of subsection (1), in exercising powers, duties and authorities under and in relation to this Part, all persons shall observe the objectives of section (3)(a) to (g), and (j).</p> <p>3. In the absence of adequate or sufficient scientific information, NARA or any other relevant scientific institute recognized by the Director-General, shall propose alternative management measures and options to ensure the sustainable utilization of target species, associated or</p>

	<p>dependent species and the conservation of non-target species and their environment.</p> <p>4. For the purpose of subsection (3), in applying the precautionary approach to fisheries management, any institute referred to therein shall determine stock specific reference points relative to fishing mortality and stock biomass, and associated harvest control rules in line with internationally agreed standards.</p>
<p><b>Scientific Advice to Fisheries Management and Conservation</b></p> <p><b>Section 70</b></p>	<p>1. NARA shall be consulted at regular intervals on matters pertaining to the conservation and management of fisheries and aquatic resources, including biological, economic, environmental, social and technical considerations.</p> <p>2. NARA shall submit to the Director-General an annual report on the state of fisheries and aquatic resources, which shall include an evaluation of the management and conservation measures under Parts IV to VI of this Act.</p> <p>3. The Director-General and Minister shall take into account the advice from NARA when developing and implementing fisheries management and conservation measures and regulations under this Act.</p>
<p><b>National Fisheries Policy</b></p> <p><b>Section 71</b></p>	<p>1. A National Fisheries Policy shall be developed and implemented at least once every five years that addresses fisheries conservation, management and development.</p> <p>2. The policy shall identify goals, taking into account the objectives of this Act enshrined in section (3), and relevant national policies.</p> <p>3. The Director-General shall be responsible for formulating the proposal for the National Fisheries Policy for the Minister's consideration, taking into account advice of the Advisory Council, and such Fisheries Committees and other stakeholders as may be appropriate.</p> <p>4. The Minister shall, upon endorsement, submit the National Fisheries Policy to the Cabinet of Ministers for approval.</p>

<p><b>Types of Fisheries Management and Conservation Measures</b></p> <p><b>Section 72</b></p>	<p>Measures for the sustainable exploitation of fisheries resources may include, <i>inter alia</i>, the following:</p> <ol style="list-style-type: none"> <li>Fisheries development and management plans;</li> <li>Fishing quotas;</li> <li>Measures to manage fishing capacity of fishing fleets to available resources;</li> <li>Regulation on the use and operation of fishing gears and methods;</li> <li>Prohibition of catching certain species and using certain fishing gears or methods; and</li> <li>Spatial /temporal closures.</li> </ol>
<p><b>Management and Conservation Measures</b></p> <p><b>Section 73</b></p>	<ol style="list-style-type: none"> <li>In exercising powers under and in relation to this Act the Director-General shall determine the total allowable catch and /or total level of fishing effort for any fishery and adopt such other conservation and management measures within Sri Lanka waters as may be necessary to ensure the conservation and long-term sustainability of the resource.</li> <li>For the purpose of subsection (1), total allowable catch may be set on a seasonal, annual or biannual basis, depending on the availability of fisheries data and the characteristics of each fishery, for certain commercial fish stocks, or groups of fish stocks, measured in tonnes or number of each species.</li> <li>The Director-General shall prepare a list of the total allowable catch and /or total capacity of fishing effort for any fishery referred to in subsection (1) that can be harvested within the year. Upon a recommendation from the Director-General, the Minister shall by Order published such list in the Gazette.</li> <li>For the purpose of developing and determining conservation and management measures under subsections (1) and (2), the Director-General may establish transparent and accountable procedures in accordance with this Act, and shall take into account the relevant recommendations of the Advisory Council, and /or the Fisheries Coordination Committees where applicable, and shall follow such procedures as may be established in a Fishery Management Plan.</li> </ol>



	<p>5. The Minister may adopt conservation and management measures as part of one or more Fishery Management Plan(s) in accordance with section (76).</p> <p>6. Conservation and management measures referred to in subsections (1) and (2) shall take into account measures for the same stock or stocks of fish or associated or dependent species established for high seas fisheries, by a regional fisheries management organization to which Sri Lanka is party.</p>
<b>Chapter 1 – Fisheries Management Plans</b>	
<b>Designated Fisheries</b>  <b>Section 74</b>	<p>1. The Minister may designate on the recommendation from the Director-General in accordance with this Act any fishery or fisheries in Sri Lanka waters to be subject to a Fishery Management Plan, and such designated fishery or fisheries shall be published in the Gazette.</p> <p>2. Fisheries designated under subsection (1), shall be managed in line with a Fishery Management Plan adopted under section (76).</p> <p>3. The designation of any fishery or fisheries under subsection (1) may take place prior to or at the same time as the adoption of a relevant Fishery Management Plan.</p>
<b>Fisheries Management Area</b>  <b>Section 75</b>	<p>1. Fisheries Management Areas may be established in accordance with this section for the purposes of co-management in accordance with a Fishery Management Plan.</p> <p>2. Application may be made to the Director-General, by fishers and/or any relevant Fisheries Committee established in accordance with section (11) and other stakeholders as appropriate, for the establishment of a Fisheries Management Area.</p> <p>3. An application made pursuant to subsection (2) shall state:</p> <ol style="list-style-type: none"> <li>a) the proposed area;</li> <li>b) the reasons for the application, including any management issues;</li> <li>c) the potential benefits for the fisheries or aquatic resources in the proposed area;</li> </ol>

	<ul style="list-style-type: none"> <li>d) the potential benefits for the fishers and other stakeholders;</li> <li>e) as appropriate, proposed cooperation with management authorities managing the same species or stocks of fish in other areas; and</li> <li>f) any other matter in support of the application that may be appropriate or that the Director-General may request.</li> </ul> <p>4. Upon receipt of an application pursuant to subsection (3), the Director-General shall ensure that the following conditions have been met:</p> <ul style="list-style-type: none"> <li>a) the requirements of subsection (3) are fulfilled;</li> <li>b) the declaration of a Fisheries Management Area as requested would be consistent with the objective and principles of this Act;</li> <li>c) a majority of fishers involved in fishing in the proposed Fisheries Management Area support or will take part in the proposed participatory management; and</li> <li>d) Participatory management arrangements, consistent with this Act, are identified and agreed.</li> </ul> <p>5. Where the Director-General determines that the conditions in subsection (4) are met, he or she shall recommend the establishment of a Fisheries Management Area to the Minister.</p> <p>6. The Minister shall, upon the recommendation of the Director-General, in accordance with this section, by Order published in the Gazette declare an area to be a Fisheries Management Area, and such Order shall specify:</p> <ul style="list-style-type: none"> <li>a) the purpose(s) for which the area is declared a Fisheries Management Area;</li> <li>b) requirements for the development and implementation of a Fishery Management Plan in accordance with section (76); and</li> <li>c) the management arrangements and procedures, including participatory management [or co-management] and decision making as appropriate.</li> </ul>
<b>Fisheries Management Plan</b>	<p>1. The Director-General may cause to be drawn up a Fisheries Management Plan in respect of any fishery or fisheries in Sri Lanka waters and shall do so where a fishery is designated in accordance with section(74).</p>

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2. A Fisheries Management Plan shall be consistent with the provisions of this Act, and contain the following elements:
  - a) identity the fishery and its characteristics, including:
    - i) the current status of the resource;
    - ii) the current status of the fishery, including participants, fishing gear, fishing operations, other activities, and economic and social factors relating to the fishery;
    - iii) the level of development of the fishery;
    - iv) the ecosystem status and possible adverse environmental effects of fishing and other activities relating to the fishery;
    - v) relevant institutional, legal and policy considerations; and
    - vi) relevant regional and international obligations.
  - a) report on consultations with fishers, Fisheries Committees and other stakeholders;
  - b) specify the management objectives and performance indicators for the fishery;
  - c) specify management measures to be applied to the fishery;
  - d) specify the process for review and revision of the Fishery Management Plan;
  - e) as appropriate make provision in relation to any other matter necessary for effective conservation, management and sustainable use of the fishery.
3. A Fisheries Management Plan may:
  - a) delegate management responsibility to any Fisheries Committee established under section(11);
  - b) provide for subsidiary management plans adopted by any Fisheries Committee, which shall be valid to the extent they are consistent with the Fishery Management Plan, as determined by the Director- General; and
  - c) Specify obligations and responsibilities for stakeholders in general.
4. Each Fisheries Management Plan and each revision of a Fisheries Management Plan shall be submitted to the Minister for approval and its subsequent publication in the Gazette. The management measures shall have force of law upon notification of such plan in the Gazette.

	<p>5. If the Minister does not publish the Fisheries Management Plan, the Minister shall return it to the Director-General stating the reasons for non-publication. The Director-General may, thereafter, revise the Fisheries Management Plan accordingly, and resubmit it to the Minister for publication in the Gazette.</p> <p>6. The Director-General shall give due public notice of each Fisheries Management Plan upon its notification in the Gazette, including by publication in three daily newspapers in Sri Lanka, in Sinhala, English and Tamil, or by any other means of electronic communication.</p>
<p><b>Protection of coastal fishing communities and fishing for subsistence</b></p> <p><b>Section 77</b></p>	<p>1. The measures provided for in this section, contribute to the implementation of the objective laid down in section (3) (g) of this Act.</p> <p>2. Tenure rights to the resources that form the basis for the livelihoods and sustainable development of coastal communities shall be protected. This right implies the recognition of preferential access to fisheries resources by subsistence and coastal fishing communities including indigenous people.</p> <p>3. When developing the National Fisheries Policy, account should be taken on the special need for protection of the coastal fishing communities, fishing for subsistence and indigenous peoples, and the Secretary shall endeavour to promote the marketing of traditional and artisanal fisheries products and the local consumption of such products.</p> <p>4. The following areas are reserved solely for the use of coastal fishing communities, fishing for subsistence and indigenous people:</p> <p style="padding-left: 40px;">a) In an area within 5nm from the baselines, <b>non-mechanized</b> fishing vessels shall operate; and</p> <p style="padding-left: 40px;">b) In an area within 24nm from the baselines, outboard vessels shall operate.</p> <p>5. No vessel other than those of coastal fishing communities, fishing for subsistence and indigenous people, shall engage in fishing or fishing related activities in an area within 24 nm.</p>

	<p>6. Any person who contravenes subsection (4) or (5) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p> <p>7. The Minister may make regulations determining certain areas which shall be reserved for Sri Lankan fishermen and Sri Lankan vessels, and he/she may lay down specific conditions for the protection of coastal fishing communities and fisheries for subsistence and to secure their livelihoods in accordance with the provision of this Act.</p>
	<b>Chapter 2 – Fishing Quotas and Fishing Effort</b>
<b>Fishing Quotas and Fishing Effort</b>  <b>Section 78</b>	<p>1. Each year, the Director-General shall allocate fishing quotas and /or effort for a given fishery or group of fisheries, to fishing license holders on the basis of prescribed transparent and objective criteria.</p> <p>2. Fishing license holders may be, <i>inter alia</i>; individual fishers, fishing vessels, cooperatives, and fisheries organizations, or management authorities in Fisheries Management Areas.</p> <p>3. Fishing license holders shall not fish in excess of the fishing quotas and /or effort allocated to them.</p> <p>4. Any fishing license holder that catches fish or aquatic resources subject to quota, without quota and /or effort, commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply. Where a fishing license holder exceeds the quotas and /or effort allocated to him or her, may commit an offence in due regard with the quantity of fish overfished, and any applicable penalty level specified of the schedule III level of fines shall apply.</p> <p>5. The Minister may make regulations laying down the criteria for allocating fishing quotas and fishing effort, the conditions for transfers and exchanges of fishing quotas and fishing effort amongst holders, margin of flexibility for overshooting quotas, and procedures for deductions and reallocations in cases of overfishing.</p>

<p><b>Management of Fishing Capacity</b></p> <p><b>Section 79</b></p>	<ol style="list-style-type: none"> <li>1. The Director-General shall adopt measures to adjust the capacity of fishing fleets in order to ensure sustainable fisheries exploitation, in accordance with the provisions of this Part, and any implementing regulations thereof.</li> <li>2. Measures for the management of the capacity of fishing fleets may include, <i>inter alia</i>, the following: <ol style="list-style-type: none"> <li>a) Limiting the number of fishing licenses to be issued;</li> <li>b) Length overall of the fishing vessel;</li> <li>c) Establishing a reference level of capacity per fishing fleet or fishery, expressed in gross tonnage (GT) of the fishing vessel or, kilowatts (Kw) of the main engine that reflects a balance between capacity and available fisheries resources;</li> <li>d) Adopting an entry: exit regime in the fleet register where the registration of a new entry is adjusted with the removal of at least the same level of capacity from the register, and /or;</li> <li>e) Regulating the type of fishing gear and any device that may enhance the ability to catch fish, <i>inter alia</i>; the use of lights and fishing aggregated devices (‘FADs’).</li> </ol> </li> <li>3. The Minister may adopt regulations to implement any conditions, rules and procedures to manage the capacity of fishing fleets in accordance with this Act.</li> </ol>
<p><b>Chapter 3 –Regulation of Fishing Gears and Methods</b></p>	
<p><b>Objectives</b></p> <p><b>Section 80</b></p>	<ol style="list-style-type: none"> <li>1. The rules on the use and operation of fishing gears and methods established in this Part shall contribute to achieving the following objectives: <ol style="list-style-type: none"> <li>a) Improving the selectivity of fishing gears to protect juveniles and reduce the levels of discards and unwanted species; and,</li> <li>b) Minimizing the impact of fishing activities on the seabed, the marine ecosystem, sensitive areas and protected species.</li> </ol> </li> <li>2. The Minister may make regulations to establish, on the basis of the best available scientific evidence; the minimum size of marine species for the purpose of ensuring the protection of juveniles, implementing regulations for the use and operation of fishing nets, gears and methods, as well as the maximum percentage of species allowed to</li> </ol>

	<p>catch per fishing net, gear or method, and protected species under Part IV and V in accordance with the objectives and principles of this Act.</p>
<p><b>Prohibitions on the Use of Fishing Gears and Methods</b></p> <p><b>Section 81</b></p>	<ol style="list-style-type: none"> <li>1. No master or operator of a vessel whether in Sri Lanka waters or in the high seas shall carry on board that vessel any fishing gear or equipment which may include: <ol style="list-style-type: none"> <li>a) any net, the mesh size of which does not conform to the minimum mesh size for that type of net as prescribed pursuant to this Act and its implementing regulations, or;</li> <li>b) any fishing gear, including hooks and lines, which does not conform to standards required or prescribed pursuant to this Act for that type of fishing gear.</li> </ol> </li> <li>2. No master or operator shall use for fishing any fishing gear or method which is prohibited under this Act.</li> <li>3. It shall be prohibited to catch marine resources using the following fishing gear and/or methods: <ol style="list-style-type: none"> <li>a) any chemical, poison or noxious substance, or material, dynamite or explosive substance or device as referred to in section(83);</li> <li>b) Any spear gun or hand-held spears;</li> <li>c) Any push nets;</li> <li>d) Any moxi nets, gillnets net, trammel nets or skate nets on coral reefs or rocks; and,</li> <li>e) And device use for harvesting corals or marine sponges.</li> <li>f) Any fishing gear or method which is not prescribed under this Act.</li> <li>g) Any fishing gear or method required to be prohibited or prescribed by way of regulations made by the minister under this Act.</li> </ol> </li> <li>4. No person shall use possess, import, transport, purchase or sale of monofilament nets for the purposes of catching fish in Sri Lankan waters.</li> <li>5. Except for navigation lights, and the required lights for safe working conditions on board, no person shall use surface or submerged artificial lights for the purpose of fish aggregation in Sri Lankan waters.</li> </ol>

	<p>6. Any person who contravenes the provisions of this section, commits an offence and upon conviction shall be liable to Schedule III and all fish or fishery products seized under this section shall be forfeited, and any vessel or vehicle used to transport such fish or fishery products may be forfeited, in addition to any other penalty that may be provided or prescribed under this Act.</p>
<p><b>Diving Operations</b></p> <p><b>Section 82</b></p>	<ol style="list-style-type: none"> <li>1. Diving operations shall be carried out only under the authority of a license for each type of fish to be caught, during a prescribed period of the day, and in certain areas as prescribed in implementing regulations under this Act.</li> <li>2. License holders of diving fishing operations shall not use any harpoon, pointed tools or spear guns to catch chank, Sea Cucumber, lobsters, any fin fish and ornamental fish in Sri Lankan waters.</li> <li>3. License holders of diving fishing operations shall not use such license to engage in any kind of purse seine operations.</li> <li>4. Where the Director-General has reasonable grounds to believe that a license holder of diving fishing operations has contravened the provisions of this section, he/she shall cancel the said license with immediate effect.</li> <li>5. Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of Schedule III shall apply.</li> </ol>
<p><b>Regulations on the use of Seine nets, drift Gillnets and other types of prescribed nets</b></p> <p><b>Section 83</b></p>	<ol style="list-style-type: none"> <li>1. It shall be prohibited to have on board or to deploy in the sea one or more drift Gill nets the individual or total length of which is more than 2.5 km in length. No Sri Lanka citizen or Sri Lankan flagged vessel shall assist in the fishing operations of a vessel using drift Gill nets more than 2.5 km in length on the high seas or Exclusive Economic Zone</li> <li>2. The master of a purse seine vessel carrying out fishing operations on the high seas shall not deliberately set the nets in areas frequently inhabited by cetaceans and whale sharks. When accidentally caught, cetaceans and whale sharks shall not be harmed, and specimens shall be promptly released back into the sea.</li> </ol>



	<ol style="list-style-type: none"> <li>3. The Director-General may determine the number of stake-nets (<i>Ja-Kottu</i>) per District, the materials they can be made of, based on scientific evidence, minimum mesh size of the net, the area where they can be deployed, distance between stake-nets, and how to identify them under the objectives and principles of this Act.</li> <li>4. The Minister may adopt regulations to the maximum chartered depth bottom gears shall be set, and the maximum soaking time as to reduce accidental catches of non-target species and environmental damage.</li> <li>5. Any person who contravenes the provisions of this section, commits an offence and upon conviction shall be liable to Schedule III and all fish or fishery products seized under this section shall be forfeited, and any vessel or vehicle used to transport such fish or fishery products may be forfeited, in addition to any other penalty that may be provided or prescribed under this Act.</li> </ol>
<b>Prohibition to use poisonous or explosive substances to catch fish</b>  <b>Section 84</b>	<ol style="list-style-type: none"> <li>1. No person shall, for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught: <ol style="list-style-type: none"> <li>a) use, permit to be used or attempt to use;</li> <li>b) carry, permit to be carried, possess or control; or</li> <li>c) place in the water or assist in placing in the water,</li> </ol> <p>Any chemical, poison or noxious substance, or material, dynamite or explosive substance or device.</p> </li> <li>2. For the purposes of this section, any poisonous, explosive or stupefying substance (including dynamite) or other noxious or harmful material or substance found on board any fishing vessel shall be presumed to be intended for the use or attempt to use to catch fish, as referred to subsection (1)(a).</li> <li>3. No person shall land, display for sale, buy, sell, deal in, transport, receive or possess any fish or fishery product taken by any means which contravenes this section.</li> <li>4. No person shall, knowing or having reasonable cause to believe that any fish, fishery product, aquatic resource or aquatic resource product has been taken in contravention of this section, fail or refuse to give, on request, to any authorized officer information regarding:</li> </ol>

	<p>a) any activity described in subsection (1), or in support of, or that contributes to such activity; or</p> <p>b) the source of his or her supply of any fish or fishery product referred to in subsection (1).</p> <p>5. In any proceedings for an offence against this section, a certificate in writing given by the Director-General or his/her designee stating the cause of death or injury of any fish, issued in accordance with section (160), <i>mutatis mutandis</i>, shall be <i>prima facie</i> evidence of that fact.</p> <p>6. Any person who contravenes subsections (1), (3) or (4) commits a serious offence and upon conviction shall be liable to Schedule III and all fish or fishery products seized under this section shall be forfeited, and any vessel or vehicle used to transport such fish or fishery products may be forfeited, in addition to any other penalty that may be provided or prescribed under this Act.</p>
<p><b>Prohibition to engage in bottom trawling</b> <b>Section 85</b></p>	<p>1. The use of bottom trawl nets, including nets with or without two wings or using vertical poles at the two free ends of the nets, to be towed by motorized or mechanized fishing vessel for bottom trawling shall be prohibited. No person engage in or cause any other person to engage in fishing utilizing bottom trawl nets in Sri Lankan waters.,</p> <p>2. No person shall use, possess, import, transport, purchase or sell any bottom trawl net, to be towed by a motorized or mechanized fishing vessel for the purpose of carrying out fishing in Sri Lankan waters.</p> <p>3. No license shall be issued by the Director-General under Part III of this Act for fishing operations carried out by bottom trawl nets to be towed by a motorized or mechanized fishing vessel in Sri Lankan waters, and any existing fishing license shall not be renewed.</p> <p>4. By way of derogation from subsections (1) to (3), and in view to the high socio-economic dependency of certain coastal communities and fisheries for subsistence in certain regions to the bottom trawl shrimp fishery (<i>Penaeoidea</i> family), the use of this gear may be authorized by the Director-General when the following conditions are met:</p>

	<p>a) It is undertaken by local vessels not more than 10.3m in length overall using sail propulsion;</p> <p>b) The area of operation shall be within the coordinates of the Schedule III drawn within the 24nm from the coastline; and</p> <p>c) The catch obtained by these fleets shall be sold in the local market to provide for the nutritional needs and secure the livelihoods of the local population.</p> <p>5. Any person who contravenes or fails to comply with the provisions of this section shall be guilty of a serious offence and upon conviction after summary trial before the Magistrate; the sanctions of Schedule III shall be applicable.</p>
<p><b>Prohibition to tamper or destroy property of another person</b></p> <p><b>Section 85</b></p> <p><b>To delete this section because it belongs to criminal law</b></p>	
	<p style="text-align: center;"><b>PART VI</b></p> <p style="text-align: center;"><b>CONSERVATION MEASURES</b></p>
<p><b>Control of Pollution in Marine Ecosystems</b></p> <p><b>Section 86</b></p>	<p>1. No person shall discharge industrial or domestic effluent directly or indirectly to Sri Lankan waters.</p> <p>2. No person shall dump any pollutant, waste or foreign matter and fill or reclaim the sea areas in a manner causing destruction to fish and aquatic resources in Sri Lankan waters.</p> <p>3. No person shall engage in removing, cutting or altering mangrove ecosystems grown in the coastal belt or in any area adjacent to Sri Lankan waters.</p> <p>4. No person shall engage in any activity which causes a threat to the conservation of fish species in Sri Lankan</p>

	<p>waters or coastal belt adjacent to it. Notwithstanding, the Director-General may issue a permit consisting of conditions required to be observed for any activity which does not have any harmful effect.</p> <p><b>5. Notwithstanding any other provisions in any other written law, any person who contravenes the provision of this section commits an offence and upon conviction, the sanctions of Schedule III shall apply.</b></p>
<b>Retrieval of Abandoned, Lost or discarded Fishing Gear Section 87</b>	<ol style="list-style-type: none"> <li>1. The measures provided for in this section contribute to the implementation of the objective laid down in section 3(f) to this Act.</li> <li>2. It shall be prohibited to discard fishing gear, moorings and other objects in the sea, and to abandon fishing nets and devices in the sea or on the seabed.</li> <li>3. The master of a fishing vessel shall be obliged to report any loss of FADs or gillnets to the authorised officer of the District where they were lost, as soon as practicable, providing the following information: <ol style="list-style-type: none"> <li>a) The type and identification number of the gillnet or FAD lost; and,</li> <li>b) The time and position where the gillnet or FAD was lost.</li> </ol> </li> <li>4. The Director-General may decide to grant a reward to Fisheries Committee(s) carrying out actions or programs to retrieve lost, abandoned or discarded fishing gear from the sea, including dories and other equipment, including recycling alternatives to those gears.</li> <li>5. Any person who contravenes the provision of subsection (2) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> </ol>
<b>Spatial /Temporal Closures Section 88</b>	<ol style="list-style-type: none"> <li>1. The Minister,-in consultation with the Director General on the basis of the best available scientific evidence, provided by NARA may by notice published in the Gazette, declare a closed area to fishing activities, or to restrict the use of certain fishing gears and methods in a given area, with the purpose to protect juveniles and /or spawning aggregations</li> </ol>

	<p>of marine resources with the objective of contributing to stock recovery.</p> <ol style="list-style-type: none"> <li>2. The notice of <b>closing an area</b> referred to under subsection (1) shall contain the following elements: <ol style="list-style-type: none"> <li>a) The objective of the closure;</li> <li>b) The geographical coordinates of the area;</li> <li>c) The duration of the closure;</li> <li>d) Restrictions on specific gear;</li> <li>e) Control and monitoring arrangements; and,</li> <li>f) Scientific re-evaluation of the measure.</li> </ol> </li> <li>3. The Director-General may authorise the use of <b>artificial reefs</b> for stock recovery. The provisions of subsections (1) and (2) shall apply, <i>mutatis mutandis</i>.</li> <li>4. Fishing vessels and fishers subject to the obligations under subsections (1) and/or (3) shall not conduct fishing operations within the closed area or artificial reef, accordingly.</li> <li>5. The Minister in consultation with the Director-General, on the basis of the best available scientific evidence, provided by NARA may by notice published in the Gazette, declare <b>fishing seasons</b> for certain species in Sri Lankan waters. Fishing vessels and fishers shall not conduct fishing operations before or after such fishing season.</li> <li>6. The Director-General shall give due public notice of closed areas, artificial reefs and fishing season upon notification in the Gazette, including by publication in three daily newspapers in Sri Lanka, in Sinhala, English and Tamil, or by any other means of electronic communication.</li> <li>7. Any person who contravenes subsection (4) and /or (5) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> </ol>
<b>Fisheries Reserves</b>  <b>Section 89</b>	<ol style="list-style-type: none"> <li>1. The declaration of ‘_Marine National Parks’ and ‘_Marine Sanctuaries’ under the Fauna and Flora Ordinance (<b>Chapter 469</b>) and its implementing Regulations, and ‘_Ecologically or Biologically Significant Marine Areas’ under the 1981 Coast Conservation and Coastal Resources Management Act, No. 57 and its implementing Regulations shall be discussed by the Advisory Council with the view</li> </ol>

	<p>to assess the implications for fishing activities and, where applicable, how to best coordinate management, control and enforcement measures in the said areas.</p> <p>2. The Minister may, by Order published in the Gazette, on the recommendation of the Director-General and taking in to account any area referred to in subsection (1), declare any area of Sri Lankan waters and/ or any land adjacent thereto to be a fisheries reserve, where he or she considers that special measures are necessary to:</p> <ul style="list-style-type: none"> <li>a) protect and preserve marine environmental quality, including the natural breeding grounds and habitat of fish and aquatic resources;</li> <li>b) provide for restoration and rehabilitation of fish and aquatic resources as appropriate;</li> <li>c) protect and conserve species which are declared endangered under this Act or other Laws of Sri Lanka;</li> <li>d) promote scientific research, other study; or</li> <li>e) promote an eco-system approach towards management of fisheries and aquatic resources.</li> </ul> <p>3. The Minister may, in the Order published under subsection (1):</p> <ul style="list-style-type: none"> <li>a) prohibit specified activities or operations from taking place in the fisheries reserve</li> <li>b) prohibit specified persons or class of persons from entering the fisheries reserve</li> <li>c) specify the conditions under which activities or operations are to take place in the fisheries reserve</li> <li>d) Subject to subsection (3), fix penalty level for contravention of prohibitions or conditions specified in accordance with subsection (2) (a) to (c).</li> </ul> <p>4. The Director-General shall give due public notice of fisheries reserves upon notification in the Gazette, including by publication in three daily newspapers in Sri Lanka, in Sinhala, English and Tamil, or by any other means of electronic communication.</p> <p>5. Any person who contravenes a prohibition or condition specified in accordance with subsection (2)(a) to (c) commits an offence and upon conviction, the sanctions of schedule III shall apply.</p>
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<p><b>Protected Species</b></p> <p><b>Section 90</b></p>	<ol style="list-style-type: none"> <li>1. No person shall engage in fishing for, take, land, display for sale, sell, deal in, transport, receive, buy or possess any fish or aquatic resource, or products thereof, declared as protected species in Sri Lankan waters or by Sri Lankan fishing vessels on the high seas, in accordance with this section.</li>   <li>2. For the purpose of subsection (1), the following are protected species: <ol style="list-style-type: none"> <li>a) Marine mammals (<i>inter alia</i>; whales, dolphins, dugongs);</li> <li>b) Turtles;</li> <li>c) Thambuwa (<i>cephalopholissonnerati</i>);</li> <li>d) Sharks and rays species referred to in section (91)</li> <li>e) Any protected species declared under the Fauna and Flora Ordinance (<b>Chapter 469</b>)</li> <li>f) Any other species prescribed under this Act.</li> </ol> </li>   <li>3. The Minister may, by Order published in the Gazette, declare protected species to species of fish or aquatic resources subject to protection measures by Regional Fisheries Management Organization to which Sri Lanka is party, by international agreement or on the recommendation of the Director-General in accordance with the objective and principles of this Act.</li>   <li>4. Conservation and management measures in relation to protected species may be taken in accordance with: <ol style="list-style-type: none"> <li>a) a Fishery Management Plan;</li> <li>b) such regulations as may be prescribed; and</li> <li>c) otherwise in accordance with this Act</li> </ol> </li>   <li>5. Where any item is confiscated or seized pursuant to subsection (3), such item shall not be released by any Court for the duration of the relevant action unless and until such sum as the Director-General shall determine has been deposited, which shall be no less than three times the replacement value of the item confiscated or seized, or such sum as a Court may determine in accordance with section [xx]</li>   <li>6. Any person who contravenes the provisions of subsection (1) commits an offence and upon conviction, the sanctions of schedule III shall apply.</li> </ol>
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<p><b>Conservation of Sharks</b></p> <p><b>Section 91</b></p>	<ol style="list-style-type: none"> <li>1. It shall be prohibited to fish for, retain on board, tranship, land, store, sell, display or offer for sale the following species of sharks and rays in Sri Lankan waters and by Sri Lankan vessels on the high seas: <ol style="list-style-type: none"> <li>a) Thresher shark (<i>Alopias vulpinus</i>)</li> <li>b) Big-eye thresher shark (<i>Alopiassuperciliosus</i>)</li> <li>c) Pelagic thresher shark (<i>Alopiaspelagicus</i>)</li> <li>d) Oceanic white-tip shark (<i>Carcharhinus longimanus</i>)</li> <li>e) Whale sharks (<i>Rhincodon typus</i>)</li> <li>f) All species of <i>Mobula rays</i></li> <li>g) Any other species prescribed under this Act.</li> </ol> </li> <li>2. The prohibition referred to in subsection (1), except for whale sharks, shall not apply to fishing vessels carrying out subsistence fishery. Specimens shall not be sold or offered for sale in the market and shall be used solely for human consumption by the families of the fishers.</li> <li>3. The prohibition referred to in subsection (1), shall not apply to fishing for scientific research by fishing vessel operating under a license issued by the Director-General on the basis of scientific research approved by NARA or any other institute recognized by the Director-General under section (92), where a limited number of specimens may need to be fished for, retained on board and landed.</li> <li>4. It shall be prohibited to remove shark fins on board vessels, and to retain on board, tranship or land shark fins which are not naturally attached to shark carcass until the first point of landing.</li> <li>5. By way of derogation from subsection (4), fins may be detached from the carcass where sharks are landed frozen. The master or operator shall ensure to not have on board fins that total more than 5% of the live weight of sharks on board, up to the first point of landing. Fins and carcasses shall be landed together at the first point of landing.</li> <li>6. It shall be prohibited to purchase, offer for sale or sell shark fins which have been removed on board, retained on board, transhipped or landed in contravention with this Act.</li> </ol>
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	<p>7. The master or operator of a fishing vessel that has accidentally caught any of the species under subsection (1), or any other shark species for which he or she is not authorized to catch, shall:</p> <p>a) Promptly release unharmed the specimens to the sea, especially juveniles and pregnant female sharks, to the extent practicable following prescribed handling practices; and,</p> <p>b) Record the release in the logbook, including the total number of specimens released, location and steps taken to ensure safe release.</p> <p>8. It shall be prohibited the use of long lines with wire leaders on the high seas, in order to reduce incidental catches of shark species.</p> <p>9. Trade of shark and ray species regulated by the Convention on International Trade in Endangered Species (CITES) shall conform to the rules established in that convention.</p> <p>10. Any person who contravenes subsections (1) to (3) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p> <p>11. The Minister may adopt regulations to modify the list of prohibited species of sharks and rays, to establish management and conservation measures to protect these species and to regulate the trade thereof.</p>
	<p><b>PART VII</b></p> <p><b>SCIENTIFIC RESEARCH AND DATA COLLECTION</b></p>
<p><b>Scientific Research by Fishing Vessels</b></p> <p><b>Section 92</b></p>	<p>1. The Director-General may authorize the conduct of fishing for scientific research by fishing vessels, including foreign fishing vessels, under a scientific research program or experimental fishing validated by NARA for the purpose of, <i>inter alia</i>:</p> <p>a) exploring fishing gears and methods for avoidance, minimization and elimination of unwanted catches, including juveniles, and discards;</p> <p>b) assessing fishing gears and methods with reduced impact on the ecosystem and sensitive habitats;</p> <p>c) catching unregulated species on the high seas for commercial purposes, or;</p>

	<p>d) any other scientific project aimed at gathering scientific data or testing new methods with the aim of contributing to better fisheries management and conservation.</p> <p>2. The Director-General may grant exemptions from the application of any of the following sections under this Act in respect of fishing vessels conducting fishing for scientific research under subsection (1), during the duration of the project:</p> <p>a) fishing licenses under section (42);</p> <p>b) Fisheries Management Plans under section (75);</p> <p>c) fishing gears and methods under sections (80), (82) and (84);</p> <p>d) spatial/temporal closures under section (88);</p> <p>e) fisheries reserves under section (89), or;</p> <p>f) Protected species under section (90).</p> <p>3. The Director-General may secure financial assistance from donor agencies to facilitate fishers involved in fishing for scientific research, provided the results of such research program proves to be of significant benefit to fisheries management and conservation and /or coastal communities, where such funding may not be permitted under the Fund established under section (109) of this Act.</p> <p>4. Any person who contravenes subsection (1) commits an offence and upon conviction, the sanctions of schedule III shall apply.</p>
<p><b>Scientific Research by a Foreign Research Organization or Another State</b></p> <p><b>Section 93</b></p>	<p>1. The head of a foreign research organization or another state, intending to conduct scientific research in Sri Lankan waters, shall notify the Director-General in writing, not less than three (3) months in advance prior to the expected date of commencement of the marine scientific research. Such notification shall include a research plan with a full description of:</p> <p>a) the nature and objectives of the project;</p> <p>b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;</p> <p>c) the precise geographical areas in which the project is to be conducted;</p> <p>d) the expected date of arrival and final departure of the vessel(s), or deployment of the equipment and its removal, as appropriate;</p>

	<p>e) the name of the sponsoring institution, its director, and the person in charge of the project; and,</p> <p>f) The extent to which it is considered that Sri Lanka should be able to participate or to be represented in the project.</p> <p>2. Upon receipt of the notification referred to in subsection (1), the Director-General shall consult NARA for assessment of the proposed scientific research plan and shall inform the Advisory Council and Coordinating Committee(s), where relevant, thereof.</p> <p>3. The Director-General may, after having conducted appropriate consultations, decide to accept or reject the proposed scientific research plan where the following conditions are complied with:</p> <p>a) the right of Sri Lanka, if it so desires, to participate or be represented in the marine scientific research project, especially on-board research vessels or scientific research installations, when practicable, without payment of any remuneration to the scientists of Sri Lanka and without obligation to contribute towards the costs of the project;</p> <p>b) the obligation for the foreign research organization or another State to provide preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research, to the Director-General;</p> <p>c) the obligation for the foreign research organization or another State to provide access to all data and samples derived from the marine scientific research project, with an assessment of such data, to the Director-General;</p> <p>d) the research results shall be made internationally available through appropriate national or international channels, as soon as practicable;</p> <p>e) The obligation for the foreign research organization or another State to immediately inform the Director-General of any major change in the research program; and,</p> <p>f) Unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.</p> <p>4. Where the Director-General rejects the application referred to in subsection (3), he or she shall inform the</p>
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	<p>representative of the foreign research organization or state notifying the reasons for such rejection, in writing, within a maximum period of four (4) months from the date of receipt of the application.</p> <ol style="list-style-type: none"> <li>5. The Director-General may decide to suspend marine scientific research activities in progress in Sri Lankan waters where these activities have not been conducted in accordance with subsection (1) and/or (4) and shall notify in writing the foreign research organization or another States thereof.</li> <li>6. The Director-General shall notify in writing the cancellation of the marine scientific research activities where the situation leading to suspension of such activities referred to in subsection (5), has not been rectified in the prescribed period of time.</li> <li>7. It shall be prohibited to sell or offer for sale fish and marine resources caught during the marine scientific research program.</li> <li>8. Any person who contravenes subsections (1), (3) and (5) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> <li>9. The Minister may make regulations, on the advice of NARA, to regulate the activities of marine scientific research in compliance with the objectives and purposes of this Act.</li> </ol>
<b>Fisheries Data Collection Programs</b>  <b>Section 94</b>	<ol style="list-style-type: none"> <li>1. The Director-General may, in consultation with NARA, authorize in writing programs for the collection of biological, environmental, technical and socioeconomic data in the fisheries sector ('data collection programs') considering information needs to contribute to the objective laid down in section 3(a) of this Act.</li> <li>2. Data collection programs shall specify the data to be collected, methods, standard form for reporting such data and any other relevant information.</li> <li>3. Data collection programs may include, <i>inter alia</i>, the following activities; <ol style="list-style-type: none"> <li>a) Surveys at sea;</li> <li>b) Experimental fisheries;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>c) Scientific observers on board;</li> <li>d) Sampling of catches in landing sites; and,</li> <li>e) Fisheries dependent data.</li> </ul> <p>4. Where scientific observers are carried on board fishing vessels, the master or operator shall ensure cooperation with the observer to allow him/her to discharge his/her duties until completion of the program and any other conditions laid down in sections (58) and (118).</p> <p>5. The Director-General may secure financial assistance from donor agencies to facilitate the implementation of data collection programs.</p> <p>6. Any person who contravenes subsection (1) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p>
<b>Collection, Transmission and Verification of Data</b>  <b>Section 95</b>	<p>1. The Director-General or an authorized officer may, for purposes of this Act, require any person carrying out activities under the scope of this Act, including those specified in subsection (2), to record, maintain and transmit in such manner and form as he / she may specify:</p> <ul style="list-style-type: none"> <li>a) all relevant data and information, including data and information relating to fishing, landing, storage, food safety, processing, buying, selling, exports, import, re-export and other related transactions;</li> <li>b) all documents, records, accounting records, returns, and other information relating to activities falling within the scope of this Act; and</li> <li>c) such other data, information and documents as may be prescribed.</li> </ul> <p>2. The following persons shall maintain the catch data reporting log-book, such other accounting records and documents and transmit such data and information, as may be required under this Act or its implementing regulations:</p> <ul style="list-style-type: none"> <li>a) holders of licences or other authorities issued or granted under this Act;</li> <li>b) owners or operators of vessels licensed under this Act;</li> <li>c) owners and persons in charge of any premises where fish or fishery products are received, bought, stored, transported, processed, sold, or otherwise disposed of;</li> </ul>

	<p>d) persons who engage in the receiving, buying, transporting, processing, storage, sale, or disposal of fish or fishery products;</p> <p>e) persons who provide vessels for hire for the purpose of enabling persons to take fish;</p> <p>f) persons who engage in fishing otherwise than for the purpose of sale;</p> <p>g) persons who are required under this Act to register their activity, vessel or other item; and</p> <p>h) such other persons who carry on activities under the scope of this Act and may be required to do so under this Act or by the Director-General or an authorized officer.</p> <p>3. The Director-General may for the purposes of verification of accounting data, documents or information required under subsection (1) or (2):</p> <p>a) direct the audit or inspect information described in subsection (1);</p> <p>b) direct the audit or inspection of any vessel, processing plant or other facility operating under this Act.</p> <p>4. Any information recorded and transmitted under this Act shall be considered as true, complete and accurate.</p> <p>5. Any person who:</p> <p>a) is required under subsection (1) to record and transmit information and does not do so as required, or;</p> <p>b) fails to keep such accounts and records and transmit the information, as may be required by or under this Act under subsection (2), or;</p> <p>c) does not facilitate, assist or comply with requirements for an audit or inspection undertaken under subsection (3).</p> <p>Commits a serious offence, provided that each subsection constitutes a separate offence, and upon conviction, any relevant licence or registration issued pursuant to this Act which is held by such person shall either be suspended or cancelled. Where the accused is a natural person, he/she shall upon conviction be liable to [fine /imprisonment], and where the accused is a corporate body or a body of persons it shall be liable to a sanctions of schedule [III] [fine] shall apply.</p>
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	<p>6. Any person who transmits data or information which is not true, complete and accurate in contravention of subsection (4), commits a serious offence and any relevant licence issued pursuant to this Act which is held by such person shall either be suspended or cancelled.</p>
	<p style="text-align: center;"><b>PART VIII</b>  <b>QUALITY OF FISH, FOOD SAFETY AND TRADE IN FISH AND FISHERY PRODUCTS</b></p>
<p><b>General Objective and Application</b></p> <p><b>Section96</b></p>	<ol style="list-style-type: none"> <li>1. The measures provided for in this section contribute to implementing the objective of ensuring quality and food safety of fishery products, and to minimize post-harvest losses as laid down in section 3(n) to this Act.</li> <li>2. The provisions in this section shall apply to any person engaged in fishing, fish processing, exporting, importing, and re-exporting of fish and fishery products for human consumption, or to be used as bait in fresh, frozen or canned form, or any type of processed or live form.</li> </ol>
<p><b>Quality of Fish and Food Safety</b></p> <p><b>Section97</b></p>	<ol style="list-style-type: none"> <li>1. Fish and fishery products shall be handled hygienically, in accordance with prescribed regulations, while fishing, harvesting, handling on board fishing vessels and throughout the supply chain, including; storage, on board processing, transport at sea and on land, landing, auctioning, on-land processing, storage and wholesale and retail distribution, to ensure food safety and that such fish and fishery products are fit for human consumption.</li> <li>2. Fish and fishery products in possession, exhibit for sale, selling and transportation shall comply with minimum prescribed marketing standards on food quality at all stages of purchasing, selling, storing and transporting such products.</li> <li>3. No person shall sell or export any fish or fishery products intended for human consumption which is adulterated, contaminated with or contain any poisonous or harmful substance or pathogenic microorganism, have not met lawful inspection standards or are otherwise injurious to human health.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Any person contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> <li>5. The Minister may adopt regulations to determine all the necessary conditions to ensure quality and food safety for fishery products from catching to retail stage, including the conduct of inspections.</li> </ol>
<b>Prohibition to Possess and Trade Fishery Products Unlawfully Obtained</b>  <b>Section98</b>	<ol style="list-style-type: none"> <li>1. No person shall buy, sell, possess, export or otherwise trade in fish or fishery products, or aquatic resources obtained in contravention of this Act and any implementing regulations thereof.</li> <li>2. No person shall export, import or re-export any fish or fishery products categorized or declared as originating from illegal, unreported or unregulated fishing by any Regional Fisheries Management Organization.</li> <li>3. Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</li> </ol>
<b>Export, Import and re-export of Certain Fish and Fishery Products</b>  <b>Section 99</b>	<ol style="list-style-type: none"> <li>1. The Minister may in consultation with the Minister in charge of Trade, by Order published in the Gazette, and having regard to the need to protect and conserve fisheries resources in Sri Lankan waters, regulate the export and re-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 thereof for such period of time as may be specified in the Order.</li> <li>2. This section shall, <i>mutatis mutandis</i> have effect as though it formed part of the provisions of the Customs Ordinance, Fauna and Flora Protection Ordinance, or any other relevant Act, and shall apply accordingly.</li> </ol>
<b>Traceability and Catch Certificate</b>  <b>Section100</b>	<ol style="list-style-type: none"> <li>1. All fishery products offered for sale, sold in the market, or marketed shall be clearly traceable through labelling or other accompanying documents in accordance with the prescribed regulations, at all stages of production, processing and distribution, from catching to retail stage.</li> <li>2. No person shall export, import or re-export any fishery</li> </ol>



	<p>product without a valid catch certificate, where applicable, or a document validating the legality of the fish or fishery products caught in accordance with prescribed regulations pursuant to this Act.</p> <p>3. Details of all fish species shall be provided under the statistical document programmes of relevant Regional Fisheries Management Organizations as prescribed by the regulations.</p> <p>4. Any person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p> <p>5. The Minister may make regulations to implement provisions on traceability requirements for fishery products pursuant to this Act.</p>
<b>Registration of Establishments</b>  <b>Section101</b>	<p>1. Any person engaged in the processing of fish, and the export, import and re-export of fish and fishery products, shall be registered in accordance with the prescribed procedure and form, that shall be accompanied by the prescribed fee. Upon such registration, the Director-General shall issue a certificate of registration.</p> <p>2. The Director-General shall maintain a register of exporters and importers of fish and fishery products, and of fish processing establishments, as prescribed.</p> <p>3. Any person who contravenes subsection (1) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p>
<b>Application for a license to process fish, export, import and re-export fish and fishery products</b>  <b>Section102</b>	<p>1. No person shall process fish, export, import or re-export fish and fishery products except under the authority of a license issued by the Director-General, and subject to the terms and conditions established thereof in accordance with international obligations, including the Convention on International Trade on Endangered Species (CITES), and to the provisions of the Customs Ordinance (Chapter 235) and the Imports and Exports (Control) Act, No. 1 of 1969.</p> <p>2. The license shall have a validity period of one year from the date of issuance, unless cancelled or suspended earlier.</p>

	<p>The license may be renewed for equivalent periods.</p> <p>3. Any person who contravenes subsection (1) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p> <p>4. The Minister may make regulations to determine the form for the application, application procedure, including renewal, cancellation and suspension, payable fees and any other matter related to the licensing for the processing of fish, export, import and re-export of fishery products under this Act.</p>
<b>Suspension or Cancellation of the Registration and License</b>  <b>Section 103</b>	<p>The Director-General may suspend or cancel the registration and license referred to in sections (101) and (102), respectively, where a person contravenes the terms and provisions of the license, and /or the provisions of this Part, in accordance with prescribed regulations, taking into account the severity of the contraventions in accordance with prescribed regulations.</p>
<b>Appeals</b>  <b>Section 104</b>	<p>1. Any person aggrieved by the decision of the Director-General refusing to grant or to renew a certificate of registration or a license, may appeal to the Director-General, under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him/her.</p> <p>2. Where the Director-General refuses the appeal, a further appeal may be made to the Secretary to the Ministry of Fisheries, whose decision shall be final.</p> <p>3. The Director-General or the Secretary shall, in considering an appeal under subsection (2), notify the appellant of the decision in writing, together with the reasons thereof, within thirty (30) days of receiving notification of the appeal by the applicant.</p>
<b>Inspection of Fish Processing Establishments</b>  <b>Section 105</b>	<p>1. Every importer, owner or licensee of the fish or fishery products processing establishment shall permit and facilitate any authorized officer to enter, inspect, and collect samples, data and documents at the said establishment or at the point of import without prior notice.</p>

	<p>2. The authorised officer conducting the inspection referred to in subsection (1) shall submit to the Director-General an inspection report within seven (7) days as of the conclusions of the inspection.</p> <p>3. Any importer, owner or licensee of the fish or fishery products processing establishment who contravenes the provisions of subsection (1) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p>
<b>Competent Authority</b>  <b>Section 106</b>	<p>The Director-General shall be the competent authority for inspection and certification of fish and fishery products including issuance of health certificates and catch certificates for export.</p>
<b>Interference with Inspected Fish or Fishery Products</b>  <b>Section 107</b>	<p>1. No person shall, except with the written permission of the Director-General:</p> <ul style="list-style-type: none"> <li>a) remove, alter or interfere with a trade description, seal, stamp or other mark applied to a container or a container system unit containing any fish or fishery product that has been inspected by an officer authorized for that purpose;</li> <li>b) add to, remove from, or otherwise change the composition of any consignment of fish that has been certified as inspected by an officer authorized for that purpose; or</li> <li>c) Unseal or leave unsealed any boxes that have been inspected by an officer authorized for that purpose.</li> </ul> <p>2. Any person who contravenes subsection (1) commits an offence and upon conviction, any applicable penalty level referred in schedule III specified under subsection (139) shall be applicable and in addition any fish or fishery products shall be forfeited to the State.</p>
<b>Imposition of Cess on Imported Fish and Fishery Products</b>  <b>Section 108</b>	<p>1. There shall be charged, levied and recovered a cess on any fish or fishery products imported into 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.</p>

	<p>2. The cess shall be collected by the Director-General of Customs and credited to the Fund established pursuant to section (109).</p> <p>3. This section shall apply as though it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.</p>
	<b>PART IX</b> <b>FINANCIAL ASSISTANCE</b>
<b>Fisheries Fund</b>  <b>Section 109</b>	<p>1. Fisheries Fund (the —Fund) is hereby established.</p> <p>2. There shall be paid into the Fund :</p> <ol style="list-style-type: none"> <li>Fifty percent of all fines and penalties imposed by a court of law under this Act;</li> <li>all moneys received by compounding an offence in accordance with section (136);</li> <li>all moneys received by the disposal of items forfeited under this Act;</li> <li>all moneys collected by the Director-General of Customs as access in accordance with section (108) of this Act.</li> <li>any surplus remaining after the closure of the liquidation of a Fisheries Committee under section (11);</li> <li>all moneys donated or payments collected for the development of fisheries.</li> </ol> <p>3. The Director-General shall be responsible for the administration of the Fund.</p> <p>4. The Director-General may from time to time pay out of the Fund, to:</p> <ol style="list-style-type: none"> <li>Reward any officer appointed under section (5);</li> <li>Any informer, of such sum of money not exceeding the maximum prescribed by regulations made under this Act;</li> <li>Pay a premium to fishers involved in fishing for scientific research under section (9);</li> <li>To provide financial support to Fisheries Committees to develop data collection programs under section (94);</li> <li>To provide financial support to Fisheries Committees to develop programs or action to retrieve lost, abandoned or discarded fishing gear under section (87), or;</li> <li>Any other matter within the scope of this Act.</li> </ol>

	<p>5. The Auditor General, or such auditor as he or she may designate, shall audit the accounts of the Fund annually in accordance with Article 154 of the Constitution and the Auditor General's report shall appear in the Director-General's Annual Administrative Report required under section (12).</p> <p>6. The Minister may make regulations, in consultation with the Minister of Finances to determine the percentage to paid into the Fund under subsection (2) and any other measures necessary for the implementation of this provision under the scope of this Act.</p>
<b>Fisheries Subsidies</b>  <b>Section 110</b>	<p>1. It shall be prohibited to grant financial assistance under the Fund or any other public resource to any person or operator who:</p> <p>a) has committed serious infringements under this Act; or</p> <p>b) has been involved in the operation, management or ownership of a fishing vessel included in a list the IUU vessel list of any Regional Fisheries Management Organization where Sri Lanka is party.</p> <p>2. Where financial assistance has been granted to a person or operation under subsection (1), such support aid shall be recovered from the operator.</p>
	<p style="text-align: center;"><b>PART X</b>  <b>CONTROL, MONITORING AND ENFORCEMENT</b></p>
	<p><b>Chapter 1 – Control</b></p>
<b>Port Entry</b>  <b>Section 111</b>	<p>1. All vessels wishing to land their catches, tranship or use other port services in Sri Lanka shall enter a fishery designated port upon obtaining the prescribed authorization from the Director-General and paying all relevant fees.</p> <p>2. All small-scale fishing vessels, not landing in designated ports under subsection (1), shall land their catches at fisheries designated landing sites or anchorages.</p> <p>3. All containerized cargo vessels landing at non-fisheries ports in Sri Lanka containing fishery products shall disclose the quantities on board the said vessel to the Director-General and shall be in compliance with sections (97), (98), (100), (107) and (108) of this Act.</p>

	<p>4. The owner or operator of a fishing vessel or support vessel that contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p>
<p><b>Vessel Monitoring System</b></p> <p><b>Section 112</b></p>	<p>1. The Director-General shall establish and operate vessel monitoring systems for purposes of monitoring, control and surveillance, and managing the operations of fishing vessels under this Act according to prescribed regulations.</p> <p>2. The operator of a fishing vessel conducting fishing in areas beyond the national jurisdiction of Sri Lanka, and in any other situation as the case may be shall, as a condition of license, install, maintain and operate a VMS transponder in accordance with prescribed regulations.</p> <p>3. The mobile transceiver unit (MTU) or other device or equipment shall be an integral component of a vessel monitoring system at all times while the fishing vessel is operating.</p> <p>4. The operator shall immediately notify the Director-General when the MTU or other device ceases to operate in accordance with prescribed requirements and cause the vessel to cease fishing except as otherwise authorized by the Director-General.</p> <p>5. No person shall:</p> <ol style="list-style-type: none"> <li>a) without lawful excuse render inoperative or otherwise interfere with an MTU or other device installed, so that it does not operate accurately or in accordance with any prescribed conditions;</li> <li>b) whether within or beyond areas under national jurisdiction, knowingly, recklessly or negligently destroy, damage, render inoperative or otherwise interfere with any part of the GPS, the VMS or any other authorised automatic location communicator aboard a vessel licensed pursuant to this Act or intentionally feed or input into that system information or data which is not officially required or irrelevant; or</li> <li>c) knowingly, recklessly or negligently divulge information or data obtained from a vessel monitoring system or a system of reporting or recording required or</li> </ol>

	<p>permitted under this Act, other than in the course of duty and to a person or persons entitled to receive that information or data in the course of duty.</p> <p>6. The operator shall comply with such other conditions that may be prescribed, or the Director-General may require, including:</p> <ol style="list-style-type: none"> <li>a) the type of vessel monitoring system equipment to be used;</li> <li>b) installation procedures;</li> <li>c) operational requirements;</li> <li>d) information requirements;</li> <li>e) confidentiality; and</li> <li>f) declaration reports.</li> </ol> <p>7. Any person who contravenes subsections (2) to (7) commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p> <p>8. The Minister may make regulations to implement conditions in relation to the operation of the VMS and related matters as required within the scope of this Act.</p>
<p><b>Transshipments</b></p> <p><b>Section 113</b></p>	<p>1. Transshipment at sea shall be prohibited, unless allowed by an international agreement to which Sri Lanka is party.</p> <p>2. Transshipment at port shall be authorized and undertaken solely in designated ports or fishery harbour, at the time, place and on such terms and conditions as may be required pursuant to this Act, any implementing regulation thereof.</p> <p>3. The master or operator of a Sri Lankan fishing vessel or support vessel intending to engage in transshipment in accordance with subsection (2) above shall:</p> <ol style="list-style-type: none"> <li>a) only tranship under the authority of a transshipment license issued by the Director-General in accordance with the prescribed form and conditions and upon the payment of a prescribed fee;</li> <li>b) only tranship at the time and place for transshipment and on such terms and conditions as may be required pursuant to this Act, any implementing regulation thereof, or under an applicable international agreement;</li> <li>c) Provide forty-eight (48) hours prior notice, or such</li> </ol>

	<p>other prior notice as may be prescribed by the Director-General. The master or operator may request to tranship any or all of the fishery products on board, and shall report quantities of fish on board the fishing vessel prior to the transshipment and the quantities to be transhipped, and the quantities on board the carrier vessel prior to the transshipment, as appropriate; and,</p> <p>d) comply with such prescribed procedures, or as may be required by the Director-General, including placement of a fisheries inspector or observer on board prior to and during transshipment, to:</p> <ol style="list-style-type: none"> <li>i. obtain and verify data, including on the quantity and species transhipped; and</li> <li>ii. determine when transshipment has been completed, and such other procedures as be prescribed or otherwise required by the Director General.</li> </ol> <p>4. The master or operator of a Sri Lankan vessel that has conducted transshipment, shall document the event in accordance with the transshipment declaration under Schedule III, and shall carry on board record that includes each transshipment declaration, and a copy of the transshipment declaration shall accompany the record about the transhipped fish on the carrier vessel.</p> <p>5. Transshipment operations by foreign flagged vessels shall be subject to port state measures under section (115) and any implementing regulation.</p> <p>6. Any master or operator who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p> <p>7. The Minister may make regulations to implement measures on transshipment as required, under the scope of this Act or any international obligation binding upon Sri Lanka.</p>
<p><b>Landings</b></p> <p><b>Section 114</b></p>	<p>1. The master or operator of a vessel carrying fish caught outside Sri Lankan waters, shall only land fish in designated ports or fishery harbour and anchorages in Sri Lanka, and under the authority of a landing authorization issued by the Director-General or his/her designee in</p>



	<p>accordance with prescribed regulations. Landings shall be documented in accordance with the landing declaration under Schedule [III].</p> <ol style="list-style-type: none"> <li>2. The master or operator of a vessel carrying fish caught in Sri Lankan waters shall only land fish on designated fishery harbours, landing sites or anchorages. Authorized officers shall conduct samplings in accordance with prescribed regulations in order to control such landings.</li> <li>3. Landing of fish by foreign flagged fishing vessels shall be subject to port state measures under section (115) and any implementing regulation thereof.</li> <li>4. The master or operator of a vessel that contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [sanctions] shall apply. The Minister may make regulations to implement rules on landings required, under the scope of this Act or any international obligation binding upon Sri Lanka.</li> </ol>
<p><b>Port State Measures for Foreign Flagged Vessels</b></p> <p><b>Section 115</b></p>	<ol style="list-style-type: none"> <li>1. The Director-General shall designate and publicize ports by public notice in the Gazette, and he/she shall cause such designation to be transmitted forthwith to the relevant RFMOs and FAO, and shall inform of any changes in the designation of such ports.</li> <li>2. Foreign vessels shall only enter in designated ports in Sri Lanka for the purpose of landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, refuelling and resupplying, maintenance and dry-docking.</li> <li>3. Any foreign vessel entering a designated port in Sri Lanka is subject to port state measures under this Part and any implementing regulations thereof.</li> <li>4. Notwithstanding the obligation laid down in subsection (3), foreign container vessels shall be exempted from port state measures, where they are: <ol style="list-style-type: none"> <li>a) not carrying fishery products, or;</li> <li>b) When carrying fishery products that have not been previously landed, provided that such container vessel is not suspected of being engaged in IUU fishing.</li> </ol> </li> </ol>

	<p>5. The Director-General shall, to the extent possible, promote the effectiveness of international conservation and management measures by taking port state measures in accordance with international law. He/she shall not discriminate in form or in fact against vessels of any state, and may, <i>inter alia</i>:</p> <p>a) Require inspection of documents, fishing gear and catch on board fishing vessels voluntarily in its ports or at its offshore terminals; and</p> <p>b) Prohibit landings and transshipments and the use of port services, where it has been established that the catch has been taken in a manner which undermines the effectiveness of international conservation and management measures, and/or in accordance with such requirements as may be prescribed.</p> <p>6. The master or operator of a foreign fishing vessel that contravenes the provisions of this section commits an offence, and without prejudice to the action that the flag State of that vessel may take, upon conviction, the sanctions of schedule [III] may apply.</p> <p>7. The Minister may make regulations for the purposes of implementing port state measures for foreign flagged vessels entering designated ports in Sri Lanka in accordance with the provisions of this Act and relevant international law.</p>
	<b>Chapter 2 - Monitoring</b>
<b>Observer Program</b>  <b>Section 116</b>	<p>1. The Director-General shall establish an observer programme for the purpose of collecting, recording and reporting reliable and accurate information for scientific, monitoring, management, and compliance purposes.</p> <p>2. Observers may be deployed as directed by the Director-General in accordance with this Act, any applicable international agreement or arrangements, with the objective of carrying out fisheries monitoring, control and surveillance operations jointly or cooperatively with another State, or any international conservation and management measures on any vessel used for fishing, transshipment, transportation and/or landing of fish in Sri Lankan waters and ports, and in areas beyond national jurisdiction, and such other uses as may fall within the scope of this Act.</p>

<b>Appointment and Identification of Observers</b>  <b>Section 117</b>	<ol style="list-style-type: none"> <li>1. The Director-General may appoint a person in writing to be an independent observer for the purposes of this Act, excluding a crew member acting as an observer or any person directly or indirectly being an employee or a contractor of the fishing vessel.</li> <li>2. An observer shall, on request, identify himself/ herself and produce evidence that he/she is an observer.</li> </ol>
<b>Duties of Observers</b>  <b>Section 118</b>	<p>The duties of an observer shall include collecting and reporting reliable and accurate information for scientific, management, and compliance purposes including:</p> <ol style="list-style-type: none"> <li>a) the species, quantity, size, age, and condition of fish taken;</li> <li>b) the methods by which, the areas in which, and the depths at which, fish are taken;</li> <li>c) the effects of fishing methods on fish, and the environment;</li> <li>d) all aspects of the operation of any vessel;</li> <li>e) processing, transportation, transshipment, storage, or disposal of any fish or fishery product;</li> <li>f) monitoring the implementation of management measures and applicable international conservation and management measures; and</li> <li>g) any other matter as directed by the Director-General or as prescribed in Regulations.</li> </ol>
<b>Chapter 3 – Authorized Officers</b>	
<b>Appointment of Authorized Officers and other personnel for MCS purposes</b>  <b>Section 119</b>	<ol style="list-style-type: none"> <li>1. The Director-General may, by notice in writing and in accordance with such standards and procedures as he/she may require or as may be prescribed, appoint the following persons as authorised officers: <ol style="list-style-type: none"> <li>a) Fisheries inspectors or fishery officers;</li> <li>b) Members of the Coast Guard above such rank as shall be designated by regulations;</li> <li>c) Members of the Sri Lanka army, air force or police of the rank of Sergeant or above;</li> <li>d) Members of the Sri Lanka navy of the rank of Petty Officer or above; and,</li> <li>e) Such other persons as may be appointed.</li> </ol> </li> </ol> <p>to be authorised officers for the purpose of monitoring activities and carrying out control and surveillance over activities that fall within the scope of this Act, and implementing this Act and such other laws and measure beyond areas of national jurisdiction as may be prescribed</p>

	<p>or he/she may direct in accordance with any fisheries agreement or international conservation or management measures.</p> <ol style="list-style-type: none"> <li>2. An authorized officer 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.</li> <li>3. The Director-General may, by notice in writing, appoint such other personnel as he/she may deem necessary for purposes of implementing monitoring, control, surveillance and scientific functions, and such other functions as the Director-General may require or as may be prescribed under this Act: <ol style="list-style-type: none"> <li>a) observers and port samplers;</li> <li>b) inspectors and auditors for purposes of fish quality control; and</li> <li>c) such other personnel as may be prescribed, in accordance with such standards and procedures as may be required by the Director-General or prescribed.</li> </ol> </li> <li>4. Personnel appointed under subsection (3) shall have such authority, rights and duties as described in this Act or any regulation made thereof.</li> </ol>
<p><b>Identification of Authorized Officers</b></p> <p><b>Section 120</b></p>	<ol style="list-style-type: none"> <li>1. An Authorized officer and other personnel appointed under subsection (119) shall, in exercising any power conferred by this Act, upon request, identify himself/ herself and produce evidence that he/she is an authorized officer.</li> <li>2. The production by any authorized officer of any identification document issued to him/her shall, until the contrary is proved, be sufficient authority for any such authorized officer to do anything which he is authorized by this Act to do.</li> <li>3. It shall not be an offence for any person to refuse to comply with a request, demand or Order made by an authorised officer if such authorized officer fails to declare his/her office and produce such identification as may be reasonably sufficient to show that he is an authorised officer for the purposes of this Act.</li> </ol>

<p><b>General Powers of Authorized Officer</b></p> <p><b>Section 121</b></p>	<ol style="list-style-type: none"> <li>1. An authorized officer may do all such acts and things and give such directions as are reasonably necessary for the purposes of exercising any of his/her powers under this Act.</li> <li>2. An authorized officer may use such force as may be reasonably necessary to enable the exercise of his/her powers under this Act.</li> <li>3. Where an authorized officer is required to undertake duties in areas beyond national jurisdiction, unless provided otherwise in an international agreement or arrangement, the provisions of this Act are applicable as if the duties were performed within areas under national jurisdiction.</li> <li>4. Where an authorized officer has been appointed or is otherwise serving under the authority of another State where such State is party to an applicable international agreement or arrangement with the objective of carrying out fisheries monitoring, control and surveillance operations jointly or cooperatively with the Government of Sri Lanka, he/she shall make such reports to the Director-General as may be required pursuant to the terms of such international agreement or arrangement.</li> <li>5. An authorized officer may exercise such other powers as may be prescribed to give effect to this Act and any international agreement, whether within or beyond areas of national jurisdiction.</li> </ol>
<p><b>Power of Hot Pursuit</b></p> <p><b>Section 122</b></p>	<p>An authorized officer may, following hot pursuit outside Sri Lankan waters in accordance with international law, and commenced within Sri Lankan waters, stop, board and inspect outside Sri Lankan waters any vessel which he/she has reasonable grounds to believe has been used in the commission of an offence under this Act, exercise any powers conferred by this Act and bring such vessel and all persons and things on board back into Sri Lankan waters.</p>
<p><b>Declaration of Boarding and Inspection</b></p> <p><b>Section 123</b></p>	<ol style="list-style-type: none"> <li>1. Authorized officers, fisheries inspectors, fisheries officers, observers and other personnel conducting boarding and inspection of fishing vessels shall certify their presence by signing such Declaration of Boarding and Inspection form as may be prescribed or required by the Director-General.</li> </ol>

	<p>2. Such Boarding and Inspection Form as may be prescribed or required by the Director-General shall be completed by the authorized officer who has participated in the boarding and inspection of a fishing vessel pursuant to this Act, other than a boarding and inspection in port, and such authorized officers, fisheries inspectors, fishery officers shall promptly provide it to the Director-General.</p>
<p><b>Powers of Entry and Inspection</b></p> <p><b>Section 124</b></p>	<p>1. An authorized officer may, without a warrant:</p> <ol style="list-style-type: none"> <li>a) stop, board, enter, search, inspect and remain on board a vessel, for purposes of exercising his/her powers under this Act; <ol style="list-style-type: none"> <li>i) any vessel in Sri Lanka waters which he/she has reason to believe has been used, is being used or is intended to be used for fishing or a related activity;</li> <li>ii) any Sri Lanka vessel in the high seas, or;</li> <li>iii) any other vessel to which this Act and any international law or agreement applies.</li> </ol> </li> <li>b) enter, examine and inspect any premises or place, other than premises used exclusively as a dwelling house, including premises that are part of or attached to a dwelling house which he/she reasonably suspects are used for activities falling within the scope of this Act, and it is necessary to obtain evidence to ascertain whether this Act is being or has been complied with;</li> <li>c) inspect and take logbooks, documents, licences, and records or copies thereof relating to activities falling within the scope of this Act, from any vessel or premises used for activities falling within the scope of this Act, providing that where any item is taken under this subsection, a receipt shall be provided at the time it is taken;</li> <li>d) monitor landing and transshipment operations and take samples, photographs and relevant documentation;</li> <li>e) to require, invite or request any person and take statements from him/her for the purpose of an inquiry concerning an alleged contravention of the provisions of this Act or implementing regulations thereof;</li> <li>f) make an entry dated and signed by him/her in a vessel's logbook, and require the master to sign the entry, or to indicate on a chart or other document the position of the vessel at that time and initial such chart or other document accordingly;</li> </ol>

	<p>g) examine and/or test or cause to be examined and/or tested any electronic equipment required to be on board any vessel or used for any purpose that falls within the scope of this Act, and examine any gear, equipment, record or other document that is found in/or any vessel, vehicle, premises or place, that he/she has reason to believe has been used, is being used or is intended to be used for or in relation to fishing, or related activity requiring a licence or authorization under this Act.</p> <p>2. For the purposes of this section, the vessel's equipment, gear, furniture, appurtenances, stores and cargo shall be deemed to form part of the vessel.</p> <p>3. A master or operator of any Sri Lankan vessel on the high seas shall provide access to such fishing vessel for inspection by an authorized officer of a foreign nationality, on proving identity, under the provisions of any international treaty to which Sri Lanka is party.</p>
<p><b>Power to take and secure information and evidence</b></p> <p><b>Section 125</b></p>	<p>1. An authorized officer may, without a warrant, in order to secure information and evidence for the purposes of law enforcement under this Act:</p> <p>a) Seize, take, detain, remove and secure samples, logbooks, charts, licenses and authorizations or other documents, records, and other information, or copies thereof, from any vessel, vehicle, premises or other place, which he/she has reason to believe show, or tend to show, the commission of an offence under this Act;</p> <p>b) Seize, take, detain, remove and secure any fish, fishery product, aquatic resource, vessel, vehicle, gear, equipment, dynamite, explosive or noxious substance or item that he/she has reason to believe has been taken or used, is being used or is intended to be used in or in relation to the commission of an offence under this Act;</p> <p>c) Anything which he/she has reason to believe might be used in evidence in any proceedings under this Act.</p> <p>2. An authorized officer may, without a warrant, sell any fish seized by him under this Act, with the prior approval in writing by the Director-General.</p>

	<p>3. A fisheries inspector or fishery officer may require a person engaged or apparently engaged in any activity for which a license, registration or other permission is required under this Act or an applicable international agreement:</p> <ol style="list-style-type: none"> <li>produce the registration, license, authorization or other permission required for or in relation to the activity;</li> <li>produce any other documents in relation to the activity;</li> <li>give any other relevant information,</li> </ol> <p>and the fisheries inspector or fishery officer may take copies of, or extracts from, any document.</p> <p>4. A written acknowledgement shall be given to the owner, apparent owner, agent, or person in control or apparent control of any article or item taken or detained in accordance with this section, and the grounds for the taking or detention shall be stated in the written acknowledgement.</p>
<p><b>Power to stop and take control of a fishing vessel</b></p> <p><b>Section 126</b></p>	<p>1. An authorized officer may, where the master of a fishing vessel does not stop that vessel within a reasonable period of time following a request made pursuant to section (124), including in cases of hot pursuit in accordance with section (122), use such force as is reasonably necessary in the circumstances and any reasonable means consistent with international law to effect the arrest.</p> <p>2. Where the authorized officer has reason to believe that a vessel has been used, is being used or is intended to be used to commit, or in relation to the commission of an offence under this Act, or where a vessel has been seized under this Act, he/she may, including the case of hot pursuit:</p> <ol style="list-style-type: none"> <li>bring the vessel, or require the master to bring the vessel as he/she directs, to any port in Sri Lanka; and</li> <li>Remain in control of the vessel pending the taking and determination of proceedings for the offence, or require the master to remain in control of the vessel at that place until an authorized officer permits him/her to depart from that place.</li> </ol> <p>3. An authorized officer bringing a vessel to a place in Sri Lanka in accordance with subsections (122) and (124), or in other circumstances where the need for assistance in enforcing this Act is immediate and overwhelming, including in making an arrest, may require any person to assist him/her, and that person shall:</p>



	<ol style="list-style-type: none"> <li>a) be deemed to be an authorized officer for the purposes for, and time during which, he /she is required to act; and</li> <li>b) Carry out the instructions of the authorized officer for the purposes of enforcing this Act.</li> </ol> <ol style="list-style-type: none"> <li>4. Where a vessel is being brought to a place in the country in accordance with subsection (122) and (124) no claim may be made against any authorized officer or other person appointed under section (119) in respect of any death, injury, loss or damage occurring while the vessel is being so brought, other than a claim in respect of the death of or injury to an authorized officer, and where the master is required to remain in control he/she shall be responsible for the safety of the vessel and each person on board the vessel until the vessel arrives at the designated port.</li> <li>5. A written acknowledgement shall be given to the owner, apparent owner or person acting for the owner for any article or thing seized in accordance with this section and the grounds for such seizure shall be stated in the receipt.</li> </ol>
<b>Power to immobilize a fishing vessel</b>  <b>Section 127</b>	<ol style="list-style-type: none"> <li>1. Where a fishing vessel has been seized or detained in accordance with section (124) or where it has been brought to a place in the country in accordance with section (122), a fisheries inspector may remove any of its part or parts, or otherwise secure the fishing vessel, for the purpose of immobilizing it.</li> <li>2. Where any part(s) of a vessel have been removed in accordance with section (a) of subsection (1), such part(s) shall be kept safely and returned to the vessel immediately upon its lawful release from custody. No person shall possess or arrange to obtain such part or parts or make any replacement or substitute part or parts.</li> </ol>
<b>Power to confiscate passport, master license and seamen's books</b>  <b>Section 128</b>	<ol style="list-style-type: none"> <li>1. The authorized officer may, subject to subsection (2), seize and retain any passport, master license and seaman's book of the master and of any crew of a vessel for a reasonable time for the purpose of investigation of an offence under this Act until the completion of such investigation, or where a Court Order regarding the retention of passports is obtained, whichever occurs first.</li> <li>2. The authorized officer may exercise any other powers given to him/her under any other law, and exercise such other powers as may be prescribed to give effect to this</li> </ol>

	<p>Act, international agreement, whether within or beyond areas of national jurisdiction.</p> <p>3. The Director-General may approve in writing the confiscation of the passports, master license and seamen's books of the master and crew of a vessel for up to one week during an investigation of an offence under this Act by such master and crew if it is apparent that the passport and seamen's books would facilitate travel outside the country prior to the conclusion of the investigation.</p>
<p><b>Power of detention</b></p> <p><b>Section 129</b></p>	<p>1. An authorised officer may, if he/she has reasonable grounds to believe that a person is committing or has committed an offence under this Act, or assaults or offers a bribe to him/her or any other authorised or other personnel in exercising his/her powers or duties under his Act:</p> <ul style="list-style-type: none"> <li>a) order that person to forthwith cease and desist;</li> <li>b) request that person to supply to the authorised officer that person's name, date of birth, proof of identification, residential address and occupation and may request that person to supply such verification of those details as it is reasonable in the circumstances to require that person to provide; and</li> <li>c) Detain, without warrant, that person.</li> </ul> <p>2. If an authorising officer detains a person under subsection (1) he/she shall cause the person to be delivered into the custody of a member of the Sri Lankan Police as soon as practicable and that person shall thereafter be dealt with in accordance with the relevant laws, except that the duties relating to the laying and filing of an information shall be the duties of the detaining authorising officer and not a member of the Sri Lankan Police.</p>
<p><b>Power in relation to abandoned fishing vessels, gear, fish or fishery products</b></p> <p><b>Section 130</b></p>	<p>1. Where an authorised officer has reason to believe that any fishing vessel, fishing gear, fish or fishery product has been abandoned for the purpose of avoiding prosecution, he/she shall report the same immediately to the Director-General. Upon receipt of the information, the Director-General shall require the owner of the vessel to remove the abandoned fishing material(s) within thirty (30) days.</p> <p>2. Where the owner of the vessel failed to comply with the Order of the Director within the deadline of subsection (1),</p>

	<p>the Director shall take administrative decision against the vessel or apply to the Court of competent jurisdiction for an Order to dispose of such fishing vessel, fishing gear, fish or fishery product.</p> <p>3. Where a fishing vessel, fishing gear or fishery product is abandoned, and an authorised officer believes that any person is liable to be investigated, searched or arrested in connection with a commission of an offence under this Act, or that person has absconded to any place within or outside Sri Lanka, or has concealed himself or herself so that he/she cannot be searched, arrested or otherwise investigated, the authorised officer may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or under control of the suspect.</p>
<p><b>Duties to Authorized Persons</b></p> <p><b>Section 131</b></p>	<p>1. Authorised persons are authorised officers and other personnel necessary for purposes of implementing monitoring, control, surveillance and scientific functions appointed under section (119).</p> <p>2. No person shall:</p> <p>a) Including the operator or crew member of a vessel, fail or refuse to allow and assist any authorized person:</p> <p>i) safe boarding of a vessel;</p> <p>ii) to have full access to and use of all facilities, gear and equipment on board which such authorized person may determine is necessary to carry out his/her duties, including full access to the bridge, fish and fishery products on board, fishing gear and areas which may be used to hold, process, weigh or store fish;</p> <p>iii) to have full access to the vessel's records including its logs, charts and documentation and other information relating to fishing, such as areas, gear and equipment including navigation and communication equipment and that equipment be turned on for his/her use, whether required to be carried and maintained under this Act or otherwise, for purposes of carrying out functions and exercising powers under this Act, including records inspection and copying, and taking photographs;</p> <p>iv) to take, measure, store on or remove from the vessel and retain such reasonable samples or whole specimens</p>

	<p>of any fish as may be required for scientific purposes;</p> <ul style="list-style-type: none"> <li>v) safe disembarkation from a vessel;</li> <li>b) fail or refuse to allow to conduct an audit, inspection, examination or search that is authorized by or under this Act to be made or impede the same;</li> <li>c) in respect of any premises, facility, including those used for cold storage, export and processing, landing site or other place where person(s) engage in activities within the scope of this Act, fail or refuse to facilitate by all reasonable means the entry into and inspection by an authorized person in accordance with this Act of these spaces and any fish or fishery product, fishing gear, equipment or records;</li> <li>d) Fail or refuse to allow to stop and search any vehicle transporting any fish or other aquatic resources;</li> <li>e) fail, refuse or neglect to immediately and fully comply with every lawful instruction or direction given by an authorized person;</li> <li>f) when lawfully required to state his/her name, date of birth and place of abode, or any other information to an authorized person, fails or refuse to do so or give information which is false, incorrect or misleading in any material respect;</li> <li>g) resist lawful arrest for any act prohibited by this Act;</li> <li>h) assaults, obstructs, resists, delays, refuses boarding to, intimidates or kidnaps an authorized person who is carrying out his/her duties or exercising his/her powers under this Act, or any person lawfully acting under a fisheries inspector's instructions or in his/her aid, or aid, incite or encourage another person on these acts;</li> <li>i) interfere with, delay or prevent by any means, the apprehension or arrest of another person having reasonable grounds to believe that such person has committed an act in contravention of this Act;</li> <li>j) fail or refuse to allow an authorized person to carry out all duties safely, or to take all reasonable measures to ensure the safety of an authorized person as appropriate in the performance of his/her duties;</li> <li>k) impersonate or falsely represent himself or herself to be an authorised person, or to be a person lawfully acting under the Director-General's or the authorized person's instructions or in his/her aid;</li> <li>l) impersonate or falsely represent himself or herself to be the master or an officer, or not to be the master or an officer, of</li> </ul>
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	<p>a fishing vessel;</p> <p>m) bribes or attempts to bribe an authorized person;</p> <p>n) fail to sail a seized vessel to a place in Sri Lanka designated by an authorized person and fail to ensure the safety of all those on board;</p> <p>o) Interfere with an authorized person in the performance of his/her duties; or in any other way.</p> <p>3. A person who contravenes the provisions of this section commits an offence and upon conviction, the sanctions of schedule [III] shall apply.</p>
	<p style="text-align: center;"><b>PART XI</b>  <b>MEDIATION, ADMINISTRATIVE AND JUDICIAL PROCEEDINGS</b></p>
<p><b>Settlement of Fisheries Disputes</b></p> <p><b>Section 132</b></p>	<p>Where any fishery dispute arises or is apprehended, such dispute may be settled in the manner provided in this Part.</p>
	<p><b>CHAPTER 1 – Mediation</b></p>
<p><b>Fishing Dispute Settlement Panel</b></p> <p><b>Section 133</b></p>	<p>1. The Minister may, on the recommendation of the Director-General, establish for each fisheries District, a Fishing Dispute Settlement Panel (Settlement Panel), and appoint not more than five (5) persons to be members of the Settlement Panel.</p> <p>2. The persons to be appointed to the Settlement Panel shall be from amongst:</p> <p style="margin-left: 40px;">a) Fishery officers;</p> <p style="margin-left: 40px;">b) Persons having proven experience and expertise on the particular subject; and/or,</p> <p style="margin-left: 40px;">c) Community leaders.</p> <p>3. In recommending members for appointment to the Settlement Panel, the Director-General shall, taking into account the principle of gender balance under section (3)(l), ensure that there is equitable representation among Districts of Sri Lanka, components of the fisheries sector and areas of expertise.</p>

	<ol style="list-style-type: none"> <li>4. The function of the Settlement Panel shall be to provide independent forum for the resolution of disputes referred to it by the Director-General in accordance with section (134).</li> <li>5. Every appointed member for the Settlement Panel shall hold office for a period of three (3) years, and unless earlier removed under subsection (6), shall be eligible to be reappointed for another term of three (3) years.</li> <li>6. Any of the following persons shall be disqualified for appointment or continuing as a member of the Settlement Panel: <ol style="list-style-type: none"> <li>a) a Member of Parliament, a Provincial Council or any local authority;</li> <li>b) a person found or declared to be of unsound mind;</li> <li>c) a person who is declared an insolvent or bankrupt under any law in Sri Lanka or any other country, is an undischarged insolvent or bankrupt;</li> <li>d) A person who has served a sentence of imprisonment imposed by any Court in Sri Lanka or any other country; or</li> <li>e) Has been convicted or charged with any offence under this Act or any implementing regulations thereof.</li> </ol> </li> <li>7. The Settlement Panel may adopt its own rules of procedure for the conduct of its meetings.</li> <li>8. The establishment of the Settlement Panel shall be published in the Gazette.</li> </ol>
<b>Referral of the Director-General of fishing disputes</b>  <b>Section 134</b>	<ol style="list-style-type: none"> <li>1. Where any fishing dispute has arisen the Director-General may: <ol style="list-style-type: none"> <li>a) Where no further enquiry is required, refer such dispute to a dispute settlement officer for mediation, or;</li> <li>b) Where further enquiry is required, order such enquiry prior to the designation of three (3) members of the Settlement Panel to determine such a dispute.</li> </ol> </li> <li>2. Parties to the fishing dispute shall attempt to resolve the dispute at the local level before submitting such dispute to the Director-General.</li> <li>3. Where the Director-General referred a fishing dispute</li> </ol>

	<p>under subsection (1) (a), the dispute settlement officer shall summon the parties to the dispute, and shall endeavour to settle the dispute amicably within thirty (30) days of referral.</p> <p>4. Where the dispute settlement officer resolves the dispute:</p> <ol style="list-style-type: none"> <li>He/she shall record the settlement and inform the Director-General thereof. It shall be the duty of every party to such dispute to sign a certification consenting to the terms of settlement.</li> <li>A party who has signed a certification in accordance with subsection (4) (a) shall be bound by the terms of settlement.</li> </ol> <p>5. Where a dispute settlement officer does not resolve the dispute within thirty (30) days of referral, he/she shall notify the Director-General who shall designate three (3) members of the Settlement Panel under section (133), and shall by notice published in the Gazette and in the daily newspapers in Sinhala, Tamil and English:</p> <ol style="list-style-type: none"> <li>Specify the subject matter of the dispute;</li> <li>Specify the name(s) of the person(s) designated to determine the dispute;</li> <li>Call upon all persons desiring to make representations to submit such representations in writing to the Settlement Panel members before a specified date; and,</li> <li>Inform the date, time and place of the commencement of the Settlement Panel proceedings.</li> </ol> <p>6. At the conclusion of the proceedings, the Settlement Panel shall promptly submit to the Director-General a report containing its decision and the reasons therefor.</p> <p>7. Where there are no appeals against the decision of the Settlement Panel within thirty (30) days of such decision, the Director-General shall:</p> <ol style="list-style-type: none"> <li>Cause the decision of the Settlement Panel to be published in the Gazette;</li> <li>Deliver a copy of the decision of the Settlement Panel to each of the parties to the fishing dispute; and,</li> <li>Make available a copy of the decision of the Settlement Panel at the District offices of the Department.</li> </ol> <p>8. The Director-General shall give effect to the decision made by the Settlement Panel, and such decision shall bind the parties to the fishing dispute.</p>
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	<p>9. A party, who is not satisfied with the decision of the Settlement Panel, may appeal to the High Court within thirty (30) days from the date of the decision.</p> <p>10. A decision under subsection (6) and subsection (4)(a) shall be final, and shall not be called into question in any civil Court, and shall be enforced in the same manner as if the decision were a judgment of the Court in exercise of its civil jurisdiction.</p> <p>11. It shall be an offence for any person to refuse or fail to comply with the decision of the Settlement Panel under subsection (6), or of the dispute settlement officer under subsection (4)(a). Any person who fails to comply with any such decision, commits an offence and shall be liable upon conviction to a fine of [level of fines], and any other order that the Court may impose.</p>
<b>CHAPTER 2 – Administrative Proceedings</b>	
<b>Panel of Experts</b>  <b>Section 135</b>	<p>1. There shall be appointed by the Director-General in consultation with the Secretary to the Ministry, a Panel of Experts (‘the Panel’) consisting of three persons who have the knowledge and experience in the fields of marine engineering, law and accountancy.</p> <p>2. It shall be the function of the Panel to make recommendations to the Director-General on circumstances under which he/she shall impose a monetary penalty on any person.</p>
<b>Compounding</b>  <b>Section 136</b>	<p>1. The Director-General may, on the recommendation of the Panel appointed under this section compound an offence where:</p> <ul style="list-style-type: none"> <li>a) taking into consideration the circumstances under which the offence was committed;</li> <li>b) he/she has sufficient evidence to believe that a person or an operator has committed an offence in contravention of any of the provisions of sections [to be completed by SL with the info on the schedule of sanctions], of this Act or any implementing regulations thereof;</li> <li>c) the person is a first offender, or it is a first offence;</li> <li>d) the offence is not a serious offence under this Act; and,</li> <li>e) the alleged offender has, in writing, admitted to having committed such offence and consented to a compounding proceeding after being fully informed</li> </ul>



	<p>about these proceedings.</p> <ol style="list-style-type: none"> <li>3. Where compounding proceedings have been initiated under this Act, the person or operator who admits to having committed the offence, shall: <ol style="list-style-type: none"> <li>a) not engage in fishing or any related activities or any activity related to the violation until the penalty has been paid in full; and</li> <li>b) be deemed to have consented to any seizure which took place in accordance with this Act in relation to the offence subject to the compounding.</li> </ol> </li> <li>4. A person who engages in fishing or other related activity by subsection (2)(a) while prohibited from so doing, or who violates a valid Order pursuant to the terms of this section commits a separate offence and shall be liable in addition to [fine ] may be subject to such further proceedings under this Act as the Director-General may determine.</li> <li>5. The monetary penalty determined by the Director-General on the recommendation of the Panel to compound the offence shall not be less than one third of the fine of the maximum fine or not less than five times of the value of the relevant fish catch or whichever is higher.</li> <li>6. If the full amount of the penalty as determined by the Director-General under subsection (4) is not paid within sixty (60) days of the notification of such penalty to the person subject to compounding, the matter shall immediately be sent to Court.</li> <li>7. On payment of the penalty in full under this section, the Director-General may order the release of any article, items, fish or fishery products seized under this Act subject to the conditions established in the compounding agreement.</li> <li>8. Where a proceeding is pending before any Magistrate's Court, the Director-General shall notify in writing under the signature of both parties to the Magistrate's Court where a proceeding in connection with the commission of offence is pending and the Magistrate shall: <ol style="list-style-type: none"> <li>a) record the terms and make Order acquitting the accused when the full sum determined by the</li> </ol> </li> </ol>
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	<p>Director-General under subsection (4) has been paid;</p> <p>b) Order the release of any seized article on the payment of the total amount determined by the Director-General under subsection (6).</p> <p>9. The Director-General shall not act under subsection (1) if the offence is indictable or having been indicted it is pending before the High Court without the written approval of the Attorney General.</p>
<p><b>Imposition of administrative penalties</b></p> <p><b>Section 137</b></p>	<p>1. Where the Director-General has sufficient evidence to believe that the holder of a license to conduct fishing operations on the high seas or the waters under the jurisdiction of another States under sections (44) and (45), has acted in contravention of the conditions of such license and/or sections (51) and (52) of this Act, he/she may on the recommendation of the Panel appointed under section (135), 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.</p> <p>2. Where the Director-General decides to impose a penalty under subsection (1), he/she shall cause a notice to be served in the prescribed form on the alleged offender, requiring him/her to appear within one month of the date of the receipt of such notice and show because why a penalty should not be imposed on him/her.</p> <p>3. Where the person on whom the notice is served, appears within one month of the date of receipt of such notice and admits that he/she acted in a way contrary to provision laid down in the fishing license and /or of sections (51) and (52) of this Act, the Director-General shall impose on that person a monetary penalty in compliance with the applicable national and/or international standards that shall not be less than one third of the fine of the maximum fine or not less than five times of the value of the relevant fish catch or whichever is higher.</p> <p>4. 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/she 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</p>

	<p>manner prescribed.</p> <p>5. Where the Director-General is not satisfied with reasons presented to him/her under subsection (4), he/she may, after assigning reasons, impose the penalty recommended by the Panel and inform such person in writing within seven (7) days of such decision accordingly.</p>
<p><b>Appeal before the Secretary</b></p> <p><b>Section 138</b></p>	<ol style="list-style-type: none"> <li>1. Any person or operator aggrieved by the decision of the Director-General to impose a monetary penalty under section (137), may appeal to the Secretary of the Ministry within thirty (30) days from the date of receipt of the notice stating such decision.</li> <li>2. The Secretary of the Ministry, 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: <ol style="list-style-type: none"> <li>a) Allow, alter or vary the appeal and direct the Director-General to act accordingly, or;</li> <li>b) Disallow the appeal, stating the reasons thereof.</li> </ol> </li> <li>3. The Director-General shall comply with any direction issued to him/her by the Secretary within fourteen (14) days from such direction and shall communicate the direction of the Secretary to the person aggrieved by his/her decision.</li> </ol>
<p><b>Judicial Review</b></p> <p><b>Section 139</b></p>	<p>Any person aggrieved by the decision of the Secretary of the Ministry may refer for judicial review before the Court within thirty (30) days from the date of communication of such decision.</p>
<p><b>CHAPTER 3 – Judicial Proceedings</b></p>	
<p><b>Jurisdiction and Standing</b></p> <p><b>Section 140</b></p>	<ol style="list-style-type: none"> <li>1. Any act or omission in contravention of any of the provisions of this Act, in such places and to such persons to which this Act applies shall be dealt with and judicial proceedings taken as if such act or omission had taken place in Sri Lanka within the jurisdiction of: <ol style="list-style-type: none"> <li>a) the High Court, for all offences for which the High Court takes cognisance; or</li> <li>b) Any Magistrate's Court, for all offences for which the Magistrate's Court takes cognisance, except that the High Court of Colombo shall have sole and exclusive</li> </ol> </li> </ol>

	<p>jurisdiction to try any offence under this Act committed beyond the area of national jurisdiction including on the high seas.</p> <ol style="list-style-type: none"> <li>2. Where an offence falls within the jurisdiction of a Magistrate's Court outside the territory of Sri Lanka but in accordance with subsection (1)(b), it shall be tried wherever possible at the Magistrate's Court closest to where the offence is alleged to have been committed or where the accused came ashore, as determined by the prosecution.</li> <li>3. The Director-General or any person authorized by him for that purpose may institute proceedings under this Act against any person or vessel for any act or omission committed within the jurisdiction of a Magistrate's Court.</li> <li>4. All proceedings taken under this Act in any High Court shall be by indictment under the hand of the Attorney General.</li> <li>5. Any authorized person appointed or performing duties under this Act or designated under a relevant access agreement or fisheries management agreement or international conservation and management measures may institute action in the Magistrate's Court to recover any sum as damages, penalty, fine, or otherwise against any person or vessel for any act or omission that: <ol style="list-style-type: none"> <li>a) has accrued within the jurisdiction of the High Court as described in subsection (1);</li> <li>b) is actionable under this Act or other law or laws of Sri Lanka; or</li> <li>c) is a violation of an access agreement, fisheries management or international conservation and management measures pursuant to which the person authorized notwithstanding the nationality or permanent residence of such authorized person.</li> </ol> </li> <li>6. Every action under subsection (5) shall be instituted under the name of the Director-General or by any authorized person acting on that behalf and sections (3) to (8), (12) to (15) and (23) of the Debt Recovery (Special Provisions) Act No.02 of 1990 shall <i>mutatis mutandis</i> apply to the institution and hearing of every such action.</li> </ol>
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	<p>7. Where an action is instituted under subsection (6) the Court shall give priority to hearing and disposal of such action within a period of six months from the date of institution of such proceedings except where circumstances render it necessary for such other business to be disposed of earlier.</p>
<p><b>Procedure</b></p> <p><b>Section 141</b></p>	<ol style="list-style-type: none"> <li>1. An offence committed under this Act shall be prosecuted only if the compounding proceedings are taken in accordance with section (136) have failed, either: <ol style="list-style-type: none"> <li>a) summarily before a Magistrate; or</li> <li>b) in the High Court.</li> </ol> </li> <li>2. Notwithstanding the provisions of section (139), an authorized officer may report facts and conduct prosecutions in respect of fisheries offences committed under this Act, in a Magistrate's Court.</li> <li>3. The Director-General may sue for and recover fees, levies and charges due and payable under this Act.</li> <li>4. Where any registered owner, any operator or any person on-board of a fishing vessel who is charged with an offence under this Act is neither resident nor physically present in Sri Lanka at the time when the vessel was first arrested or at any time after such arrest, any corporate entity operating under the laws of Sri Lanka with which such registered owner, operator or any such person connected as the chief executive officer, a director, an officer, an employee, or in any other manner whatsoever shall be deemed to be the operator of such vessel, and legal proceedings may be taken in accordance with this Act, and such operator may be charged, prosecuted, convicted and fined as appropriate unless the contrary is proved.</li> </ol>
<p><b>General Offence</b></p> <p><b>Section 142</b></p>	<p>For an offence for which no other penalty is specifically provided under this Act, a Court may subject, a person guilty of any offence under this Act, to the following penalties:</p> <ol style="list-style-type: none"> <li>a) A fine of up to [xx rupees] or twice the economic benefit derived from the value of the catch that the person obtained through the violation, whichever is greater.</li> <li>b) For intentional violations or violations resulting from gross negligence, one or both of the following: <ol style="list-style-type: none"> <li>i) fine of up to [ xx rupees] or three times the economic benefit derived from the value of the catch that the person obtained through the violation, whichever is</li> </ol> </li> </ol>

	<p>greater and/or</p> <p>ii) Imprisonment for a term not exceeding [number] years.</p> <p>c) For violations resulting in damage to fisheries resources or the marine or aquatic environment in general, an additional fine equal to twice the value of the reduction in market caused by the violation, twice the total cost of restoration of the fisheries resources or twice the total cost of restoration of the environment, whichever is greatest.</p>
<p><b>Levels of Fines</b></p> <p><b>Section 143</b></p>	<ol style="list-style-type: none"> <li>1. The level of fines indicated in this Act corresponds to the amount shown in Schedule III.</li> <li>2. Schedule III may be amended by Regulation.</li> <li>3. Where an offence under this Act or the fine in the Schedule refers to a subsection with multiple parts, contravention of any part of such subsection shall be considered to constitute the offence.</li> <li>4. The fine or determination in judicial or administrative proceedings taken pursuant to this Act shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities, and in particular, the relevant judicial or administrative proceedings shall take into account, <i>inter alia</i>, the following criteria: <ol style="list-style-type: none"> <li>a) the seriousness of the offence;</li> <li>b) the situation of the offender, including whether the person is a repeated offender, whether he/she acted alone or in association, and the benefit obtained;</li> <li>c) an aggravated fine or penalty shall be required for offences involving assault, obstruction or bribery of an authorized officer or person carrying out authorities or responsibilities under this Act, damage to gear or vessels, personal injury, loss of life, illegal fishing or damage to the environment; and,</li> <li>d) Where it appears that any offence against this Act involved transnational criminal activity or was committed in association with other transnational criminal activity, an aggravated fine or penalty shall be required.</li> </ol> </li> </ol>

<b>Imprisonment</b>  <b>Section 144</b>	<p>Where a foreign person commits an offence in Sri Lankan waters, for violations of the provisions laid down in this Act or any implementing regulation thereof, that person may not be sentenced to a term of imprisonment in the absence of an agreement to the contrary by Sri Lanka and the State concerned.</p>
<b>Continuous Offenses</b>  <b>Section 145</b>	<p>Each day of a continuing offence shall be considered a separate offence.</p>
<b>Repeated Offenders</b>  <b>Section 146</b>	<p>Any fine or penalty or both determined for any person convicted for the same offence more than once shall be at a significantly higher level than imposed on the first occasion.</p>
<b>Cost Incurred by the State</b>  <b>Section 147</b>	<ol style="list-style-type: none"> <li>1. The owner or charterer of a foreign fishing vessel, upon conviction, shall bear any cost or expenditure incurred by the State, as determined by Court where an application is made on that behalf by the State in all or any of the following instances: <ol style="list-style-type: none"> <li>a) the seizure of the foreign vessel for an offence under this Act, including any relevant costs of pursuit of a vessel;</li> <li>b) the prosecution for an offence in accordance with this Act; and</li> <li>c) the repatriation of the master or crew of any vessel seized under this Act.</li> </ol> </li> <li>2. The amount of any cost and/or expenditure awarded by Court under subsection (1) may be recovered as a fine and shall be imposed in addition to any other fine or penalty that has already been determined by Court.</li> <li>3. Nothing in subsection (1) shall be deemed to permit the recovery of any cost and/or expenditure that has already been recovered pursuant to any other Order made under this Act.</li> <li>4. If it intends to apply for pursuit costs in accordance with subsection (1)(a), the State shall, fourteen (14) days prior to a trial of the offence, serve the accused with written details of such costs.</li> </ol>

<p><b>Order of Prohibition</b></p> <p><b>Section 148</b></p>	<ol style="list-style-type: none"> <li>1. In addition to any other fine or penalty provided under by this Act, a Court, or an administrative panel, as the case may be, may prohibit any natural person from fishing in Sri Lankan waters for a period up to two years if that person has committed: <ol style="list-style-type: none"> <li>a) an offence under section(s) [to be completed by SL]; or</li> <li>b) multiple offences under this Act.</li> <li>c) and where that person has been convicted on three separate occasions by a Court of Law for any offence or offences under this Act.</li> </ol> </li> <li>2. The operator or master of a fishing vessel who knowingly permits a person prohibited under subsection (1) to go or remain on board a fishing vessel, commits an offence and upon conviction shall be liable [fine/imprisonment].</li> </ol>
<p><b>Default by non-payment</b></p> <p><b>Section 149</b></p>	<p>In addition to any fine or penalty determined under this Act, the Court may order a default penalty for non-payment of fines, not to exceed [one] percent per day of the total amount of the fine or determination.</p>
<p><b>Liability for non-payment of fines</b></p> <p><b>Section 150</b></p>	<ol style="list-style-type: none"> <li>1. The following amounts may be sued for, determined, enforced and recovered by suit or other appropriate civil proceedings either in the Small Claims Court or in the District Court of competent jurisdiction: <ol style="list-style-type: none"> <li>a) pecuniary penalties not specifically designated as fines;</li> <li>b) all rents, charges, expenses and duties; and</li> <li>c) all other sums of money payable under this Act.</li> </ol> </li> <li>2. Every action under subsection (1) shall be instituted under the name of the Director-General and sections (3) to (8), (12) to (15) and (23) of the Debt Recovery (Special provisions) Act No.2 of 1990 shall mutatis mutandis apply to the institution and hearing of every such action.</li> </ol>
<p><b>Liability for loss or damage</b></p> <p><b>Section 151</b></p>	<ol style="list-style-type: none"> <li>1. A person who commits an offence under this Act may, upon conviction, be liable for any loss or damage caused by the offence and the amount of the loss of such damage may be awarded by Court as restitution in addition to, and recovered in the same manner as a fine.</li> <li>2. The loss or any damage caused by the offence referred to in subsection (1) shall include, as may be applicable; <ol style="list-style-type: none"> <li>a) any costs associated with or incurred in detecting, apprehending, investigating or litigating the offence;</li> </ol> </li> </ol>



	<p>and</p> <p>b) any costs associated with or incurred in detaining or seizing any property, fish, article or thing in respect of that offence.</p>
<p><b>Liability of officers of companies and masters of vessels</b></p> <p><b>Section 152</b></p>	<ol style="list-style-type: none"> <li>1. Except as further provided in this section, every partner of a partnership, every director and secretary of any corporation, firm, company or any other business enterprise engaged in activities governed by this Act shall be personally liable for any violation of any offence committed under this Act by any member or any employee.</li> <li>2. Every act or omission of: <ol style="list-style-type: none"> <li>a) any officer or employee of a company or other person; or</li> <li>b) the master or any member of the crew of a vessel that is owned, chartered or leased by a company for the purpose of fishing or fishery related activities.</li> </ol> shall be deemed for the purposes of this Act to be an act or omission of such corporation or other person. </li> <li>3. It shall be a defence to liability under this section for the officer of a company or master of a vessel to prove that he/she used due diligence to secure compliance with this Act or that the violation or offence was committed without that officer's or master's knowledge, consent, collusion or collaboration.</li> </ol>
<p><b>Liability of operators</b></p> <p><b>Section 153</b></p>	<ol style="list-style-type: none"> <li>1. In any proceedings under this Act, the act or omission of a crew member of a fishing vessel or associated with a fishing vessel shall be deemed to be that of the operator of the vessel, unless otherwise expressly provided.</li> <li>2. Where a vessel is subject to obligations under this Act, such obligation shall be deemed to be that of the operator of the vessel.</li> </ol>
<p><b>Citizen's suit and civil enforcement</b></p> <p><b>Section 154</b></p>	<p>Any person harmed as a result of a violation of any provision of this Act or implementing regulations thereof may bring an action against any responsible person and in response, the Court may award civil damages and injunctive relief, as the Court deems appropriate. Provided, no such action will be brought against the State or any officers of the State.</p>

<p><b>Injunction</b></p> <p><b>Section 155</b></p>	<p>A Court may issue an injunction to enforce any provision of this Act against any person as provided for in section (152).</p>
<p><b>Prompt Release</b></p> <p><b>Section 156</b></p>	<ol style="list-style-type: none"> <li>1. In cases of arrest or detention of foreign fishing vessels, the Authority shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.</li> <li>2. Any foreign fishing vessel and its crew arrested pursuant to this Act shall be promptly released upon the posting of reasonable bond or other security.</li> <li>3. A person may, within sixty (60) days of the seizure of a vessel or other property under this section, apply to the High Court of Colombo for the release of the vessel or property.</li> <li>4. Upon receipt of an application under subsection (1), and in the case of a foreign vessel the Court shall order: <ol style="list-style-type: none"> <li>a) the entry into a bond or provide another form of guarantee in the total amount of the current market value of the vessel or three times the value of the property and/or catch on board, and/or fish and fishery products on the premises, or;</li> <li>b) Any of the following: <ol style="list-style-type: none"> <li>i) the fair market value of the vessel or property and catch on board or fish or fishery products on the premises;</li> <li>ii) the maximum fine or fines provided for the offences charged or likely to be charged; or</li> <li>iii) the costs likely to be recovered by the prosecution if a conviction is entered; and</li> </ol> </li> <li>c) the release of the vessel or property, upon receipt of the bond referred to in section (a) or (b).</li> </ol> </li> <li>5. In the event of an appeal from an Order of forfeiture, the Court may continue any such bond, surety or other security deposited in accordance with subsection (2) during the pendency of the appeal and any retrial or rehearing on remand or may require additional security to be deposited with the Court.</li> <li>6. Exoneration of such bond, surety or other security shall be conditional upon the return of the released property to the Court without any impairment its value, or until any final proceedings under the Act have been disposed of or discontinued, and any fines, penalties or other determinations have been paid.</li> </ol>

	<p>7. A vessel or property seized under this Act, or where a security has been paid under subsection (2), the security shall be held until any proceedings under this Act have been disposed of or discontinued, and any fines, penalties or other determinations imposed have been paid.</p> <p>8. Where a bond has been paid under subsection (2) and the vessel or property has been released:</p> <ol style="list-style-type: none"> <li>an Order for forfeiture under this Act shall operate as an Order for the forfeiture of the sum paid in respect of the value of the vessel or property;</li> <li>the payment of any fine or penalty ordered upon conviction shall be made from the security; and</li> <li>any Order for costs shall be applied against the security.</li> </ol>
<p><b>Granting of Bail</b></p> <p><b>Section 157</b></p>	<ol style="list-style-type: none"> <li>No bail shall be allowed by the Magistrate to any person who is accused of an offence under section (84) of this Act.</li> <li>The provision of subsection (1) shall be without prejudice to the fact that the High Court of the Province established under Article (154)(p) of the Constitution may, allow for exceptional circumstances shown to the satisfaction of the Court, allow bail to such person who is accused of an offence under section (84) of this Act.</li> </ol>
<p><b>Forfeiture</b></p> <p><b>Section 158</b></p>	<ol style="list-style-type: none"> <li>Where a Court convicts a person of an offence against this Act, or such other offences as may be prescribed for the purposes of this section, the Court may, on the application of the State order the forfeiture of any of the following: <ol style="list-style-type: none"> <li>any fish, fishery product, vessel (including its gear, furniture appurtenances, stores, cargo and aircraft) vehicle, aircraft, gear equipment, explosive or noxious substance taken, used or otherwise involved in the commission of the offence;</li> <li>where a vessel, vehicle or aircraft was used in the commission of the offence, any fish on board the vessel, vehicle or aircraft at the time of the offence;</li> <li>where an import or export facility was used in the commission of the offence, any fish or fishery products in the import or export facility at the time of the offence;</li> <li>where any fish has been sold under section (159), the proceeds of the sale of the fish; or</li> <li>such other item or items as may be deemed necessary.</li> </ol> </li> </ol>

	<p>2. The items forfeited in accordance with this section may be sold and the proceeds shall be deposited to the Fund referred to in section (109).</p>
<p><b>Disposition of seized or forfeited property</b></p> <p><b>Section 159</b></p>	<ol style="list-style-type: none"> <li>1. Any vessel or other property or security forfeited under this Act becomes the property of the State.</li> <li>2. Any vessel or other property forfeited under this Act may be: <ol style="list-style-type: none"> <li>a) retained;</li> <li>b) leased; or</li> <li>c) sold by the State by tender, or by agreement approved by the Director-General, providing that if such forfeited property is sold by the State, the owner or apparent owner prior to forfeiture shall be afforded a reasonable opportunity to bid on or purchase such property.</li> </ol> </li> <li>3. Any perishable fish or fishery products which have been seized or confiscated pursuant to this Act shall be subject to the disposition of the Director-General, who may: <ol style="list-style-type: none"> <li>a) decide not to sell or authorise the sale of such perishable fish or fishery products, and shall not be liable in any way for costs incurred due to such a decision;</li> <li>b) sell or authorise the sale of such fish or fishery products or otherwise dispose of them as he thinks fit and the proceeds of sale, if any, shall be held in trust by the Director-General pending final disposition of any proceedings under this Act.</li> </ol> </li> <li>4. The Director-General shall notify the owner or apparent owner of the perishable goods seized of any sale in accordance with subsection (3), and such owner or nominee may be present at the sale.</li> <li>5. Any vessel or other property seized in accordance with this Act, or bond, surety or other security paid in respect of the vessel, or property which is not forfeited shall be: <ol style="list-style-type: none"> <li>a) held until all fines, penalties, orders for costs and other determinations imposed under this Act have been paid, and failing payment within the time allowed, be sold and the balance of the proceeds returned to the owner, his nominee or in the absence of the owner or any nomination the apparent owner in accordance with this Act after deducting all fines, penalties, orders for costs</li> </ol> </li> </ol>

	<p>and other determinations under this Act and cost for sale; and</p> <p>b) Where there are no fines, penalties or orders for costs described in section (a), made available for collection by the owner or his nominee, or in the absence of the owner or any nomination, by the person who is by law entitled to it.</p>
	<b>CHAPTER 4 – Evidence and Presumptions</b>
<p><b>Certificate of Evidence</b></p> <p><b>Section 160</b></p>	<p>The Director-General or any person designated in writing by him/her may give a certificate in accordance with this Act stating that:</p> <ul style="list-style-type: none"> <li>a) a specified vessel was or was not on a specified date or dates a Sri Lanka fishing vessel or a foreign fishing vessel;</li> <li>b) a specified vessel or person was or was not on a specified date or dates the holder of a valid license, authorization or certificate of registration;</li> <li>c) an appended document is a true copy of the license, permit or certificate of registration for a specified vessel or person and that specified conditions were attached to such document;</li> <li>d) a particular location or area of water was on a specified date or dates within Sri Lanka waters, or within a closed, limited, restricted or in any other way, controlled area of Sri Lankan waters, or an area of Sri Lankan waters subject to specified conditions;</li> <li>e) an appended chart shows the boundaries on a specified date or dates of Sri Lanka waters, closed or limited areas or other areas or zones delineated in accordance with law for any specified purpose;</li> <li>f) a particular item or piece of equipment is fishing gear;</li> <li>g) the cause and manner of death of or injury to any fish or aquatic resource;</li> <li>h) an appended document is a true copy of an approved charter agreement, an access agreement or fisheries management agreement;</li> <li>i) a call sign, name or number is that of, or allotted under any system of naming or numbering of vessels to, a particular vessel;</li> <li>j) an appended position or catch report was given in respect of a specified vessel;</li> <li>k) a specified vessel, automatic location system or other item fulfils or does not fulfil registration requirements under this Act, an applicable access agreement or international conservation and management measures other than that specified in section (b), as declared in an appended copy of</li> </ul>

	<p>a statement signed by the Director-General.</p> <ul style="list-style-type: none"> <li>l) an appended document is a true certificate of calibration of a specified measuring device;</li> <li>m) a certification as to the condition of fish given under this Act was made in accordance with this Act and was made by the person who is signatory to the certificate;</li> <li>n) an appended position or catch report was given for a specified vessel;</li> <li>o) a photograph is a true and accurate representation of what it is meant to represent;</li> <li>p) a photograph was taken by a specified surveillance officer;</li> <li>q) an offence was committed against the laws of another State, as declared in an appended copy of a statement signed by competent authorities of such State; and</li> <li>r) a specified fishing vessel is included on a list of illegal, unreported or unregulated fishing vessels or authorized fishing vessels established by a regional fisheries management organization or pursuant to an international agreement;</li> </ul>
<p><b>Validity and Procedures for Certificates</b></p> <p><b>Section 161</b></p>	<ul style="list-style-type: none"> <li>1. Unless the contrary is proved, a document purporting to be a certificate issued under section (160) shall be deemed to be a certificate duly issued under that section.</li> <li>2. Where a certificate issued under section (160) is served upon an accused or a defendant not less than seven (7) days before its production in Court in any proceedings under this Act, the certificate shall, unless the contrary is proved, be sufficient evidence of all the facts averred in it.</li> <li>3. Where a certificate issued under section (160) is served upon an accused or a defendant not less than fourteen (14) days before its production in Court and if the accused or defendant does not, within seven (7) days of the date of such service, serve a notice of objection in writing upon the prosecutor including the reasons for such objection, then the certificate shall, unless the Court finds the accused or defendant is unduly prejudiced by any failure to object, be conclusive proof of all the facts averred in it.</li> <li>4. Any certificate issued under section (160) shall be titled "Certificate issued under section (158), Fisheries and Aquatic Resources Act, No [xx] 2023".</li> </ul>

	<p>5. Any omission from or mistake made in any certificate issued under section (160) shall not render it invalid unless the Court considers such omission or mistake is material to any issue in the proceedings concerned, or the accused or defendant is unduly prejudiced thereby.</p> <p>6. Where in any proceedings a certificate issued under section (160) is produced to Court, the prosecution shall not be obliged to call the officer who issued the certificate and the Court shall, where necessary, rely on the facts therein unless the contrary is proved.</p>
<p><b>Certificate as to the location of a vessel</b></p> <p><b>Section 162</b></p>	<p>1. Where in any proceedings under this Act the place or area in which a vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged, then a place or area stated in a certificate given by an authorized officer shall be <i>prima facie</i> evidence, unless the contrary is proved, of the place or area in which the vessel was at the date and time or during the period of time stated.</p> <p>2. An authorized officer shall, in any certificate made in subsection (1), state:</p> <ol style="list-style-type: none"> <li>His/her name, address, official position, country of appointment and provision under which he is appointed;</li> <li>the name and, if known, call sign of the fishing vessel concerned;</li> <li>the date and time or period of time the vessel was in the place or area;</li> <li>the place or area in which it is alleged the vessel was located;</li> <li>the position fixing instruments used to fix the place or area stated in and their accuracy within specified limits;</li> <li>that he/she checked the position fixing instruments a reasonable time before and after they were used to fix the position and they appeared to be working correctly; and</li> <li>that he/she checked the instrument as soon as possible after the time concerned against such instrument if a position fixing instalment which is not judicially recognised as accurate, or a designated machine is used.</li> </ol> <p>3. Section (161) shall apply to a certificate issued under this section as if it had been a certificate issued under section (160) and any reference therein to section (160) shall be read as a reference to this section.</p>

	<p>4. For the purposes of this section, "authorized officer" shall include those persons charged with similar responsibilities in other States.</p>
<p><b>Automatic Location System. Presumption and Certificate</b></p> <p><b>Section 163</b></p>	<p>1. All information or data obtained or ascertained by the use of an Automatic Location System that may be required under this Act shall be presumed, unless the contrary is proved, to:</p> <ul style="list-style-type: none"> <li>a) come from the vessel so identified;</li> <li>b) be accurately relayed or transferred;</li> <li>c) be given by the master, owner or charterer of the vessel and evidence may be given of information and data so obtained or ascertained whether from a printout or visual display unit.</li> </ul> <p>2. The presumption in section (1) shall apply whether or not the information was stored before or after any transmission or transfer.</p> <p>3. An Automatic Location System installed and operated in accordance with this Act shall be judicially recognised as accurate.</p> <p>4. Any authorized officer may issue a certificate stating:</p> <ul style="list-style-type: none"> <li>a) his name, address and official position;</li> <li>b) that he is competent to read the printout or visual display unit of any machine capable of obtaining or ascertaining information from an Automatic Location System;</li> <li>c) the date and time the information was obtained or ascertained from the Automatic Location System and the details thereof;</li> <li>d) the name and call sign of the vessel on which the Automatic Location System is or was located as known to him/her or as ascertained from any official register, record or other document; and</li> <li>e) a declaration that there appeared to be no malfunction in the Automatic Locator System its transmissions, or other machines used in obtaining or ascertaining the information.</li> </ul> <p>5. Section (161) shall apply to a certificate issued under this section as if it had been a certificate given under section (160) and any reference therein to section (160) shall be read as a reference to this section.</p>



**Photographic  
Evidence**

**Section 164**

1. Where a photograph is taken of any fishing or fishery related activity and simultaneously the date and time and position from which the photograph is taken are superimposed upon the photograph then it shall be presumed unless the contrary is proved that the photograph was taken on the date, at the time and in the position so appearing.
2. The presumption set out in subsection (1) shall arise only if:
  - a) the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and
  - b) the photograph was taken by an authorized officer.
3. Any authorized officer who takes a photograph of the kind described in subsection (1) may give a certificate appending the photograph stating:
  - a) His/her name, address, official position, country of appointment and authority under which he is appointed;
  - b) the name and call sign, if known, of any fishing vessel appearing in the photograph;
  - c) the names of the camera, watch or clock or other instruments supplying the date and time and the position fixing instrument and a declaration that he/she checked those instruments a reasonable time before and after the taking of the photograph and that they all appeared to be working correctly;
  - d) the matters set out in subsection (2)(a) and (b); and
  - e) the accuracy of the position fixing instrument used within specified limits.
4. For the purposes of this section, a position fixing instrument shall be deemed to be any device which indicates the location of a vessel, including but not limited to any satellite navigation system or global positioning system.
5. Section (161) shall apply to a certificate issued under this section as if it had been a certificate issued under section (160) and any reference therein to section (160) shall be read as a reference to this section.

**Presumptions**

**Section 165**

1. All fish found on board any fishing vessel which has been used in the commission of any offence under this Act shall be presumed to have been caught during the commission of that offence, unless the contrary is proved.
2. Where, in any legal proceedings under this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place shall be presumed to be the place in which the event took place.
3. The production of a written copy or extract of the entry certified by an authorized officer as a true copy of the accurate extract shall be *prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft.
4. Where in any legal proceedings relating to an offence under this Act:
  - a) an authorized officer gives evidence of reasonable grounds to believe any fish to which the charge relates were taken in a specified area of Sri Lankan waters; and
  - b) the Court considers that, having regard to that evidence the grounds are reasonable, all such fish shall be presumed to have been so taken, unless the contrary is proved.
5. Where any information is provided in respect of a fishing vessel under this Act or an access agreement in relation to any fishing activity of a fishing vessel, it shall be presumed to have been given by the master, owner or charterer of the vessel concerned, unless it is proved it was not given or authorised to be given by any of them.
6. Any entry in writing or other mark in or on any logbook, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel shall be deemed to be that of the master, owner or charterer of the vessel.
7. Any device which indicates the location of a vessel's, including but not limited to any satellite navigation system or global positioning systems, on board a vessel or aircraft used for the enforcement of the provisions of this Act shall be presumed to be accurate.

	<p>8. Any person engaged in fishing operations who fails to link with the Fisheries Monitoring Centre, or fails to operate the vessel monitoring system during such fishing operation for a period of one hour shall be presumed, until the contrary is proved, that he/she has violated the provisions of sections(56)(2) and (112)(3).</p> <p>9. Unless the contrary is proved, any person who is found in possession of explosives, poison or any device such as coil ignites capable of producing explosions or electric shocks, on or near Sri Lankan waters, shall be presumed to be undertaking an unlawful activity in contravention to the provision of this Act.</p> <p>10. Unless the contrary is proved, any person who is found in possession of any illegal fishing gear on or near Sri Lankan waters shall be presumed to be undertaking an unlawful activity contrary to sections (80), (83) and (84) of this Act.</p>
<b>Burden of Proof</b>  <b>Section 166</b>	<p>1. Where, in any proceedings under this Act, a person is charged with having committed an offence involving an act for which a license or other permission is required, the burden shall be on that person to prove that at the relevant time the requisite license or permission was held.</p> <p>2. Where a person is charged with the contravention of section (95), the burden shall be on that person to prove that the information given was true, complete and correct.</p>
<b>Interfering and or tampering with Evidence</b>  <b>Section 167</b>	<p>1. No person shall destroy, damage, obscure or otherwise interfere with evidence which may be related to an offence under this Act.</p> <p>2. In particular, but not to limit the generality of subsection (1), no person shall:</p> <ol style="list-style-type: none"> <li>a) being on board any vessel being pursued, about to be boarded or notified that it will be boarded by an authorized officer, whether in Sri Lankan waters or on the high seas, throw overboard or destroy any fish, equipment, document, explosive, noxious substance or any other thing with the intention to avoid its seizure or the detection of any offence committed under this Act or any other applicable national or international law;</li> <li>b) Remove custody of any vessel, fish, equipment or other item held in custody under this Part, or acts or omits to act so that a vessel, fish, equipment or any other item</li> </ol>

	<p>held in custody under this Act may be removed from custody, whether or not he/she knew that the vessel, fish, equipment or other item was being held in custody;</p> <p>c) intentionally, recklessly or unintentionally destroy, damage, render inoperative or otherwise interfere with any premises or facilities licensed under this Act;</p> <p>d) Whether in Sri Lanka, the Sri Lankan waters or areas beyond national jurisdiction where an automatic location system is required under this Act, intentionally, recklessly or unintentionally destroys, damages, renders inoperative or otherwise interfere with any part of an automatic location system aboard a vessel, or who intentionally feeds or inputs into an automatic location system or an applicable vessel monitoring system information or data which is not officially required or is meaningless;</p> <p>e) intentionally, recklessly or negligently divulge information or data obtained from an automatic location system, vessel monitoring system, or a system of reporting or recording required or permitted under this Act, other than in the course of duty and to a person or persons entitled to receive that information or data in the course of duty; or</p> <p>f) Allow unauthorized access to premises where a, vessel monitoring system is operated or allow unauthorized access to information or data from a vessel monitoring system operating under this Act.</p> <p>3. Any person who contravenes the provisions of subsections (1) or (2) of this section commits an offence and upon conviction, the sanctions of schedule [sanctions] shall be applicable.</p>
	<b>PART XII</b> <b>GENERAL</b>
<b>Consultation with Provincial Councils</b>  <b>Section 168</b>	<p>It shall be the duty of the Director-General to ensure that, in the administration of the provisions of this Act, the Secretary to the Ministry of the Minister of the Board of Ministries of every Province in charge of Fisheries is consulted on matters affecting fishing operations within such Province.</p>

<p><b>Notifications</b></p> <p><b>Section 169</b></p>	<ol style="list-style-type: none"> <li>1. Except as otherwise specified in this Act, if under this Act any notice or other document is to be given, served on or furnished to any person, that notice or other document may be: <ol style="list-style-type: none"> <li>a) given to the person personally;</li> <li>b) given personally to any other person authorised to act on behalf of the person;</li> <li>c) in the case of any notice or document to be given or served in the course of or for the purpose of any proceedings for an offence under this Act, given to the person as the Court may direct;</li> <li>d) except in the case of any notice or document to be given or served in the course of or for the purpose of any proceedings for an offence against this Act, sent by post through registered mail to the person, or any other person authorised to act on that person's behalf, at that person's or other person's usual or last known place of business or abode;</li> <li>e) except in the case of any notice or document to be given or served in the course of or for the purpose of any proceedings for an offence against this Act, sent by electronic transmission to the person, or any other person authorised to act on the person's behalf, at that person's or other person's usual or last known address, including facsimile number or email address.</li> </ol> </li> <li>2. Where the operator of a foreign fishing vessel is a defendant in any proceedings for an offence against this Act, then, notwithstanding any other law, service on the defendant of any summons or other documents may also be effected: <ol style="list-style-type: none"> <li>a) By delivering personally to the agent of the vessel on behalf of the defendant or bringing to the notice of the agent if that agent refuses to accept it on behalf of the defendant;</li> <li>b) By sending to the agent of the vessel, by registered mail to that agent on behalf of the defendant at the agent's last known or usual place of residence or that agent's place of business; or</li> <li>c) Where no agent has been nominated in respect of any foreign vessel, the agent shall be deemed to be the master of the vessel.</li> </ol> </li> </ol>
<p><b>Designation of Confidential Information</b></p>	<ol style="list-style-type: none"> <li>1. Any person carrying out duties or responsibilities under this Act, including the Director-General shall not, unless authorized in accordance with this Act, reveal information or other data of a confidential nature or designated as</li> </ol>

<p><b>Section 170</b></p>	<p>confidential in accordance with this Act, acquired by virtue of their authority, duties and responsibilities to any person not having such authority or carrying out such duties and responsibilities.</p> <ol style="list-style-type: none"> <li>2. The Director-General may classify any information as confidential, and in doing so may also exempt general summaries of aggregated information from confidentiality requirements.</li> <li>3. The Director-General may authorize in writing any person to: <ol style="list-style-type: none"> <li>a) receive or access confidential information, or;</li> <li>b) Access or restrict access to such premises holding confidential information as he/she may designate.</li> </ol> </li> <li>4. Notwithstanding subsection (2), the following information shall be confidential: <ol style="list-style-type: none"> <li>a) any information or data of a commercial nature provided in records, returns, or other documents required under this Act;</li> <li>b) any information or data supplied by a vessel monitoring system or part thereof in accordance with this Act;</li> <li>c) such other information or data as may be prescribed from time to time.</li> </ol> </li> <li>5. Information may be disclosed to the extent: <ol style="list-style-type: none"> <li>a) that disclosure is authorized or required under this Act or any other law;</li> <li>b) that the person providing the information is authorized to make the disclosure;</li> <li>c) necessary to enable the Director-General to publish statistical information relating to the fisheries sector;</li> <li>d) Necessary for enforcement of Sri Lankan laws by other Ministries and agencies of the Government of Sri Lanka;</li> <li>e) Necessary to discharge regional or international obligations or to promote regional and international cooperation or coordination in monitoring, control and surveillance of relevant activities; and,</li> <li>f) necessary to enable advice to be given to the Director-General or the Minister.</li> </ol> </li> <li>6. The Director-General may authorize the release of any information designated as confidential: <ol style="list-style-type: none"> <li>a) relating to the real-time or other position of any vessel,</li> </ol> </li> </ol>
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	<p>upon request, to the responsible authority for purposes including surveillance, search and rescue and other emergency;</p> <p>b) for purposes he/she deems would be supportive of the objectives and enforcement of this Act, including reasonable transparency in decision-making; or</p> <p>c) for such purposes as the Minister may approve in writing or may be prescribed.</p> <p>7. Any information classified as confidential shall maintain such classification for a period of three (3) years from the time of such designation, and at the expiry of three (3) years, the Director-General may extend such classification for a further period of up to three (3) years or more as may be deemed necessary for purposes relating to the objectives and enforcement of this Act.</p> <p>8. A person who does not comply with the requirements of subsection (1), except where disclosure is authorized pursuant to subsection (3), (5) or (6), commits an offence and shall be liable on conviction to [xx].</p>
<b>Ownership of Information</b>  <b>Section 171</b>	<p>1. Ownership of all information required to be reported, notified or otherwise given to the State under this Act is vested in the State.</p> <p>2. Ownership of all information generated by automatic location systems required under this Act is vested in the State.</p>
<b>Educational Programs to Fishers</b>  <b>Section 172</b>	<p>The Director-General shall, subject to the availability of funds, conduct long term educational and training programmes, to educate the fishers on the regulations made under this Act and on the guidelines issued by the IOTC, and to create awareness among fishers about the measures taken by the Government to conserve fish stocks and to minimize pollution.</p>
<b>Regulations</b>  <b>Section 173</b>	<p>The Minister may make regulations for and in respect of all or any of the following matters:</p> <p>a) To implement rules for Fisheries Committees under section (11);</p> <p>b) The application procedure and form, payable fees, and any other matter related to the registration of fishing vessels and vessels for recreational fisheries, including the marking of vessels, under section (13);</p>

	<ul style="list-style-type: none"> <li>c) to implement the necessary provisions related to instruments of mortgage under sections (24) to (30);</li> <li>d) To regulate the conditions and application procedure to obtain an identity card and the procedure for preparation and revision of the Register of Fishers under section (35);</li> <li>e) To determine the form for the application, payable fees and any other matter related to the licensing of fishing vessels and fishers to conduct fishing operations, licenses for fishers to engage in fishing in a foreign vessel, and to determine the conditions, procedure and application form for the certificate of competence and license for masters under section (36);</li> <li>f) To determine the conditions for fishing foreign flagged fishing vessels in Sri Lankan waters, , including the creation of joint ventures, under section (40);</li> <li>g) To implement conditions in relation to the registration and marking of fishing gears and their owners, the officers by whom they shall be registered and payable fees under section (57);</li> <li>h) To establish conditions for the conduct of recreational fisheries, and to lay down the conditions, procedure and application form for the license to conduct recreational fisheries under section (63);</li> <li>i) To implement conservation, management and control measures adopted by Regional Fisheries Management Organizations where Sri Lanka is party under section (66);</li> <li>j) To prescribe appropriate provisions determining the circumstances under which crew members are entitled to repatriation, and to implement in the provisions of the 2007 International Labour Organization on Work on Fishing Convention, No 188, under section (68);</li> <li>k) To lay down specific conditions for the protection of coastal fishing communities and fisheries for subsistence to secure their livelihoods under section (77)</li> <li>l) To lay down the criteria for allocating fishing quotas and fishing effort, the conditions for transfers and exchanges of fishing quotas and fishing effort amongst holders, margin of flexibility for overshooting quotas, and procedures for deductions and reallocations in cases of overfishing under section 78</li> <li>m) To implement conditions, rules and procedures to manage the capacity of fishing fleets under section 79</li> <li>n) To establish the minimum size of marine species, rules for</li> </ul>
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	<p>the use and operation of fishing nets, gears and methods, maximum percentages of by catches, and protected species under section (80)</p> <p>o) To modify the list of prohibited species of sharks and rays, to establish management and conservation measures to protect these species and to regulate the trade thereof under section (91);</p> <p>p) To regulate the activities of marine scientific research under section (93);</p> <p>q) To determine the necessary conditions to ensure quality and food safety for fishery products from catching to retail stage, including the conduct of inspections under section (97);</p> <p>r) Lay down rules for the export and re-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 thereof under section (99);</p> <p>s) To implement provisions on traceability requirements for fishery products under section (100);</p> <p>t) To determine the form for the application, application procedure, including renewal, cancellation and suspension, payable fees and any other matter related to the licensing for the processing of fish, export, import and re-export of fishery products under section (102);</p> <p>u) To implement conditions in relation to the operation of the GPS, VMS or any other authorized automatic locator communication system to ensure proper monitoring of the fleet and related matters under section (112);</p> <p>v) To implement regulations on transshipment under section (113);</p> <p>w) To laid down rules on landings under section (114);</p> <p>x) To implementing port State measures for foreign flagged vessels entering designated ports in Sri Lanka under section (115); and,</p> <p>y) All matters stated or required under this Act to be prescribed or for which regulations are authorised or required to be made under this Act.</p>
<b>Interpretation</b>	In this Act, unless the contrary interpretation appears:
<b>Section 174</b>	<p><b>-‘Abandoned, lost or discarded fishing gear’:</b> means</p> <p>a) abandoned fishing gear means fishing gear over which that owner or operator has control and that could be retrieved</p>

	<p>by owner or operator, but that is deliberately left at sea due to force majeure or other unforeseen circumstances;</p> <p>b) Lost fishing gear means fishing gear over which the owner or operator has accidentally lost control and that cannot be located and /or retrieved by the owner or operator.</p> <p>c) Discarded fishing gear means fishing gear that is released at sea without any attempt for further control or recovery by the owner or operator.</p> <p><b>-‘Areas beyond national jurisdiction’:</b> means those areas beyond Sri Lankan waters and the equivalent areas under the national jurisdiction of other States as recognized by international law;</p> <p><b>-‘Authorized Officers’:</b> means the officers appointed by the Director-General under section (118) for the purpose of monitoring, control, surveillance and enforcement activities</p> <p><b>-‘Automatic Identification System’ (AIS):</b> means a ship-reporting system of data including identification, position, course and speed, based on messages broadcasted by vessels carrying transponders;</p> <p><b>--Automatic Location Communicator</b> means a device approved by the Director-General, and placed on a fishing vessel that is designed to transmit, whether independently or in conjunction with another device or devices, information concerning position, fishing and such other activities of the vessel as may be required, and includes GPS and VMS;</p> <p><b>-‘Beneficial owner’:</b> means the person to whom specific property rights belong in equity even though legal title of the property belongs to another person.</p> <p><b>-‘Bottom Trawl net’:</b> means a towing net having a cone shaped body of netting, and a bag or cod-end (<i>madiya</i>) connected to the apex with or without two wings connect to the other end, and towed by one or two motorized fishing vessels to catch fish through herding and sieving.</p> <p><b>--Conservation and management measures</b> means measures to conserve and manage one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law, including the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Fish Stocks Agreement;—</p>
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	<p>-<b>‘Drift gillnet’</b>: means a type of gillnet that is not fixed to the seabed but allowed to drift with the current.</p> <p>-<b>‘Ecosystem based approach to fisheries management’</b>: means an integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking into account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties regarding biotic, abiotic and human components of ecosystems;</p> <p>-<b>‘Electronic Logbook system (ERS)’</b> means a computerised record of information and data relating to fishing or related activities and in such template as may be required, including pursuant to any international conservation and management measure(s), transmitted by the operator of a fishing vessel to the authorised officer;</p> <p>-<b>‘Exclusive Economic Zone’</b>: means the area declared to be the exclusive economic zone of Sri Lanka by proclamation made under section 5 of the Marine Zones Law, No. 22 of 1976;</p> <p>-<b>‘Fish’</b>: means any water-dwelling aquatic or marine animal or plant, alive or not, and includes their eggs, spawn, spat and juvenile stages, and any of their parts, and includes all organisms belonging to sedentary species;</p> <p>-<b>‘Fish Aggregating Device (FAD)’</b>: means structures which float on water or are set in or under water to enable the taking of fish that take shelter under the structures by using other types of equipment or gear;</p> <p>-<b>‘Fish processing facility’</b>: means any building or vessel or area in which fish is handled and processed for commercial use;</p> <p>-<b>‘Fish product’</b>: means any fish which has been partly or wholly processed;</p> <p>-<b>‘Fisher’</b>: means any person who engages in fishing or fishery related activities, including but not restricted to fishermen, crew and the master of the vessel and registered in the registry of fishers under section (35);</p>
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	<p><b>-‘Fishing dispute’:</b> means any dispute between two or more persons or groups of persons engaged in fishing in regard to the right to fish, the time, manner or location of fishing in any part of Sri Lankan waters;</p> <p><b>-‘Fishing’:</b> means searching for, attracting, locating, catching, collecting, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, taking or harvesting of fish;</p> <p><b>-‘Fishing authorization’:</b> means an authorization, license, permit, or endorsement required under this Act;</p> <p><b>-‘Fishing effort’:</b> The amount of fishing gear of a specific type used on the fishing grounds over a given unit of time e.g. hours trawled per day, number of hooks set per day or number of hauls of a beach seine per day;</p> <p><b>-‘Fishing gear’:</b> means any physical device of part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting marine organisms, in accordance with MARPOL Annex V;</p> <p><b>-‘Fishing related activities’:</b> means any operation in support of, or in preparation for, fishing, including landing, packaging, processing, transshipment or transport of fish and/or fishery products that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear, food and other supplies at sea;</p> <p><b>-‘Fishing trip’:</b> means any voyage of a fishing vessel during which fishing activities are conducted that starts at the moment when the fishing vessel leaves a port and ends on arrival in port;</p> <p><b>--Fishing vessel</b> means any vessel used for, equipped to be used for, or of a type that is normally used for, fishing or fishery related activities;</p> <p><b>-‘Fisheries Monitoring Centre’:</b> means an operational centre established by the Director-General in order to, among other things, receive tracking reports generated by the vessel monitoring system;</p> <p><b>- _Foreign fishing vessel’:</b> means any vessel other than a Sri Lankan flagged vessel;</p>
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	<p><b>-‘Gillnet’:</b> means a long rectangular wall of netting set at any depth, surface, mid water or at the bottom layers of water that catch fish by gilling, wedging, snagging, entangling or entrapping them in pockets;</p> <p><b>-‘High Seas’:</b> means all parts of the sea that are not included in the areas of national jurisdiction of any State, as defined in article 86 of the United Nations Convention of the Law of the Sea;</p> <p><b>-‘Illegal, Unreported and Unregulated fishing (or ‘IUU’ fishing)’:</b> means as laid down in Schedule [] of this Act;</p> <p><b>-‘Indian Ocean Tuna Commission (IOTC)’:</b> means the Indian Ocean Tuna Commission established in 1993 at the 105th Session of the Council of the Food and Agriculture Organization of the United Nations (FAO) under Article XIV of the FAO Constitution;</p> <p><b>-‘Inland waters’:</b> means any public rivers, lakes, estuaries, lagoons, streams, tanks, pools, channels and any other public areas of fresh or brackish water in Sri Lanka;</p> <p><b>-‘Kilowatts/horse power’:</b> (of an engine) means the unit in which engine power is expressed;</p> <p><b>- ‘Landing’:</b> means the documented transfer or unloading of any quantity of fish on board from a vessel, other than transshipment including transfers of fish to a port facility, transfer of fish from one vessel to another through a port facility or other means of transportation, and transfers of fish from a vessel to a container, truck, train, aircraft, or any other means of transportation;</p> <p><b>-‘Licensing officer’:</b> means any fisheries officer appointed by the Director-general for issuing fishing operations licenses in the administrative District;</p> <p><b>--Logbook</b>  : means a permanently bound logbook issued by Sri Lanka and required for any purpose relating to fishing or related activities, with irremovable pages, each of which is consecutively numbered and printed with an applicable serial number;</p> <p><b>- ‘Logline’:</b> means a fishing gear having a main line and number of branch lines fixed at regular intervals, with each branch line having a hook with or without a bait. When a long line is allowed to float freely at the surface, mid-water or close to the bottom, it is known as; <u>floating long line</u>’, and when the line is anchored close to the bottom or at the bottom it is called; <u>bottom long line</u>’;</p>
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	<p>-<b>Master</b>: means any person holding the most responsible position at any given time on-board of a fishing vessel and includes the skipper.</p> <p>-<b>Mesh size</b>: means the size of a mesh that is typically measured from the opposite knots in a mesh when fully stretched. When not specified, it usually refers to knot centre measurement;</p> <p>-<b>Mobile Transceiver Unit</b> (MTU): means a device approved by the Director-general which is placed on a fishing vessel and transmits, whether independently or in conjunction with another device or devices, information or data concerning position, fishing catch and such other activities as may be required;</p> <p>-<b>National Aquatic Resources and Development Agency</b> (NARA): means the National Aquatic Resources and Development Agency established by the National Aquatic Resources Research and Development Agency Act No. 54 of 1981;</p> <p>-<b>Officers</b>: all officers under section 4 section (d) are deemed to be public servants within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979. Officers, not below the rank of Preventive Sergeant, are deemed to be peace officers within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979. The following are considered officers for the purpose of the FARA:</p> <ul style="list-style-type: none"> <li>a) Any officer of the Army, Air Force, or Police not below the rank of sergeant;</li> <li>b) Any officer of the Navy not below the rank of Petty Officer;</li> <li>c) Any officer of the Coastal Guard Department and</li> <li>d) Any officer of the Department of Civil Defence;</li> </ul> <p>-<b>Owner</b>: means the natural or legal person registered as the owner of a vessel;</p> <p>-<b>Operator</b>: means any natural or legal person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer, master and the beneficiary of the economic or financial benefit of the vessel's operations;</p> <p>-<b>Prescribed</b>: means prescribed by regulations made under this Act;</p>
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	<p><b>-‘Precautionary approach to fisheries management’:</b> as referred to in article 6 of the UN Fish Stocks Agreement, means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;</p> <p><b>-‘Processing’:</b> means the process by which the presentation was prepared. It includes loaning, packing, canning, freezing, smoking, salting, cooking, drying or preparing fish for market in any other manner;</p> <p><b>-‘Public corporation’:</b> means any corporation, board or other body which was or is established by or under any written law other than the Companies Ordinance, with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise;</p> <p><b>-‘Quota [fishing]’:</b> means a quantitative limit of the TAC for a given stock or group of stocks over a given period of time, allocated to different quota holders in line with prescribed objectives and transparent criteria;</p> <p><b>-‘Recreational fisheries’:</b> means non-commercial fishing activities exploiting fisheries and marine aquatic resources, including ‘catch and release’ for recreation, tourism or sport;</p> <p><b>- ‘Secretary to the Ministry’:</b> means the Secretary appointed to the Ministry in accordance with article 52 of the Constitution;</p> <p><b>-‘Seine net’</b> (or ‘Madel’ or Danish seine): means a net with or without a cod end (<i>madiya</i>) at the centre which covers a certain water mass and has two ropes tied at the two ends of the net which is pulled towards the land into a vessel with the help of the ropes;</p> <p><b>-‘Surrounding net’:</b> means a net set in water covering all sides except the surface of the water, and catches fish by surrounding a school of fish.</p> <p><b>- ‘Skate net’</b>(<i>Kattu Del</i>): means a net consisting of a conical or cylindrical trap with or without a frame and with a device which draws the fish into the net;</p>
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	<p><b>-‘Sri Lankan waters’:</b> means:</p> <ul style="list-style-type: none"> <li>a) The areas declared to be the territorial sea of Sri Lanka by proclamation made under section 2 of the Maritime Zones Law, No. 22 of 1976;</li> <li>b) The areas declared to be the contiguous zone of Sri Lanka by proclamation made under section 4 of the Maritime Zones Law, No. 22 of 1976;</li> <li>c) The areas 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;</li> <li>d) The areas declared to be the historic waters of Sri Lanka by proclamation made under section 6 of the Maritime Zones Law, No. 22 of 1976; and,</li> <li>e) All public bays, rivers, lakes, lagoons, entreaties, streams, tanks, pools, channels and all other public inland or internal waters;</li> </ul> <p><b>-‘Subsistence fishery’:</b> means a fishery where the fish caught are consumed directly by the families of the fishers rather than being bought by middle-(wo)men and sold at the next larger market;</p> <p><b>-‘Tonnage’:</b> (of a vessel) means the gross tonnage as specified in Annex I of International Convention on Tonnage Measurement of Ships;</p> <p><b>- <u>Total Allowable Catch</u>’:</b> means the total allowable catch of each stock that can be caught over the period of time;</p> <p><b>-‘Trammel net’:</b> means a net which is made out of three nets placed one over the other, the middle one having the smallest mesh net and the other two nets having relatively larger sized mesh;</p> <p><b>- <u>Transshipment</u>‘</b> means the direct transfer of any quantity of fish onboard from one vessel to another vessel without the fish being recorded as landing;</p> <p><b>--Fishing Vessel"</b> means any boat, ship, hovercraft or other water-going craft, used for commercial exploitation of fish and aquatic resources;</p> <p><b>-‘Vessel Monitoring System’ (VMS):</b>means a satellite-based reporting system to monitor the position and activities of fishing vessels for the purposes of effective management of fisheries.</p>
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<p><b>Amendments</b></p> <p><b>Section 175</b></p>	<p>The Mortgage Act No. 6 of 1949 is hereby amended to the extent that the following provisions shall prevail over any provision in the said Act:</p> <ul style="list-style-type: none"> <li>a) Every Owner of a local fishing vessel mortgaged and every mortgagor under the Fisheries and Aquatic Resources Act No.2 of 1996 shall within three months from the date of coming into operation of this Act shall apply to the Registrar to have the mortgage of any local fishing vessel registered under this Act.</li> <li>b) Any person, being the owner or a local fishing vessel, which has been — mortgage under the Fisheries and Aquatic Resources Act, or being a mortgagor or mortgagee of a local fishing vessel who fails or neglects to save the existing mortgage registered under this Act commits an offence upon conviction after summary trial before a Magistrate, liable to imprisonment of either description for a term not less than three months and not exceeding six months or to a fine not less than five thousand rupees or not exceeding fifteen thousand rupees or to both such fine and imprisonment.</li> <li>c) The Director General shall, within one week from the date of coming into operation of this Act, submit a certified copy of or extract from the register or document kept pursuant to Part III of the Fisheries and Aquatic Resources Act No.2 of 1996 to the Registrar.</li> <li>d) The Registrar shall mortgage of any local fishing vessel without a certificate issued by the Director General authorizing the mortgage of such vessel.</li> <li>e) Every instrument creating a mortgage of a local fishing vessel together with the relevant certificate shall be to the Registrar who shall register the same in a separate register according to the date of receipt of the instrument of mortgage.</li> </ul>
<p><b>This Act to prevail over other written law</b></p> <p><b>Section 176</b></p>	<p><b>1. Insert section 67 of the 1996 Act.</b></p> <p><b>2. Subject to subsection (1), the provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any conflict or inconsistency between the provisions of this Act and such other law the provisions of this Act shall prevail.</b></p>

<p><b>Repeals</b></p> <p><b>Section 177</b></p>	<p>The Fisheries and Aquatic Resources Act No. 2 of 1996 and the amendments made there under are hereby repealed [to add the regulation on the foreign fishing boats act].</p> <p>[to come back to it after completion of the text]</p>
<p><b>Savings</b></p> <p><b>Section 178</b></p>	<p>Notwithstanding the repeal of the Fisheries and Aquatic Resources Act No. 2 of 1996 in accordance with section (173):</p> <ul style="list-style-type: none"> <li>a) all regulations made under the said Acts in force 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 there under, continue in force in like manner as if they were made under this Act, and may be amended or repealed by regulations made under this Act;</li> <li>b) all actions, prosecutions or proceedings under the said Acts pending or incomplete carried on the commencement of this Act may be earned or, and completed after the date of commencement of this Act as if the provisions of the said Acts were not repealed;</li> <li>c) any reference of fishing disputes under the Fisheries and Aquatic Resources Act No. 2 of 1996 pending or incomplete on the date of the commencement of this Act may be carried on and completed after the date of commencement of this Act as if the provisions of the said Acts were not repealed;</li> <li>d) all moneys lying to the credit of the Fisheries Reward Fund established under section 59 of The Fisheries and Aquatic Resources Act No. 2 of 1996 on the day preceding the date of commencement of this Act shall stand transferred to the Fisheries Fund established under section (109) of this Act; and,</li> <li>e) all permits and licenses issued, or registrations made under the said Acts and in force on the day preceding the date of commencement of this Act shall be deemed to be permits or licenses or registrations issued or made under this Act.</li> </ul> <p>[to come back to it after completion of the text]</p>
<p><b>Sinhala to Prevail</b></p> <p><b>Section 179</b></p>	<p>In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall, prevail.</p>

<p><b>Act to Prevail</b></p> <p><b>Section 180</b></p>	<ol style="list-style-type: none"> <li>1. To ensure that the objectives, functions and authority provided under this Act and Sri Lanka's obligations under international law are effectively discharged, the provisions of this Act shall prevail in the event of inconsistency or incompatibility with any other Act or instrument having the force of law in Sri Lanka from time to time.</li> <li>2. Notwithstanding subsection (1), the provisions of this Act shall be in addition, and not of derogation of the provisions of the Fauna and Flora Protection Ordinance (Chapter 469) and the Forest Ordinance (Chapter 451) or any regulation or rule made under such Ordinances relating to the taking of fish [xx] in Sri Lankan waters.</li> </ol>
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### **Schedule I – Members of the Advisory Council**

- (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 Chairman of the National Aquatic Resources Research and Development Agency ;
- (c) the Chairman of the Ceylon Fisheries Corporation established under the State Industrial Corporations Act ;
- (d) the Chairman of the Ceylon Fishery Harbors Corporation established under the State Industrial Corporations Act;
- (e) 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;
- (f) the Director-General (Technical) of the Ministry of Fisheries;
- (g) the Director-General of the Department of Coast Guard, established under the Department of Coast Guard Act, No. 41 of 2009;
- (h) the Conservator-General of Forests, appointed under the Forest Conservation Ordinance (Chapter 451);
- (i) the Commissioner-General of Agrarian Development, appointed under the Agrarian Development Act, No. 46 of 2000;
- (j) the Secretary to the Ministry of the Minister to whom the subject of Irrigation has been assigned, or his nominee;
- (k) the Secretary to the Ministry of the Minister to whom the subject of Wild Life Conservation has been assigned, or his nominee;
- (l) the Secretary to the Ministry of the Minister to whom the subject of River Basins has been assigned, or his nominee;
- (m) the Secretary to the Ministry of the Minister to whom the subject of Land has been assigned, or his nominee;
- (n) the Secretary to the Ministry of the Minister to whom the subject of Tourism has been assigned, or his nominee;

- (o) the President of the All Ceylon Madel Owners Fisheries Cooperative Society Limited, registered under the Co-operative Societies Law, No. 5 of 1972;
- (p) the Chairman of National Fisheries Federation;
- (q) two persons engaged in fishing, nominated by the National Fisheries Federation of Fisheries Organizations;
- (r) two persons engaged in fishing nominated by the Multi Day Fishing Boat Owners Association;ll.
- (s) the Chairman of the Sri Lanka National Federation of Fisheries Co-operative Societies Ltd;
- (t) 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;
- (u) the Chairman of the Association of Live Ornamental Fish Exporters of Sri Lanka;
- (v) two representatives of women engaged in fishing;
- (w)six other members appointed by the Minister hereinafter referred to asll appointed membersll from among persons who shall have special knowledge and experience in matters relating to the fisheries industry or other scientific disciplines.

**Schedule II – Persons from among whom the Fisheries Management Coordinating Committee shall be constituted**

- a) the officer in charge of the District Fisheries Office and two other officers from that office;
- b) the following persons;
  - (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;
- 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;
- 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;
- 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.

### Schedule III – Offences and Penalties – Level of Fines

#### Offences and Penalties

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
<b>14</b>	<b>a. Certificate of Vessel registration</b>	Non - motorized/ Traditional Boat(NTRB)	TS (5NM)	Non Serious	1st offence Compoundable 1/3 of the penalty	<b>6000</b>	<b>1/3 of the penalty</b>
		Beach Seine Vessel( Non – motorized) (NBSB)	TS(5NM)	Non Serious	1st offence Compoundable	<b>24,000</b>	<b>1/3 of the penalty</b>
		Motorized Traditional Boat (MTRB)	TS-CZ(5-24NM)	Non Serious	1st offence Compoundable	<b>15,000</b>	<b>1/3 of the penalty</b>
		Fiberglass Boat with outboard motor (OFRP)	TS-CZ(5-24NM)	Non Serious	1st offence Compoundable	<b>30,000</b>	<b>1/3 of the penalty</b>
		Multiday Vessels					
		less than 15 m	Beyond CZ up to EE	Serious	non compoundable	<b>48,000</b>	
		More than 15 m to less than 24 m	Beyond CZ up to EE	Serious	non compoundable	<b>75,000</b>	
		Multiday vessels	High Seas				
		More than 15 m	High Seas	Serious	Non Compoundable	<b>50,000</b>	
		More than 15 m to less than 24 m	High Seas	Serious	Non Compoundable	<b>150,000</b>	
		More than 24 m and less than 45 m	High Seas	Serious	Non Compoundable	<b>200,000</b>	
		More than 45 m and less than 75 m	High Seas	Serious	Non Compoundable	<b>250,000</b>	
		More than 75 m	High Seas	Serious	Non Compoundable	<b>500,000</b>	
<b>14</b>	<b>b. to carry the original certificate / carrying the cetified copy of registration on board</b>	Non - motorized/ Traditional Boat(NTRB)	TS (5NM)	Non Serious	N/A	<b>N/A</b>	<b>the section 14 has to be devided as 14 a, 14 b</b>
		Beach Seine Vessel(Non – motorized) (NBSB)	TS(5NM)	Non Serious	N/A	<b>N/A</b>	<b>N/A</b>

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
		Motorized Traditional Boat (MTRB)	TS-CZ(5-24NM)	Non serious	1st offence Compoundable	<b>6,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		Fiberglass Boat with outboard motor (OFRP)	TS-CZ(5-24NM)	Non Serious	1st offence Compoundable	<b>6,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		Multiday Vessels					
		less than 15 m	Beyond CZ up to EE	non Serious	compoundable	<b>48,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		More than 15 m to less than 24 m	Beyond CZ up to EE	non Serious	compoundable	<b>75,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		Multiday vessels	High Seas	non Serious	compoundable		<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		less than 15 m	High Seas	non Serious	compoundable	<b>50,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		More than 15 m to less than 24 m	High Seas	non Serious	compoundable	<b>150,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		More than 24 m and less than 45	High Seas	non Serious	compoundable	<b>200,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		More than 45 and less than 75	High Seas	non Serious	compoundable	<b>250,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
<b>15(9)</b>	<b>Registration number clearly engraved or marked on each side of the vessel</b>	Non - motorized/ Traditional Boat(NTRB)	TS	Serious	non compoundable	<b>Level 1</b>	
		Motorized Traditional Boat (MTRB)	TS-CZ	Serious	non compoundable	<b>Level 2</b>	
		Beach Seine Vessel( Non – motorized) (NBSB)	TS	Serious	non compoundable	<b>Level 1</b>	
		Fiberglass Boat with outboard motor (OFRP)	TS-CZ	Serious	non compoundable	<b>Level 2</b>	

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
		IDAY	CZ upto EEZ	Serious	non compoundable	<b>Level 3</b>	
		IMUL	CZ to EEZ and beyond HS	Serious	non compoundable	<b>Level 4</b>	
20	Changes of information in the Register	N/A	N/A	Serious	Non compoundable	<b>Level 2 [5 001 – 50 000]</b>	<b>Penalty section is not mentioned</b>
35(2)	Registration of Fishers	N/A	N/A	Non Serious	Compoundable	<b>Level 1 [0 – 5 000]</b>	<b>Penalty section is not mentioned</b>
36	fishing licenses <b>Licensing of Fishing Operations</b>	Non - motorized/ Traditional Boat(NTRB)	TS (5NM)	serious	non compoundable	<b>Level 1 [0 – 5 000]</b>	
		Beach Seine Vessel( Non – motorized) (NBSB)	TS(5NM)	serious	non compoundable	<b>Level 2 [5 001 – 50 000]</b>	
		Motorized Traditional Boat (MTRB)	Between 5-24NM	serious	non compoundable	<b>Level 2 [5 001 – 50 000]</b>	
		Fiberglass Boat with outboard motor (OFRP)	Between 5-24NM	serious	non compoundable	<b>Level 2 [5 001 – 50 000]</b>	
		Multiday Vessels					
		Less than 10.3m	between 24-200NM	Serious	non compoundable	<b>Level 3</b>	
		Between 10.3m -15 m	between 24-200NM	Serious	non compoundable	<b>Level 4</b>	
		More than 15m - 24m	between 24-200NM	Serious	non compoundable	<b>Level 5</b>	
		More than 24m	between 24-200NM	Serious	non compoundable	<b>Level 6</b>	
		Multiday vessels					
		10. 3 to less than 15 m	HS	Serious	Non compoundable	<b>1.5 Mn</b>	
		More than 15 m to 24 m	HS	Serious	Non Compoundable	<b>5 Mn</b>	
		More than 24 m to 45m	HS	Serious	Non Compoundable	<b>75 Mn</b>	
		More than 45m to 75m	HS	Serious	Non Compoundable	<b>120 Mn</b>	
		More than 75m	HS	Serious	Non Compoundable	<b>150 Mn</b>	
39	Transfer of Fishing Licenses						<b>*Subsections 42(5) 44 (5) and 45(5) are not penalty sections/ should it be 42 44 and 45??</b>



Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
42	Application for a Fishing License to Conduct Fishing Operations in Sri Lankan waters	Non - motorized/ Traditional Boat(NTRB)	TS (5NM)	serious	non compoundable	2,000	
		Beach Seine Vessel( Non – motorized) (NBSB)	TS(5NM)	serious	non compoundable	Level 2 [5 001 – 50 000]	
		Motorized Traditional Boat (MTRB)	Between 5-24NM	serious	non compoundable	Level 2 [5 001 – 50 000]	
		Fiberglass Boat with outboard motor (OFRP)	Between 5-24NM	serious	non compoundable	Level 2 [5 001 – 50 000]	
		Multiday Vessels					
		Less than 10.3m	between 24-200NM	Serious	non compoundable	Level 3	
		Between 10.3m -15 m	between 24-200NM	Serious	non compoundable	Level 4	
		More than 15m - 24m	between 24-200NM	Serious	non compoundable	Level 5	
44	Application for a Fishing License to Conduct Fishing Operations on the High Seas						
		Multiday Vessels					
		More than 10.3 to 15m	High Seas	Serious	Non Compoundable	Level 3	
		More than 15 m to 24 m	High Seas	Serious	Non Compoundable	Level 4	
		More than 24 m to 45m	High Seas	Serious	Non Compoundable	Level 5	
		More than 45m to 75m	High Seas	Serious	Non Compoundable	Level 6	
		More than 75 m	High Seas	Serious	Non Compoundable	Level 7	
45	Application for a Fishing License to Conduct Fishing Operations in the Waters of Another State	Multiday Vessels					
		More than 10.3 to 15m	High Seas	Serious	Non Compoundable	Level 3	what about having license for EEZ/HS and engaing IUU
		More than 15 m to 24 m	High Seas	Serious	Non Compoundable	Level 4	
		More than 24 m to 45m	High Seas	Serious	Non Compoundable	Level 5	
		More than 45m to 75m	High Seas	Serious	Non Compoundable	Level 6	
		More than 75 m	High Seas	Serious	Non Compoundable	Level 7	

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
40	Foreign Flagged Vessels						impose fine by Regulation of Foreign Fishing Boats) Act No. 59 of 1979
40(1)	prohibition to fish	foreign vessels		serious	Non Compoundable		Proposed penalty
		Less than 15m	T S	Serious	Non Compoundable	10Mn	Penalty Minimum
		15 m to 24 m	T S	Serious	Non Compoundable	30Mn	Penalty Minimum
		More than 24 m to 45m	T S	Serious	Non Compoundable	120Mn	Penalty Minimum
		More than 45m to 75m	T S	Serious	Non Compoundable	180Mn	Penalty Minimum
		More than 75 m	T S	Serious	Non Compoundable	220Mn	Penalty Minimum
40(5)	Non Stow of Fishing Gear	Non Stow of Fishing Gear					
		Less than 15m	T S	Serious	Non Compoundable	5Mn	Penalty Minimum
		15 m to 24 m	T S	Serious	Non Compoundable	20Mn	Penalty Minimum
		More than 24 m to 45m	T S	Serious	Non Compoundable	80Mn	Penalty Minimum
		More than 45m to 75m	T S	Serious	Non Compoundable	130Mn	Penalty Minimum
		More than 75 m	T S	Serious	Non Compoundable	160Mn	Penalty Minimum
	prohibition to fish	Less than 15m	EEZ	Serious	Non Compoundable	6Mn	Penalty Minimum
		15 m to 24 m	EEZ	Serious	Non Compoundable	20Mn	Penalty Minimum
		More than 24 m to 45m	EEZ	Serious	Non Compoundable	100Mn	Penalty Minimum
		More than 45m to 75m	EEZ	Serious	Non Compoundable	150Mn	Penalty Minimum
		More than 75 m	EEZ	Serious	Non Compoundable	175Mn	Penalty Minimum
	Non Stow of Fishing Gear	Non Stow of Fishing Gear					
		Less than 15m	EEZ	Serious	Non Compoundable	4Mn	Penalty Minimum
		15 m to 24 m	EEZ	Serious	Non Compoundable	15Mn	Penalty Minimum
		More than 24 m to 45m	EEZ	Serious	Non Compoundable	75Mn	Penalty Minimum
		More than 45m to 75m	EEZ	Serious	Non Compoundable	120Mn	Penalty Minimum
		More than 75 m	EEZ	Serious	Non Compoundable	150Mn	Penalty Minimum
40(4)	foreign flagged fishing vessel not licensed or authorized to conduct fishing operations in Sri Lankan waters shall report to the Director General by electronic methods	any Vessel	Sri Lankan Waters (TS/CZ/EEZ)	Serious	Non Compoundable	Level 6	Notwithstanding anyother fine imposed for any offense under this Act

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
<b>40(8)</b>							
<b>40 (9)</b>	<b>contravenes the conditions of the permit</b>	any Vessel	Sri Lankan Waters (Ts/CZ/EEZ)	Serious	Non Compoundable	<b>Level 6</b>	
<b>51</b>	<b>conditions of the fishing license ( Sri Lankan Fishing Vessels )</b>						
		Non - motorized/ Traditional Boat(NTRB)	TS (5NM)	serious	non compoundable	<b>Level 1</b>	<b>Spot Fine</b>
		Beach Seine Vessel (Non – motorized) (NBSB)	TS(5NM)	serious	non compoundable	<b>Level 1</b>	<b>Spot Fine</b>
		Motorized Traditional Boat (MTRB)	Between 5-24NM	serious	non compoundable	<b>Level 1</b>	<b>Spot Fine</b>
		Fiberglass Boat with outboard motor (OFRP)	Between 5-24NM	serious	non compoundable	<b>Level 2</b>	
		Multiday Vessels					
		Less than 10.3m	between 24-200NM	Serious	non compoundable	<b>Level 2</b>	
		Between 10.3m -15 m	between 24-200NM	Serious	non compoundable	<b>Level 3</b>	
		More than 15m - 24m	between 24-200NM	Serious	non compoundable	<b>Level 4</b>	
		More than 24m	between 24-200NM	Serious	non compoundable	<b>Level 5</b>	
		Multiday vessels					
		10. 3 m to less than 15 m	HS	Serious	Non compoundable	<b>Level 3</b>	
		More than 15 m to 24 m	HS	Serious	Non Compoundable	<b>Level 4</b>	
		More than 24 m to 45m	HS	Serious	Non Compoundable	<b>Level 5</b>	
		More 45m to 75m	HS	Serious	Non Compoundable	<b>Level 6</b>	
		More than 75m	HS	Serious	Non Compoundable	<b>Level 7</b>	
<b>52</b>	<b>License to be carried on board</b>	Non - motorized/ Traditional Boat(NTRB)	TS (5NM)	Non Serious	N/A	<b>N/A</b>	
		Beach Seine Vessel( Non – motorized) (NBSB)	TS(5NM)	Non Serious	N/A	<b>N/A</b>	

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
		Motorized Traditional Boat (MTRB)	TS-CZ(5-24NM)	Non serious	1st offence Compoundable	<b>6,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		Fiberglass Boat with outboard motor (OFRP)	TS-CZ(5-24NM)	Non Serious	1st offence Compoundable	<b>6,000</b>	<b>1/3 of the penalty (proposed Spot Fines /proposed a new App for paying fines/system)</b>
		Multiday Vessels					
		less than 15 m	up to EEZ	non Serious	compoundable	<b>Level 3</b>	
		More than 15 m to less than 24 m	up to EEZ	non Serious	compoundable	<b>Level 3</b>	
		Multiday vessels					
		less than 15 m	High Seas	Serious	non compoundable	<b>Level 4</b>	
		More than 15 m to less than 24 m	High Seas	Serious	non compoundable	<b>Level 4</b>	
		More than 24 m and less than 45	High Seas	Serious	non compoundable	<b>Level 4</b>	<b>The definition of the High seas to remain as per the 2013 (amended)Act</b>
		more than 45 and less than 75	High Seas	Serious	non compoundable	<b>Level 4</b>	<b>not having the license on board is not as serious as not having a license, so you need to reflect on the level of licenses in this section so that they are not the same</b>
<b>53</b>	<b>Departure and Arrival</b>	all inboard vessels		Serious	Non compoundable	<b>Level 2</b>	
<b>53(5)</b>							
<b>54</b>	<b>Record of Fisheries Data in logbook</b>	all inboard vessels		Serious	Non compoundable	<b>Level 3</b>	<b>Non reporting ,misreporting,non production for inspection</b>
<b>54(4)</b>							

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
55	Landing and Reporting	Any means of landing the catch					
		Without Vessels		non Serious	compoundable	Level 1	
		Non - motorized/ Traditional Boat(NTRB)		Non Serious	N/A	Level 1	
		Beach Seine Vessel( Non – motorized) (NBSB)		Non Serious	N/A	Level 1	
		Motorized Traditional Boat (MTRB)		Non serious	1st offence Compoundab	Level 1	
		Fiberglass Boat with outboard motor (OFRP)		Non Serious	1st offence Compoundab	Level 1	
		IDAY		Non Serious	1st offence Compoundab	Level 1	
		Multiday vessels					
		less than 15 m		Serious	non compoundable	Level 2	
		15 m to less than 24 m		Serious	non compoundable	Level 2	
		More than 24 m and less than 45m		Serious	non compoundable	Level 3	
		More than 45 and less than 75m		Serious	non compoundable	Level 3	
		More than 75m		Serious	non compoundable	Level 4	
55(3)							
56	Vessel Monitoring System (VMS)	Multiday Vessels					
		Less than 15m		Serious	Non Compoundable	Level 6	Non operational- power off, tampering etc. (Please see the regulation) Update the Operational regulation - no simultaneous license issue
		15 m to 24 m		Serious	Non Compoundable	Level 7	
		More than 24 m to 45m		Serious	Non Compoundable	Level 8	
		More than 45m to 75m		Serious	Non Compoundable	Level 8	
		More than 75 m		Serious	Non Compoundable	Level 8	
56(3)							
57	Marking of Fishing Gears	Multiday Vessels	EEZ	non Serious	Compoundable	Level 2	
			High Seas	Serious	Non Compoundable	Level 3	

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
57(2)							
58	Onboard Observer	Multiday Vessels		Serious	Non Compoundable	Level 5	Resolution is yet to come (a to h)
58(2)	Master not complying with obligation towards the observer	N/A		Serious	Non compoundable	Level 4	
58(3)	the observer not complying with obligation binding upon him/her	N/A		Serious	non compoundable	Level 6	
58(5)							
60	Fishing License for Fishers with no vessel	N/A		Non Serious	compoundable	Level 1	
60(2)							

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
61	Fishing License for Fishers to Engage in Fishing Operations in a Foreign Vessel	foreign	N/A	Non Serious	compoundable	Level 3	<p>Modify the license including conditions : Include this in the regulation and the license.</p> <p>1. This License does not entail you to secure employment in a foreign a foreign country.</p> <p>2. If you engage in any illegal activity whatsoever neither the under signed, DFAR, nor GOSL shall be responsible.</p> <p>3. If it is found that you have violated the provisions of Sri Lanka Bureau of Foreign Employment Act No 21 of 1985 or any other applicable law in operation for the time being in SL in securing foreign employment, neither the under signed, DFAR, nor GOSL shall be responsible.</p>
61(3)							
62	license for master	Vessels with Inboard Engines	N/A	serious	non compoundable	Level 2	IDAY and IMUL
62(3)							
63	recreational fisheries	vessel	EEZ	Non Serious	compoundable	Level 2	
		without vessel				Level 1	
63(6)							
65	license for non regulated species on the high seas	IMUL	HS	serious	non compoundable	Level 5	
65(5)							
66	license for RFMO Species	Multiday vessels					
		Less than 15m	EEZ and HS	Serious	Non compoundable	1.5 Mn	
		15 m to 24 m	EEZ and HS	Serious	Non Compoundable	5 Mn	

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
		More than 24 m to 45m	EEZ and HS	Serious	Non Compoundable	<b>75 Mn</b>	
		More than 45m to 75m	EEZ and HS	Serious	Non Compoundable	<b>120 Mn</b>	
		More than 75 m	EEZ and HS	Serious	Non Compoundable	<b>150 Mn</b>	
<b>67</b>	<b>fishing in the waters of another sta</b>	Multiday Vessels					
		Less than 15m		Serious	Non compoundable	<b>1.5 Mn</b>	
		15 m to 24 m		Serious	Non compoundable	<b>5 Mn</b>	
		More than 24 m to 45m		Serious	Non compoundable	<b>75 Mn</b>	
		More than 45m to 75m		Serious	Non compoundable	<b>120 Mn</b>	
		More than 75 m		Serious	Non compoundable	<b>150 Mn</b>	
<b>67(2)</b>							
<b>77</b>	<b>Protection of coastal communities</b>	mechanized Out Board engine Vessels	5NM	serious	non compoundable	<b>Level 4</b>	
		Vessels with Inboard Engines	24NM	serious	non compoundable	<b>Level 5</b>	
<b>77(6)</b>							
<b>78</b>	<b>Fishing quotas and effort</b>	Without Vessels other than Diving		serious	compoundable	<b>Level 1</b>	
		Skin Diving		serious	Non-compoundable	<b>Level 2</b>	
		SCUBA Diving		serious	Non-compoundable	<b>Level 3</b>	
		Non - motorized/ Traditional Boat(NTRB)		serious	compoundable	<b>Level 2</b>	
		Beach Seine Vessel( Non – motorized) (NBSB)		serious	compoundable	<b>Level 2</b>	
		Motorized Traditional Boat (MTRB)		serious	compoundable	<b>Level 2</b>	
		Fiberglass Boat with outboard motor (OFRP)		serious	compoundable	<b>Level 2</b>	
		IDAY		serious	compoundable	<b>Level 3</b>	
		Multiday Vessels					
		Less than 15m		serious	Non- compoundable	<b>Level 3</b>	
		15 m to 24 m		serious	Non- compoundable	<b>Level 4</b>	
		More than 24 m to 45m		serious	Non- compoundable	<b>Level 6</b>	
		More than 45m to 75m		serious	Non- compoundable	<b>Level 7</b>	
		More than 75 m		serious	Non- compoundable	<b>Level 8</b>	
<b>78(4)</b>							



Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
81	Prohibited fishing gears and/or methods	Without Vessels other than Diving		serious	compoundable	Level 1	Prohibited fishing gears include any fishing gear and or method not prescribed under this Act
		Skin Diving		serious	compoundable	Level 1	
		SCUBA Diving		serious	non compoundable	Level 2	
		Non - motorized/ Traditional Boat(NTRB)		serious	non compoundable	Level 1	
		Beach Seine Vessel( Non – motorized) (NBSB)		serious	non compoundable	Level 2	
		Motorized Traditional Boat (MTRB)		serious	non compoundable	Level 2	
		Fiberglass Boat with outboard motor (OFRP)		serious	non compoundable	Level 3	
		IDAY		serious	non compoundable	Level 3	
		Multiday Vessels					
		Less than 15m		serious	non compoundable	Level 3	
		15 m to 24 m		serious	non compoundable	Level 4	
		More than 24 m to 45m		serious	non compoundable	Level 6	
		Greater than 45m to 75m		serious	non compoundable	Level 7	
		Greater than 75 m		serious	non compoundable	Level 8	
81(6)							
82	diving operations	Skin Diving	TS	non serious	compoundable	Level 2	
		SCUBA Diving	TS/CZ	serious	non compoundable	Level 3	
82(5)							
83	Gillnets and seine nets	Drift Gill net	EEZ/HS	serious	non compoundable	Level 3	Please refer the side note in the Act
		Seine nets	EEZ/HS	serious	non compoundable	Level 4	Fine is not imposed for Jakotu?
83(5)							
84	Prohibition to use poisonous or explosive substances to catch fish			serious	non compoundable	Level 6	Level 6 fine is imposed despite any punishment imposed under section 84(6) of this Act

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
84(6)							
85	bottom trawling	mechanized	EEZ	serious	non compoundable	Level 5	Include definition of bottom trawling net in Section interpretation section
85(5)							
86	Control of Pollution			serious	non compoundable	Level 5	Please look at the other Acts
86(5)							
87	Retrieval of Abandoned, lost or discarded Fishing Gear			serious	non compoundable	Level 3	
87(5)							
88	Spatial/Temporal Closures			serious	non compoundable	Level 5	
88(7)							
89	Fisheries Reserves			serious	non compoundable	Level 5	
89(5)							
90	Protected Species			serious	non compoundable	Level 5	
90(6)							
91	Conservation of Sharks			serious	non compoundable	Level 7	
91(10)							
92	Scientific Research by Fishing Vessels			serious	non compoundable	Level 3	
92(4)							
93	Intending to conduct scientific research in Sri Lankan waters by a foreign Research organization or another state			serious	non compoundable	Level 7	
93(8)							
94	Fisheries Data Collection Programmes			serious	non compoundable	Level 5	
94(6)							

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
95	Collection, Transmisson and verification of data			serious	non compoundable	Level 5	
95(5)							
95(6)							
97	Quality of Fish and Food safety			serious	non compoundable	Level 4	Refer the draft Regulation
97 (4)							
98	Fishing Product unlawfully obtained			serious	non compoundable	Level 5	
98 (3)							
100	Traceability and Catch Certificate			serious	non compoundable	Level 4	
100(4)							
101	Registration of Establishment			serious	non compoundable	Level 5	
101 (3)							
102	Application of a license to process fish, export, import and re-export of fish and fishery products			serious	non compoundable	Level 5	
102 (3)							
105	Inspection of fish processing establishments			serious	non compoundable	Level 3	
105 (3)							
107	Interference with Inspected Fish or Fishery products			serious	non compoundable	Level 5	
107 (2)							
111	Port Entry			serious	non compoundable	Level 3	
111(4)							
112	VMS System			serious	non compoundable	Level 8	
112 (7)							
113	Transshipment			serious	non compoundable	Level 5	

Section	Violation of Requirement	Vessel type	Maritime Zone	Serious/ Non serious	Compoundability (Section 136(5))	Penalty (Rs)	Remarks
<b>113(6)</b>							
<b>114</b>	<b>Landings</b>			serious	non compoundable	<b>Level 6</b>	
<b>114 (a)</b>							
<b>115</b>	<b>PSM for Foreign Flagged Vessels</b>			serious	non compoundable	<b>Level 8</b>	
<b>115(6)</b>							
<b>131</b>	<b>Duty of Authorized persons Obstruct of duty of authorised officers</b>	Non - motorized/ Traditional Boat(NTRB)		serious	non compoundable	<b>Level 1</b>	<b>Spot Fines</b>
		Beach Seine Vessel( Non – motorized) (NBSB)		serious	non compoundable	<b>Level 1</b>	<b>Spot Fines</b>
		Motorized Traditional Boat (MTRB)		serious	non compoundable	<b>Level 1</b>	<b>Spot Fines</b>
		Fiberglass Boat with outboard motor (OFRP)		serious	non compoundable	<b>Level 2</b>	
		IDAY		serious	non compoundable	<b>Level 3</b>	
		Multiday Vessels					
		Less than 15m		serious	non compoundable	<b>Level 5</b>	
		15 m to 24 m		serious	non compoundable	<b>Level 5</b>	
		More than 24 m to 45m		serious	non compoundable	<b>Level 6</b>	
		More than 45m to 75m		serious	non compoundable	<b>Level 7</b>	
		More than 75 m		serious	non compoundable	<b>Level 8</b>	
<b>131 (3)</b>							
<b>134</b>	<b>Non complying the decision of fisheries disputes</b>			serious	non compoundable	<b>Level 5</b>	
<b>134 (11)</b>							
<b>173</b>	<b>Violation of Regulations</b>						
		Non - motorized/ Traditional Boat(NTRB)		serious	non compoundable	<b>Level 1</b>	<b>Spot Fines</b>
		Beach Seine Vessel( Non – motorized) (NBSB)		serious	non compoundable	<b>Level 1</b>	<b>Spot Fines</b>
		Motorized Traditional Boat (MTRB)		serious	non compoundable	<b>Level 1</b>	<b>Spot Fines</b>
		Fiberglass Boat with outboard motor (OFRP)		serious	non compoundable	<b>Level 2</b>	
		IDAY		serious	non compoundable	<b>Level 3</b>	
		Multiday Vessels					
		Less than 15m		serious	non compoundable	<b>Level 5</b>	

		15 m to 24 m		serious	non compoundable	<b>Level 5</b>	
		More than 24 m to 45m		serious	non compoundable	<b>Level 6</b>	
		More than 45m to 75m		serious	non compoundable	<b>Level 7</b>	
		More than 75 m		serious	non compoundable	<b>Level 8</b>	

The Level of fine referred to in this Act shall have the following corresponding values:

<b>Level</b>	<b>Value in rupees</b>
<b>1</b>	<b>[1000 – 5 000]</b>
<b>2</b>	<b>[5 001 – 50 000]</b>
<b>3</b>	<b>[50 001-100,000]</b>
<b>4</b>	<b>[100,001-250,000]</b>
<b>5</b>	<b>[250,001– 500 000]</b>
<b>6</b>	<b>[500 001 – 1 000,000]</b>
<b>7</b>	<b>1 000,001-1 500 000]</b>
<b>8</b>	<b>[1 500 001 – 50 000 000]</b>

#### **Schedule IV - Illegal, Unreported and Unregulated fishing (or ‘IUU’ fishing):**

“Illegal, unreported and unregulated fishing” or “IUU fishing” includes illegal fishing, unreported fishing and unregulated fishing as defined below:

**Illegal fishing** is fishing conducted by:

- a) any Sri Lankan or foreign fishing vessel in Sri Lanka waters in contravention of the laws and regulations of Sri Lanka;
- b) any Sri Lankan fishing vessel in high seas in contravention of the laws and regulations of Sri Lanka, or conservation and management measures adopted by the Indian Ocean Tuna Commission or a relevant fisheries management organization;
- c) any Sri Lankan fishing vessel in waters under the jurisdiction of another State, without the permission of such State, or in contravention of its laws and regulations; or
- d) any fishing vessel flying the flag of any State, which is a party to the Indian Ocean Tuna Commission or another regional fisheries management organization operating in contravention of the conservation and management measures adopted by the Indian Ocean Tuna Commission or such other regional fisheries management organization by which such State is bound as the case may be, or relevant provisions of the applicable international law.

**Unreported fishing is fishing:**

- a) which has not been reported or have been misreported in contravention of the prescribed reporting procedures; or
- b) Undertaken in the area of competence of the Indian Ocean Tuna Commission or any other regional fisheries management organization, which has not been reported or have been misreported in contravention of the reporting procedures of the Indian Ocean Tuna Commission or such other regional fisheries management organization.

**Unregulated fishing is fishing:**

- a) in the area of competence of the Indian Ocean Tuna Commission or any other regional fisheries management organization conducted by a fishing vessel without nationality, or flying the flag of a State that is not a party to the Indian Ocean Tuna Commission or such other regional fisheries management organization in a manner that is not consistent with or contravenes the conservation and management measures of the Indian Ocean Tuna Commission or such other regional fisheries management organization;
- b) in areas or fish stocks in relation to which there are no applicable conservation or management measures and where such fishing is conducted in a manner inconsistent with the State responsibilities for the conservation of the living marine resources under the international law.