

**AN ACT TO REPEAL AND REPLACE THE FISHERIES AND AQUATIC RESOURCES ACT, No. 2 of 1996 AND FISHERIES (REGULATION OF FOREIGN FISHING BOATS) ACT, NO. 59 OF 1979.**

**AN ACT TO PROVIDE FOR THE MANAGEMENT, REGULATION, CONSERVATION, DEVELOPMENT AND SUSTAINABLE USE OF FISHERIES AND AQUATIC RESOURCES IN SRI LANKA, 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 FISHERIES (REGULATION OF FOREIGN FISHING BOATS) ACT, NO. 59 OF 1979. 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:-

## **ARRANGEMENT OF SECTIONS**

### **INTRODUCTORY PROVISIONS**

Section 1 - Short title and commencement

Section 2 - Scope and application

Section 3 - Objectives

### **PART I – ADMINISTRATION**

Section 4 - Department of Fisheries and Aquatic Resources (DFAR)

Section 5 - Appointment of the Director General and other Officers

Section 6 - Functions and Duties of the Director General

Section 7 – Fisheries and Aquatic Resources Advisory Council

Section 8 - National Fisheries Federation, District and Rural Fisheries Organization

Section 9 - Annual Administrative Report

### **PART II – REGISTRATION**

#### **Chapter 1 – Registration of Fishing Vessels**

Section 10 - Register of Fishing Vessels

Section 11 - Registration

Section 12 - Registration of imported fishing vessels

Section 13 - General Obligation to carry the certificate of registration on board

Section 14 - Marking and identification of fishing vessels

Section 15 - Payment of fees to the Provincial fund

Section 16 - Transmission of information to the Province

Section 17 - Changes of information in the Register

Section 18 - Suspension or Cancellation of the registration of fishing vessels

Section 19 - Deregistration of Fishing Vessels

Section 20 - Registration of instruments of mortgage

Section 21 - Priority of instruments of mortgage

Section 22 - Registered mortgage of fishing vessel to subsist

Section 23 - Entry of discharge of mortgage

Section 24 - Mortgage not affected by bankruptcy

Section 25 - Transfer of mortgages and registration

Section 26 - Transmission of interest in mortgage on bankruptcy

Section 27 - Publicity

Section 28 - Searches and copies

Section 29 - Evidence

Section 30 - Other written law not to apply

## **Chapter 2 – Registration of Fishers and Person who engaged in Fishing Related Activities**

Section 31 – Registration of fishers and Person who engage in fishing related activities

## **Chapter 3 – Registration of boat yards , manufacturers and importers of fishing gears, navigational equipment and fishery related accessories**

Section 32 - Registration of boat yards , manufacturers and importers of fishing gears, navigational equipment, and fishery related accessories

## **Chapter 4 – Appeals**

Section 33 - Appeals

## **PART III – LICENSING**

### **Chapter 1 – Licenses for Fishing Vessels**

Section 34 - Licensing of fishing operations

Section 35 - General principle of issuance of fishing operation licenses

Section 36 - Duration of the fishing Operation license

Section 37 - Transfer of fishing Operation licenses

Section 38 - Fishing by Foreign Vessels in Sri Lanka Water is prohibited

Section 39 - Licensing authority

Section 40 - Application for a fishing license to conduct fishing operations in Sri Lankan waters

Section 41 - Renewal of a fishing license to conduct fishing operations in Sri Lankan waters

Section 42 - Application for a fishing license to conduct fishing operations in the high seas

Section 43 - Application for a fishing license to conduct fishing operations in the waters of another country

Section 44 - Renewal of a fishing license to conduct fishing operations in the high seas or in the waters of another State

Section 45 - Suspension or Cancellation of a fishing license

Section 46 - Transmission of information with the Provinces

## **Chapter 2 – Obligations for holders of fishing licenses**

Section 47 - Compliance with the Act

Section 48 - Obligations on Fishing Licenses

Section 49 - License to be carried on board

Section 50 - Departure and arrival

Section 51 - Records of fisheries data

Section 52 – Fish Landing and Reporting

Section 53 - Marking of fishing gears

Section 54 - On board observers

Section 55 - Observers cost

## **Chapter 3 – Licenses for Fishers Fishing Without Vessel**

Section 56 - Licenses for Fishers Fishing Without Vessel

Section 57 - Licenses for Fishers to engage in fishing operations in a foreign vessel

## **Chapter 4 – Licenses for Masters**

Section 58 - Licenses for Masters

## **Chapter 5 - Recreational Fisheries**

Section 59 - Recreational Fisheries

## **Chapter 6 – Register for Licenses**

Section 60 - Register for Licenses

## **Chapter 7 - Appeals**

Section 61 – Appeals

### **PART IV – FISHING OPERATIONS IN AREAS BEYOND NATIONAL JURISDICTION**

Section 62 - Non-regulated fish species in the high seas

Section 63 - Species regulated by Regional Fisheries Management Organizations (RFMOs)

Section 64 - Fishing in the waters of another country with Access Agreement

Section 65 - Right to repatriation

### **PART V – MANAGEMENT OF FISHERIES AND OTHER AQUATIC RESOURCES**

Section 66 - General principles of fisheries management

Section 67 - Scientific advice to fisheries management and conservation

Section 68 - National Fisheries Policy

Section 69 - Types of fisheries management and conservation measures

Section 70 - Conservation and management measures

#### **Chapter 1 – Fisheries Co-management**

Section 71 - Designated fisheries

Section 72 - Fisheries Committees

Section 73 - Fishery Management Area

Section 74 - Fisheries Management Coordinating Committees

Section 75 - Fishery Management Plan

Section 76 - Protection of coastal fishing communities and fishing for subsistence

#### **Chapter 2 – Fishing Effort in proportion to the catch allocation**

Section 77 - Fishing Effort in proportion to the catch allocation

Section 78 - Management of fishing capacity

#### **Chapter 3 – Regulation of Fishing Gears and Methods**

Section 79 - Objectives of regulate fishing gears and methods

Section 80 - Prohibitions on the use of fishing gears and methods

Section 81 - Diving operations

Section 82 - Regulation on the use of Seine nets, Gill nets and other types of prescribed nets

Section 83 - Prohibition to use poisonous or explosive substances to catch fish

Section 84 - Prohibition to engage in bottom trawling

## **PART VI - CONSERVATION MEASURES**

Section 85 - Control of pollution in the marine ecosystem

Section 86 - Retrieval of abandoned, lost or discarded fishing gear

Section 87 – Spatial Closures, Open and Closed seasons

Section 88 - Fisheries reserves

Section 89 - Protected species

## **PART VII – SCIENTIFIC RESEARCH AND DATA COLLECTION**

Section 90 - Scientific research by fishing vessels

Section 91 - Scientific research by a foreign research organization or another country

Section 92 - Fisheries Data Collection Programs

Section 93 - Collection, transmission and Verification of data

## **PART VIII – QUALITY OF FISH, FOOD SAFETY AND TRADE IN FISH AND FISHERY PRODUCTS**

Section 94 - General Objective and Application

Section 95 - Quality of Fish, Food Safety and Food Security

Section 96 - Prohibition to Possess and Trade with Fishery Products Unlawfully Obtained

Section 97 - Export, import and re-export of certain fish and fishery products

Section 98 - Traceability and Catch certificate

Section 99 - Registration of Fish Processing Establishments

Section 100 - Application for a license to process fish, export, import and re-export fish and fishery products

Section 101 - suspension or Cancellation of the registration and licenses

Section 102 - Appeals

Section 103 - Inspection of warehouses and Fish Processing Establishments

Section 104 - Competent authority

Section 105 - Interference with inspected fish or fishery products

Section 106 - Imposition of cess on imported fish and fishery products into Sri Lanka

## **PART IX – FISHERIES FUND AND FISHERIES SUBSIDIES**

Section 107 - Fisheries Fund

Section 108 - Fisheries Subsidies and Assistance

## **PART X – MONITORING, CONTROL, SURVEILLANCE AND ENFORCEMENT**

### **Chapter 1 – Monitoring, Control and Surveillance**

Section 109 - Port entry

Section 110 - Vessel Monitoring System

Section 111 - Transshipments

Section 112 - Fish Landings

Section 113 - Port State Measures for foreign vessels

Section 114 - Observer program

Section 115 - Appointment and identification of observers

Section 116 - Duties of observers

### **Chapter 2 – Authorized Officers**

Section 117 - Appointment of Authorized Officers and other persons for Monitoring ,Control and Surveillances (MCS) purposes

Section 118 - Identification of authorized officers

Section 119 - General Powers of Authorized Officers

Section 120 - Power of hot pursuit

Section 121 - Declaration of boarding and inspection

Section 122 - Power of entry and inspection

Section 123 - Power to take and secure information and evidence

Section 124 - Power to stop and take control of a fishing vessel

Section 125 - Power to immobilize a fishing vessel

Section 126 - Power to confiscate passport, master license and seamen's books

Section 127 - Power of detention

Section 128 - Power in relation to abandoned fishing vessels, gear and fishery products

Section 129 - Duties to authorized persons

## **PART XI – MEDIATION, ADMINISTRATIVE AND JUDICIAL PROCEEDINGS**

### **Chapter 1 – Mediation**

Section 130 - Fishing Dispute Settlement Panel

Section 131 - Referral of the Director General of a fishing dispute

### **Chapter 2 – Administrative Proceedings**

Section 132 - Panel of Experts

Section 133 - Compounding

### **Chapter 3 – Judicial Proceedings, Offences and Penalties**

Section 134 - Jurisdiction and Standing

Section 135 - Procedure

Section 136 - General Offence

Section 137 - Levels of Fines

Section 138 – Continuous Offences

Section 139 - Repeated offenders

Section 140 - Cost incurred by the State

Section 141 - Order of Prohibition

Section 142 - Default by non-payment

Section 143 - Liability for non-payment of fines

Section 144 - Liability for loss or damage

Section 145 - Liability of officers of companies and masters of vessels

Section 146 - Liability of operators

Section 147 - Citizen's suit and civil enforcement

Section 148 - Injunction

Section 149 - Prompt Release

Section 150 - Granting of bail

Section 151 - Forfeiture

Section 152 - Disposition of seized or forfeited property

Section 153 - Certificate of Evidence

### **Chapter 4 – Evidence and Presumptions**

Section 154 - Validity and Procedures for Certificates

Section 155 - Certificate as to the location of a vessel

Section 156 - Automatic Location System , Presumption and Certificate

Section 157 - Photographic evidence

Section 158 – Expert Evidence

Section 159 - Presumptions

Section 160 - Burden of Proof

Section 161 - Interfering or tampering with Evidence

Section 162 - Consultation with Provincial Councils

### **PART XII – GENERAL**

Section 163 - Notifications

Section 164 - Designation of confidential information

Section 165 - Ownership of information

Section 166 - Educational and awareness programs for fishers

Section 167 - Regulations

Section 168 - Interpretation

Section 169 – Act to Prevail

Section 170 – Repeals

Section 171 - Savings

Section 172 - Sinhala to Prevail

|   | <b>INTRODUCTORY PROVISIONS</b>   |
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| <b>Short title and commencement</b><br><br><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 2024.</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><br><br><b>Section 2</b>        | <ol style="list-style-type: none"><li>1. The provisions of this Act shall apply to marine and inland fishing, aquatic resources 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 and Sri Lankan waters;</li><li>b) In Sri Lankan waters, including Sri Lankan fishing vessels flying the flag of or registered in another country ;</li><li>c) Sri Lankan fishing vessel operated in another country with the access agreement ;</li><li>d) By Sri Lankan vessels operating outside Sri Lankan waters; or</li><li>e) By nationals of Sri Lanka, without prejudice to the primary responsibility of the flag Country ;</li><li>f) Addressing the matters related to foreign fishing vessels entering to Sri Lankan Waters.</li></ol></li><li>2. (1) Aquaculture activities shall be excluded from the scope of this Act. Notwithstanding, where mariculture activities in sea, lagoons and estuaries have an impact on fishing activities and aquatic resources, this Act shall apply.<br/>(2) Mariculture activities referred in sub section (1) shall be obtained consent of the Director General .</li></ol> |
| <b>Objective</b><br><br><b>Section 3</b>                    | <ol style="list-style-type: none"><li>1. The objective of ensuring the long-term conservation and sustainable use of fisheries and aquatic resources, and the management, regulation, conservation and development of the fisheries sector for the benefit of the people of Sri Lanka, which shall include:</li></ol>  |



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|  | <ul 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) 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 and aquatic resources;</li> <li>c) Applying the precautionary approach to fisheries management to ensure that exploitation of marine and 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 negative impacts of fishing activities on the marine ecosystem are minimized;</li> <li>e) Developing and encouraging the use of selective, environmentally friendly and cost-effective fishing gear and techniques;</li> <li>f) Minimizing pollution and waste originating from fishing, discards, and catch by lost or abandoned gear;</li> <li>g) Recognizing the importance of fisheries for subsistence and coastal fisheries for the socio-economic 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 addressing fisheries subsidies 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, in so far as possible, 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 fishery products and minimizing post-harvest losses.</li> </ul> |
|  | <b>PART I - ADMINISTRATION</b>  |
| <b>Department of Fisheries and Aquatic Resources</b> | The Department of Fisheries and Aquatic Resources (DFAR) shall be the government agency charged with the responsibility for implementing and enforcing the provisions of  |

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| <p><b>(DFAR)</b></p> <p><b>Section 4</b></p>  | <p>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 assisting 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. Persons appointed pursuant to subsection (1), or any other person, employee or agent executing powers or carrying out functions or duties under this Act, who lawfully does, or omits to do any act in pursuance or intended pursuance 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, gross recklessness or negligence 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 be responsible for the administration and implementation of this Act, subject to the control and direction of the Minister.</li> <li>2. The Director General shall, in the performance of his or her duties under this Act, carry out among other things, the following functions: <ol style="list-style-type: none"> <li>a) The management, regulation, conservation, development and sustainable use of fisheries and aquatic resources of Sri Lanka in accordance with the objectives, principles and provisions of this Act for the benefit of the people of Sri Lanka;</li> <li>b) To assist the Secretary in the development of the National Fisheries Policy, and to develop strategies to guide the administration and implementation of this Act in a manner compatible with the management, regulation, conservation, development and sustainable use of the fisheries and aquatic resources and the sovereign rights of Sri Lanka fisheries sector;</li> <li>c) 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>d) The development of transparent and accountable processes for the management, regulation, conservation, development and sustainable use of fisheries and aquatic resources and shall, in the performance of the above functions, take into account as</li> </ol> </li> </ol> |

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|  | <p>appropriate the advice and recommendations of such bodies as may be established in accordance with this Act, including the Advisory Council.</p> <p>3. The Director General may delegate in writing to any Director or any other officer under his or her management those duties conferred on him or her under this Act.</p> <p>4. It shall be lawful for the Minister, on appeal or otherwise, to rescind, alter or revise any order or determination which is made by the Director General in the exercise of his discretion under any of the provisions of this Act or of any regulation made thereunder.</p> <p>5. The decision of the Minister in every such case shall be final and shall be binding on the Director General and all other persons affected thereby.</p>   |
| <p><b>Fisheries and Aquatic Resources Advisory Council</b></p> <p><b>Section 7</b></p> | <p>1. A Fisheries and Aquatic Resources Advisory Council is hereby established.</p> <p>2. The functions and responsibilities of the Advisory Council shall be to advise:</p> <p>a) The Minister on all matters relating to the management, regulation, conservation, development and sustainable use 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,</p> <p>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.</p> <p>3. The Advisory Council shall be constituted by the eleven (11) permanent members and eight (8) <i>ad hoc</i> members in Schedule I as determined by the Minister.</p> <p>4. In relation to the membership and participation to meetings, the following rules apply:</p> <p>a) The Chairman of the Council shall be the Secretary to the Ministry in charge of the subject of Fisheries.</p> <p>b) The list of members of the Advisory Council is provided in schedule I to this Act. In addition to this list of members, the Advisory Council may invite any other such person to attend its meetings as observers.</p> <p>c) The quorum of the Advisory Council shall be thirteen (13) at any meeting.</p> <p>d) A member shall be disqualified from being an appointed member of the Advisory Council if:</p> <p>i. He or she is, or becomes, a Member of Parliament; or</p> <p>ii. He or she is not, or ceases to be, a citizen of Sri Lanka.</p> <p>e) The Minister may remove from office any appointed</p> |

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|  | <p>member of the Advisory Council at his or her own discretion.</p> <p>f) The Minister shall appoint a replacement member to hold office in the following cases:</p> <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 item (e) of the subsection (4);or</li> <li>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 far as long as the period of absence.</li> </ol> <p>5. Every appointed member of the Advisory Council shall hold office for a period of three years and shall be eligible for reappointment, unless he or she vacates office before term, or is either removed or disqualified.</p> <p>6. 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>7. The Secretary to the Ministry in charge of the subject of Fisheries shall, in consultation with Advisory Council, cause to be prepared National Fisheries Management and Development Plan.</p> |
| <p><b>National Fisheries Federation, District and Rural Fisheries Organization</b></p> <p><b>Section 8</b></p> | <ol style="list-style-type: none"> <li>1. There shall be established, for the purposes of this Act, a National Fisheries Federation (hereinafter referred to as “the Federation”) at National Level, District Fisheries Organization at District Level and Rural Fisheries Organization at Village Level.</li> <li>2. The Minister may make regulations in relation to the functioning, financing, auditing of the National Fisheries Federation and Fisheries Organizations.</li> </ol>  |
| <p><b>Annual Administrative Report</b></p> <p><b>Section 9</b></p>   | <ol style="list-style-type: none"> <li>1. The Director General shall prepare an administrative report annually and Minister shall present it in Parliament.</li> </ol>  |
| <p><b>PART II - REGISTRATION</b></p>   |   |

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| <p><b>Register of Fishing Vessels</b></p> <p><b>Section 10</b></p> | <p style="text-align: center;"><b>CHAPTER 1 – Registration of Fishing Vessels</b></p> <ol style="list-style-type: none"> <li>1. The Director General shall maintain a register of fishing vessels with the necessary 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.</li> <li>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.</li> <li>3. The Director General 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 or 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: <ol style="list-style-type: none"> <li>a) Fishing for scientific purposes;</li> <li>b) Fishing for species regulated by the Regional Fisheries Management Organization (RFMO) including Indian Ocean Tuna Commission (IOTC) on the high seas;</li> <li>c) Fishing in another country waters in accordance with the provisions of this Act;</li> <li>d) Fishing under data collection programs; and,</li> <li>e) Fishing for recreational fisheries.</li> </ol> </li> <li>4. The Director General shall ensure that the information in the register of fishing vessels, and the information provided in any record of vessels established under this Act, is updated and consistent.</li> </ol> |
| <p><b>Registration</b></p> <p><b>Section 11</b></p>                | <ol style="list-style-type: none"> <li>1. The owner or operator of a Sri Lankan vessel shall not conduct any fishing operations unless the vessel is duly registered in accordance with the procedures laid down in this section and section 12.</li> <li>2. 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 or her, in the prescribed form and shall be accompanied by the prescribed fee.</li> <li>3. The Director General shall only register a fishing vessel</li> </ol>  |

after the vessel 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 (2). In addition, the Director General shall verify that the following requirements and conditions are met:

- a) Complete and accurate information on the fishing vessel has been received in accordance with the requirements established under the prescribed form;
  - b) Valid Insurance certificate;
  - c) Adequate number of life jackets on board;
  - d) The fishing vessel is not listed in the IUU vessel list of any Regional Fisheries Management Organization (RFMOs);
  - e) The fishing vessel or the operator do not have any pending case with any prior flag State;
  - f) The fishing vessel is not registered in another State; and,
  - g) Any other requirement as may be stipulated in the regulations formulated under this section.
4. The registration of an imported fishing vessel shall be subject to prior approval from the Technical Committee for Registration of Imported Fishing Vessels, in accordance with the procedure laid down in section (12).
  5. Upon receipt of an application under subsection (2), the Director General may call upon the applicant to furnish additional documents or information to prove ownership of the fishing vessel.
  6. The person whose name appears in the register of fishing vessels shall be deemed to be the owner of such vessel.
  7. 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.
  8. After the registration of a fishing vessel the Director General shall issue a certificate of registration in the prescribed form to the applicant thereof.
  9. The Registration of the certificate is valid until it suspended, cancelled or deregistered.
  10. For locally built new vessels, upon the receipt of an application for registration initially, a provisional certificate of registration shall

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|   | <p>be issued until the certificate of registration is issued.</p> <p>11. The owner or operator who contravenes the provisions of subsection (1) commits an offence and upon conviction shall be liable to a level of fine set out in the Schedule III.</p> <p>12. 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 Imported Fishing Vessels</b></p> <p><b>Section 12</b></p> | <ol style="list-style-type: none"> <li>1. There shall be a Technical Committee established by the Secretary to the Ministry of Fisheries in the event of importation fishing vessels for Fishing Operations.</li> <li>2. The Technical Committee shall consist of representatives of the following agencies: <ol style="list-style-type: none"> <li>a) The Ministry of Fisheries ;</li> <li>b) Department of Fisheries and Aquatic Resources ;</li> <li>c) The Board of Investments ;</li> <li>d) The Department of Commerce;</li> <li>e) The Department of Immigration and Emigration ;</li> <li>f) The Department of Customs; and</li> <li>g) The Department of Import and Export Control.</li> </ol> </li> <li>3. Prior to the registration of an imported fishing vessel under Section 11, 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).</li> <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 forwarded 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. Notwithstanding, the provisions of subsection (4) (a), (b), (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:</li> </ol> |

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|  | <p>a) The fishing vessel to be imported shall be not included in an illegal, unreported and unregulated (IUU) fishing vessel list of any Regional Fisheries Management Organization and;</p> <p>b) The exporting country of a fishing vessel operated for catching the species regulated by Regional Fisheries Management Organizations, shall be a party to that organization.</p> <p>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, solely for the purpose of importing the fishing vessel during the importation voyage and subject to the applicable regulations of Department of Customs, Department of Immigration and Ministry of Defense.</p> |
| <p><b>General obligation to carry the certificate of registration onboard</b></p> <p><b>Section 13</b></p> | <p>1. The owner, master or operator of a fishing vessel shall ensure that the original or a certified copy of the certificate of registration shall be carried on board the vessel at all times and produces such license for inspection when required to do so by a duly authorized officer in accordance with section 117.</p> <p>2. Any owner, master or operator who contravenes subsection (1) shall be guilty of an offence, and upon conviction shall be liable to a level of fine of the Schedule III.</p>  |
| <p><b>Marking and identification of fishing vessels</b></p> <p><b>Section 14</b></p>                       | <p>1. The owner, master 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 and roof of the wheel house of the vessel in accordance with the applicable regulations.</p> <p>2. The owner, master or operator who contravenes subsection (1) commits a serious offence, and the Director General shall suspend the license for such time as he/she deems appropriate and upon conviction shall be liable to a level of fine of the Schedule III or a term of imprisonment of a maximum of one (1) year, or both.</p> <p>3. The Minister may make regulations to lay down conditions for the marking of fishing vessels within the scope of this Act.</p>               |
| <p><b>Payment of Fees to the Provincial Fund</b></p> <p><b>Section 15</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 (11) and (12), owned by persons residing in that province, as prescribed in the applicable regulations.</p>   |
| <p><b>Transmission of Information to the</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 (11) and</p>  |



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| <p><b>Province</b></p>   | <p>(12), of the respective provincial Ministry in charge of Fisheries</p>  |
| <p><b>Section 16</b></p>   |  |
| <p><b>Changes of information in the Register</b></p> <p><b>Section 17</b></p>                            | <ol style="list-style-type: none"> <li>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 time frame and using the prescribed form. In particular, the following information shall be transmitted: <ol style="list-style-type: none"> <li>(a) Any transfer of ownership or possession of a registered fishing vessel shall be reported within twenty-one (21) days of such change; and,</li> <li>(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.</li> </ol> </li> <br/> <li>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 using the prescribed form.</li> <br/> <li>3. The Director General shall, upon verification of the new information provided under subsection (1) and (2), and the payment of the prescribed fee, register the new information in the register to be maintained by Department of Fisheries and Aquatic Resources under section 11.</li> <br/> <li>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 133 shall apply <i>mutatis mutandis</i>.</li> </ol> |
| <p><b>Suspension or Cancellation of the Registration of Fishing Vessels</b></p> <p><b>Section 18</b></p> | <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a) No longer to be used for fishing or fishing related activities;</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> </ol> </li> <br/> <li>2. The Director General shall cancel the registration of the fishing vessel under subsection (1), after satisfying himself/herself on the fact that: <ol 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> </ol> </li> </ol>   |

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|  | <ol style="list-style-type: none"> <li>3. The Director General may proceed to cancel the registration of a fishing vessel where such fishing vessel: <ol 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 for three (3) years;</li> <li>c) Is to be found registered in another country;</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; and,</li> <li>f) The Director General may decide to cancel registration of the fishing vessel when the fishing license is cancelled.</li> </ol> </li> <br/> <li>4. The Director General shall notify the owner in writing the effective date of suspension or cancellation under subsection (1),(2) and (3) respectively and shall issue the certificate of suspension or cancellation to that effect.</li> <br/> <li>5. The Director General may proceed to suspend or cancel the registration of a fishing vessel where: <ol style="list-style-type: none"> <li>a) It is established that a registration certificate has been issued on the basis of false, misleading or inaccurate information provided by the applicant; or,</li> <li>b) the owner or operator has not reported changes of the original structure, engine and equipment without prior approval.</li> </ol> </li> </ol> |
| <p><b>Deregistration of Fishing Vessels</b></p> <p><b>Section 19</b></p> | <ol style="list-style-type: none"> <li>1. Before the Director General deregisters a fishing vessel from the register, he or she shall verify that the fishing vessel does not have any pending sanctions for illegal, unreported, or unregulated fishing.</li> <br/> <li>2. The Director General after satisfying himself or herself on the verification of the information in subsection (1), shall deregister the fishing vessel from the register referred under section (11) where the following condition are met: <ol style="list-style-type: none"> <li>a) The vessel monitoring system (VMS) or any other monitoring devices is disconnected from the vessel, and where the device is state property, it shall be rendered to an authorized officer;</li> <li>b) The automatic identification system (AIS) and any other electronic device configured to the country code of Sri Lanka shall be deactivated; and,</li> <li>c) The engraved or permanently marked vessel registration number shall be completely removed from the vessel in the presence of an authorized officer.</li> </ol> </li> <br/> <li>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.</li> </ol>  |

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| <p><b>Registration of Instruments of Mortgage</b></p> <p><b>Section 20</b></p>          | <ol style="list-style-type: none"> <li>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.</li> <li>2. Upon receipt of the information referred to 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 (11).</li> </ol>                                 |
| <p><b>Priority of Instruments of Mortgage</b></p> <p><b>Section 21</b></p>              | <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>   |
| <p><b>Registered Mortgage of Fishing Vessel to Subsist</b></p> <p><b>Section 22</b></p> | <p>Notwithstanding anything in any other law, where an instrument of mortgage of a fishing vessel is registered any sale or other disposition of the fishing vessel by or against the mortgage or 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 favor such disposition is affected.</p>                                    |
| <p><b>Entry of Discharge of Mortgage</b></p> <p><b>Section 23</b></p>                   | <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>   |
| <p><b>Mortgage Not Effected by Bankruptcy</b></p> <p><b>Section 24</b></p>              | <p>A registered mortgage of a fishing vessel shall not be effected by any act of bankruptcy committed by the mortgage or after the date of registration of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the fishing vessel in his posse 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> |
| <p><b>Transfer of Mortgages and Registration</b></p> <p><b>Section 25</b></p>           | <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</li> </ol>  |

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|   | <p>fishing vessels.</p> <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 in Mortgage on Bankruptcy</b></p> <p><b>Section 26</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 (25), 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 (25), shall enjoy the same priority as was enjoyed by such mortgagee.</p> |
| <p><b>Publicity</b></p> <p><b>Section 27</b></p>  | <p>The information in the register of fishing vessels under section 10 and the information of the register of fishers under section 31 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 163 and 164.</p>  |
| <p><b>Searches and Copies</b></p> <p><b>Section 28</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 29</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</p>  |

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|  | with section 154.  |
| <b>Other Written Law Not to Apply</b><br><br><b>Section 30</b>   | 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.  |
|  | <b>CHAPTER 2 – Registration of Fishers and Person engaged in Fishing Related Activities</b>  |
| <b>Registration of Fishers and Person who engage in Fishing Related Activities</b><br><br><b>Section 31</b>  | <ol style="list-style-type: none"> <li>1. The Director General shall cause to be maintained a Register of Fishers and persons engaged in fishing related activities shall issue an identity card as prescribed to each such person.</li> <li>2. Any person intending to engage in fishing or fishing related activities shall apply to the Director General for registration as prescribed in the applicable regulations.</li> <li>3. Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>4. The Minister may make regulations in respect of the conditions and application procedure to obtain a Fisheries identity card under subsection (2), and the procedure to be followed in the preparation and revision of the Register of Fishers and person who engaged in Fishing related activities referred to in subsection (1).</li> </ol> |
|  | <b>CHAPTER 3- Registration of Boat yards, Manufacturers and importers of Fishing Gears, navigational equipment, and fishery related accessories</b>  |
| <b>Registration of boat yards ,Manufacturers and importers of Fishing Gears, navigational equipment, and fishery related accessories.</b><br><br><b>Section 32</b> | <ol style="list-style-type: none"> <li>1. No person shall be engaged in constructions of fishing boats in boat yards, Manufacturing and Importing of Fishing gears, navigational equipment, fishery related accessories without been registered in accordance with the prescribed procedure and form.</li> <li>2. The Director General shall maintain a register of Manufacturers and importers of Fishing gears, navigational equipment, fishery related accessories, as prescribed.</li> <li>3. Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol>  |
|  | <b>CHAPTER 4 – Appeals</b>   |
| <b>Appeals</b><br><br><b>Section 33</b>  | <ol style="list-style-type: none"> <li>1. Where an application for the registration of a fishing vessel is refused under section 11, suspended or cancelled under section 18, the applicant or licensee aggrieved by such decision may appeal to the Secretary under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him or her.</li> </ol>   |

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|  | <ol style="list-style-type: none"> <li>2. Where the application for registration as fisher is refused under section 31, the applicant or licensee aggrieved by such decision may appeal to the Secretary under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him or her.</li> <li>3. Where an application for the registration as manufacturers and importers is refused under section 32, the applicant or licensee aggrieved by such decision may appeal to the Secretary under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him or her.</li> <li>4. The Secretary shall, in considering an appeal under subsections (1) to (3), notify the appellant of the decision, in writing, together with the reasons thereof, within thirty (30) days of receiving such appeal by the applicant or licensee.</li> <li>5. Any person aggrieved by the decision of the secretary may prefer a legal relief to the Court of appeal within Thirty (30) days from the date of communication of such decision.</li> </ol> |
|  | <b>PART III - LICENSING</b>  |
|  | <b>CHAPTER 1 – Licenses for Fishing Vessels</b>  |
| <b>Licensing of Fishing Operations</b><br><br><b>Section 34</b>                              | <ol style="list-style-type: none"> <li>1. 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 of and in accordance with the terms and conditions of a fishing license granted under this Part.</li> <li>2. 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 to conduct fishing operations under this Part.</li> </ol>   |
| <b>General Principles of Issuance of Fishing operation Licenses</b><br><br><b>Section 35</b> | <ol style="list-style-type: none"> <li>1. The number of fishing licenses to be issued under section 40 to conduct fishing operations in Sri Lankan waters shall be based on scientific evidence of fisheries resources and their sustainable utilization in accordance with the objective laid down in section 3(b).</li> <li>2. On the request made by Director General For the purpose of the subsection (1), the National Aquatic Resource Research and Development Agency (NARA) or any other authorized</li> </ol>  |

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|  | <p>agency in consultation with NARA shall submit a report to the Director General on the state of fisheries resources in Sri Lanka.</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).</p> <p>4. Director General shall prepare a National Fisheries Management and Development Plan and National Fleet Development Plan after the enactment of this Act, and utilize such plans in deciding a total number of fishing licenses to be issued annually to conduct fishing operations in Sri Lanka Waters.</p>  |
| <p><b>Duration of the Fishing Operation License</b></p> <p><b>Section 36</b></p>                   | <p>1. 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 Operation Licenses</b></p> <p><b>Section 37</b></p>                      | <p>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:</p> <p>2. Where a fishing license is transferred under subsection (1), the:</p> <p style="margin-left: 40px;">a) License to conduct fishing operations in Sri Lanka waters under section 40, shall be endorsed upon such license.</p> <p style="margin-left: 40px;">b) Fishing licenses to conduct fishing operations in areas beyond national jurisdiction under sections 42 and 43 shall be endorsed upon such license.</p> <p>3. In the event of a transfer under subsection (2), the registration of the fishing vessel shall be transferred in the transferee's name.</p> <p>4. No person whose license has been cancelled under section 45 shall be entitled to have a license transferred in his other name.</p> <p>5. Any person who contravenes the foregoing provisions of this section shall be guilty an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> |
| <p><b>Fishing by Foreign Vessels in Sri Lanka Water is prohibited</b></p> <p><b>Section 38</b></p> | <p>1. Fishing by foreign fishing vessels in Sri Lankan waters is prohibited.</p> <p>2. The master, owner, operator and charterer, any person on-</p>   |

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|   | <p>board or any person suspected to have been on board of a such foreign 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.</p> <ol style="list-style-type: none"> <li>3. Where in any prosecution is 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.</li> <li>4. Master, owner and charterer, any person on-board or any person suspected to have been on board who contravenes the provisions of this section, shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III and any vessel, fishing gear, equipment, stores and cargo and any fish or aquatic plant found on board such boat forfeiture provisions under Sections 151 and 152.</li> </ol> |
| <p><b>Licensing Authority</b></p> <p><b>Section 39</b></p>  | <ol style="list-style-type: none"> <li>1. The Director General shall have authority to issue or renew fishing licenses to conduct fishing operations in Sri Lankan waters, in the high seas in terms of the provisions of this Act.</li> <li>2. The Director General shall have the authority to make recommendations for fishing vessels registered in Sri Lanka to conduct fishing operations in waters of another country.</li> <li>3. The Director General may in writing delegate the powers of issuing licenses to licensing officer appointed under this Section and for this purpose there may be appointed one or more licensing officers for each administrative districts.</li> <li>4. No officer below the rank of Fisheries Inspector shall be appointed to be a licensing officer.</li> </ol>   |
| <p><b>Application for a Fishing License to Conduct Fishing Operations in Sri Lankan waters</b></p> <p><b>Section 40</b></p> | <ol style="list-style-type: none"> <li>1. The owner, operator or charterer 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.</li> <li>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</li> </ol>   |



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3. Upon receipt of an application for a fishing license, the licensing officer or the Director General , as the case may be, shall grant a fishing license once the vessel has been examined by an authorized officer and the following conditions are met:
  - a) Complete and accurate information on the vessel and the owner, operator or charterer has been received in accordance with the requirements specified in the prescribed form;
  - b) The fishing vessel, the owner, operator or charterer are not subject to any pending sanctions for having contravened the provisions of this Act;
  - c) The fishing vessel has a registration number and duly engraved external markings;
  - d) The fishing gear is properly marked in accordance with prescribed conditions;
  - e) Navigational and safety equipment is properly installed on board in accordance with prescribed conditions;
  - f) Communication equipment is duly installed enabling the authorized officers to communicate with the vessel.
4. Notwithstanding subsection (3), the issuance of licenses by the licensing officer or Director General to migrant fishers, shall be subjected to the consent by the recommendations of the fisheries officer. However, the Director General or his authorized licensing officer should obtain the consent of the fisheries committee once such committees are established under Section 72 of this Act.
5. The requirements for consent in subsection (4) shall not apply to Traditional Migrant Fishers.
6. Where the licensing officer or the Director General, as the case maybe, 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.
7. Where the application for a fishing license in accordance with subsection (3) is approved, the licensing officer or the Director General , 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:
  - a) Registration number of the vessel for which the fishing license is issued;
  - b) The fishing gear and methods permitted under the license;
  - c) Fishing operation area;

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|  | <ul style="list-style-type: none"> <li>d) Designated landing sites;</li> <li>e) Fishing season(s), where applicable;</li> <li>f) Fishing operation time(s), where applicable;</li> <li>g) Fishing species targeted to be caught as permitted under the fishing operation license; and,</li> <li>h) Any other conditions as may be imposed by the Director General.</li> </ul> <p>8. Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>Renewal of a Fishing License to Conduct Fishing Operations in Sri Lankan waters</b></p> <p><b>Section 41</b></p> | <ol style="list-style-type: none"> <li>1. The owner, operator or charterer 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>2. If there is no licensing officer appointed for the administrative District in which the fishing operation is authorized by the license, the application for renewal shall be made to the Director General.</li> <li>3. The licensing officer or the Director General , as the case may be, shall within fourteen (14) days from the date of the receipt of the application under subsection 1 renew the fishing license if he or she is satisfied that: <ul style="list-style-type: none"> <li>a) The fishing vessel, and the owner, operator or charterer 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 will not undermine the effectiveness of the conservation and management 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.</li> </ul> </li> <li>4. The Director General or the licensing officer, as the case may be, shall communicate the decision of any non-renewal of the fishing license to the owner, operator or charterer 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.</li> </ol> |
| <p><b>Application for a Fishing License to</b></p>   | <ol style="list-style-type: none"> <li>1. The owner, operator or charterer 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</li> </ol>   |

**Conduct  
Fishing  
Operations in  
the High Seas**

**Section 42**

accompanied by the prescribed fee and an affidavit.

2. An affidavit shall state that the applicant has not been issued a valid fishing license to conduct fishing operations on the high seas by another State.
3. Upon receipt of an application under subsection (1), the Director General , shall grant a fishing license once the vessel has been examined by an authorized officer and the following conditions are met:
  - a) Complete and accurate information on the vessel and the owner, operator or charterer has been received in accordance with the requirements specified in the established prescribed form;
  - b) The fishing vessel, the owner, operator or charterer are not subject to any pending sanctions for having contravened the provisions of this Act;
  - c) The fishing vessel has a registration number and duly engraved external markings;
  - d) The fishing gear is properly marked in accordance with prescribed conditions, allowing the identification of the owner;
  - e) Navigational, communications and safety equipment are properly installed on board in accordance with prescribed conditions;
  - f) The fishing vessel is in compliance with implementing regulations under this Act on the construction of fishing vessels;
  - g) The fishing vessel is equipped with vessel monitoring system, and
  - h) any other specific condition as may be 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 contractual party.
4. Where the Director General , as the case may be, refuse the application for a fishing license under subsection (3), the reasons for such refusal shall be communicated in writing to the applicant.
5. The decision of such refusal shall be deemed to have been communicated two weeks after the date of dispatch of such decision by registered post to the address provided in the application or by any other electronic means.
6. 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 and shall contain the following conditions:
  - a) Registration number of the vessel for which the fishing operation license is issued;

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|   | <ul style="list-style-type: none"> <li>b) Fishing operation period;</li> <li>c) The fishing gear and methods permitted under the license;</li> <li>d) Fishing area;</li> <li>e) Authorized landing sites;</li> <li>f) Fishing species permitted to be caught under the license;</li> <li>g) Whether any GPS device and Echo sounder are carried on board; and,</li> <li>h) Any other condition as the Director General may determine.</li> </ul> <p>7. Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>  |
| <p><b>Application for a Fishing License to Conduct Fishing Operations in the Waters of Another country</b></p> <p><b>Section 43</b></p> | <ul style="list-style-type: none"> <li>1. The owner, operator or charterer of a fishing vessel intending to conduct fishing operations in the waters of another country, shall first apply to the Director General for a license using the prescribed form and accompanied by the prescribed fee. Once the vessel has been examined by an authorized officer and the conditions set out in section 42 are met, a fishing operation license may be issued by the recommendations of the Director-General.</li> <li>2. Upon receipt of the fishing operation license referred to in subsection (1), the owner, operator or charterer of the fishing vessel intending to conduct fishing operations in the waters of another country, may apply to the coastal country for a fishing operation license in accordance with the procedures of that coastal country, and the terms and condition of any fishery agreement or any other arrangement as referred to in Section (64).</li> <li>3. Where the Director General decides to refuse the application for the fishing operation 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 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.</li> <li>4. Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ul> |
| <p><b>Renewal of a fishing vessel license to</b></p>  | <ul style="list-style-type: none"> <li>1. The owner, operator or charterer of a vessel intending to continue fishing operations on the high seas or in the waters of another country, may apply for the renewal of the fishing</li> </ul>  |

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| <p><b>conduct fishing operations in the high seas or in the waters of another country</b></p> <p><b>Section 44</b></p> | <p>operation license to the Director General. The application for the renewal shall be initiated forty-five (45) days before the expiration of the fishing operation license, in accordance with the procedure laid down in this section.</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 operation license if he or she is satisfied that: <ol style="list-style-type: none"> <li>a) The fishing vessel, the owner, operator or charterer are not subject to any pending sanctions for having contravened the terms and conditions of the fishing operation license;</li> <li>b) The licensee has paid the prescribed fee for renewal of the fishing operation 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 operation license, a new fishing operation 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 operation 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 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>Suspension or Cancellation of the Fishing Operation License</b></p> <p><b>Section 45</b></p>                     | <ol style="list-style-type: none"> <li>1. The Director General or the licensing officer, as the case may be, shall cancel the fishing operation license referred to in section (40), and the Director General shall cancel the fishing operation license referred to in sections 42 and 43 in the following circumstances: <ol style="list-style-type: none"> <li>a) The registration of the fishing vessel is suspended or cancelled under section (18);</li> <li>b) The fishing vessel to which the operation license applies has ceased to be a Sri Lankan fishing vessel,</li> <li>c) Where relevant evidence indicates that the fishing vessel, the owner, operator or charterer have conducted unauthorized fishing in the waters of another country or on the high seas, or;</li> <li>d) The fishing vessel, the owner, operator or charterer have been sanctioned for an offence requiring the cancellation of the fishing operation license.</li> </ol> </li> <li>2. The Director General or the licensing officer, as the case may be, shall suspend the fishing operation license referred to in section 40, and the Director General shall suspend the fishing operation license referred to in sections 42 and 43 after satisfying himself or herself on the fact that: <ol style="list-style-type: none"> <li>a) The fishing vessel, the owner, operator or charterer</li> </ol> </li> </ol>   |

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|   | <p>have contravened the terms and conditions of the fishing operation license,</p> <p>b) The operation license has been issued on the basis of false, misleading or inaccurate information provided by the applicant, or;</p> <p>c) Where the fishing vessel, the owner, operator or charterer have been sanctioned for an offence requiring the suspension of the fishing operation license of the fishing vessel.</p> <p>3. The suspension or cancellation of the fishing operation license under subsections (1) or (2) shall be communicated to the owner or operator by registered post, or any other electronic means.</p> <p>4. The reasons for that decision shall be deemed to have been communicated in writing within 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>Transmission of Information with the Provinces</b></p> <p><b>Section 46</b></p> | <p>The Director General 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 relevant Province to the Secretary of the Provincial Ministry of Fisheries.</p>  |
|   | <p><b>CHAPTER 2 – Obligations for Holders of Licenses for Fishing Vessels</b></p>   |
| <p><b>Compliance with the Act</b></p> <p><b>Section 47</b></p>                        | <p>1. No person shall engage in any activity specified in this Act, or use a Sri Lankan fishing vessel or other vessel, except in accordance with this Act and such applicable access or other agreement as may be required.</p> <p>2. No Sri Lankan nationals shall support or engage in any fishing activity including as owner, master, operator, charterer or crew member of a fishing vessel in contravention of the provisions of this Act.</p> <p>3. Without prejudice to the primary responsibility of flag states, the Director General shall endeavor to cooperate with other countries engaging Sri Lankan nationals referred to in subsection (2), as to identify nationals supporting and or engaging in Illegal Unreported Unregulated fishing and to take appropriate measures against those nationals.</p>  |
| <p><b>Obligations on Fishing Licenses</b></p> <p><b>Section 48</b></p>                | <p>1. The owner, master, operator or charterer of a Sri Lankan fishing vessel shall ensure that the fishing vessel is not engaged in fishing operations in Sri Lankan waters or in areas beyond national jurisdiction, except under the authority of a</p>  |

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|   | <p>valid and applicable fishing license as required under this Act, and fishing operations are conducted in accordance with the terms and conditions of such a fishing license granted under the procedures specified in this Part.</p> <p>2. Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>License to be carried on board</b></p> <p><b>Section 49</b></p> | <p>1. The master of a Sri Lankan fishing vessel shall ensure that the original or a certified copy of a license issued under this Act is carried on board at all times and produces such license for inspection when so required by an authorized officer.</p> <p>2. Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>  |
| <p><b>Departure and Arrival</b></p> <p><b>Section 50</b></p>          | <p>1. Departure and arrival of an Inboard fishing vessel should be at a designated fishing port or anchorage.</p> <p>2. The owner, master, operator or charterer of an inboard fishing vessel shall, prior to departure or on arrival at a designated fishing port or anchorage, obtain approval for such departure or arrival from an authorized officer.</p> <p>3. The master and crew members of a fishing vessel shall confirm their identity to the authorized officer before departure or on arrival.</p> <p>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.</p> <p>5. The master, operator or crew member who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> |
| <p><b>Record of Fisheries Data</b></p> <p><b>Section 51</b></p>       | <p>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 license, for each fishing trip.</p> <p>2. The master or operator shall produce the logbook for inspection by any authorized officer, if so required.</p> <p>3. The master or operator who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall</p>   |

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|  | be liable to a level of fine set out in the Schedule III.   |
| <b>Fish Landing and Reporting</b><br><br><b>Section 52</b> | <ol style="list-style-type: none"> <li>1. The master or operator of a fishing vessel shall land fish taken by his or her fishing vessel only at the port, anchorage or landing site designated in the fishing license, and in accordance with the conditions stipulated under section 112.</li> <li>2. On reaching a port or anchorage, the master or operator shall submit such information to an authorized officer as required.</li> <li>3. The master or operator who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol>  |
| <b>Marking of Fishing Gears</b><br><br><b>Section 53</b>   | <ol style="list-style-type: none"> <li>1. The owner or operator of a multiday fishing vessel shall mark all fishing gears on board the vessel in accordance with prescribed regulations.</li> <li>2. The owner or operator of a fishing vessel contravening the regulations on the marking of fishing gears shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>3. The Minister may make regulations to implement conditions in relation to the marking of fishing gears.</li> </ol>  |
| <b>On-board Observers</b><br><br><b>Section 54</b>         | <ol style="list-style-type: none"> <li>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 114, allow and assist such observer or other person appointed in accordance with section 117 to: <ol 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.</li> </ol> </li> <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 or any implementing regulations thereof.</li> </ol> |



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|   | <p>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) and (2) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> <p>5. Any observer on board any vessel in accordance with this Act who does not comply with subsection (3) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>  |
| <p><b>Observers cost</b></p> <p><b>Section 55</b></p>   | <p>1. The costs of operating an observer programme pursuant to this Act shall be recovered from the owner or operator of any vessel licensed under this Act at such level and in such manner as the Director General may require as prescribed regulations.</p> <p>2. 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 license shall be suspended or cancelled.</p>  |
| <p><b>CHAPTER 3 – Licenses for Fishers Fishing Without Vessel</b></p>   |  |
| <p><b>Licenses for Fishers Fishing Without Vessel</b></p> <p><b>Section 56</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. Fishers for subsistence fishery are excluded from subsection (1).</p> <p>3. Any person contravening subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>Licenses for Fishers to engage in fishing operations in a foreign vessel</b></p> <p><b>Section 57</b></p> | <p>1. Any citizen of Sri Lanka intending to serve on a foreign fishing vessel and registered under section 31 of this Act, shall apply for a license in the prescribed form to the Director General.</p> <p>2. The Director General shall not issue a license under subsection (1) where the person has been convicted or has pending sanctions for being involved in fishing activities in contravention of this Act or any regulation thereof.</p> <p>3. Any Sri Lankan citizen serving on a foreign fishing vessel in contravention of subsection (1) shall be guilty of an offence, and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> |

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|  | <b>CHAPTER 4 – Licenses for Masters</b>  |
| <b>Licenses for Masters</b><br><br><b>Section 58</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) Sri Lankan waters; or,</li> <li>b) the high seas; or,</li> <li>c) 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 suspend, cancel or 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);</li> <li>b) Having violated the conditions provided for the fishing license issued for fishing operations under his or her command; 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, shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol> |
|  | <b>CHAPTER 5 – Recreational Fisheries</b>  |
| <b>Recreational Fisheries</b><br><br><b>Section 59</b> | <ol style="list-style-type: none"> <li>1. Any person engaged in recreational fisheries 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 operations shall not sell or offer for sale any part or whole of the fish or aquatic resources so caught.</li> <li>4. Where recreational fishing is authorized for species under management plans, the conditions for fishing shall be</li> </ol>   |

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|   | <p>established under such plans.</p> <p>5. Any person who contravenes the provisions of subsection shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> <p>6. The Minister may make regulations to determine the conditions, procedure and application form for the license referred to in subsection (1), based on the recommendation of National Aquatic Resources Research Agency (NARA) or any other recognized research institution.</p>  |
|   | <b>CHAPTER 6 – Register of Licenses</b>  |
| <p><b>Register of Licenses</b></p> <p><b>Section 60</b></p> | <p>1. The Director General shall cause to be maintained an electronic register of fishing licenses and recommendation in writing for Sri Lankan vessels to conduct fishing activities in:</p> <ol style="list-style-type: none"> <li>a) Sri Lankan waters in accordance with section 40;</li> <li>b) the high seas under section 42, and</li> <li>c) the waters of another country under section 43.</li> </ol> <p>2. The Director General may cause to be maintained a register of licenses for:</p> <ol style="list-style-type: none"> <li>a) Manufacturing and importing fishing gears, navigational equipment and fishery related accessories under section 32;</li> <li>b) Fishers, as referred to in sections 56 and 57;</li> <li>c) Masters under section 58;</li> <li>d) Recreational fisheries as provided in section 59;</li> <li>e) Fishing for scientific research and data collection under sections 90 and 92;</li> <li>f) Scientific research by a foreign research organization or another country under section 91;</li> <li>g) Processing fish, export, import or re-export of fish and fishery products under section 100;</li> <li>h) Transshipment at sea of fish or fishery products under section 111;</li> <li>i) Landing of fish or fishery products under section 112;</li> </ol> <p>and,</p> <ol style="list-style-type: none"> <li>j) Any other activity or activities as may be prescribed.</li> </ol> <p>3. A certified copy of or extract from any register maintained under this section shall be <i>prima facie</i> evidence of the contents of such register and shall be admissible for all purposes, and in all proceedings, civil or criminal instituted under this Act without proof of the signature or appointment of the Director General .</p> |
|   | <b>CHAPTER 7 – Appeals</b>   |
| <b>Appeals</b>  | <p>1. Where an application for a fishing license is refused under</p>  |

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| <p><b>Section 61</b></p>   | <p>sections (40), (42) or (43), non-renewed under section (41) or (44), cancelled or suspended under section (45), the applicant or licensee aggrieved by such decision may appeal to the Secretary under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him or her.</p> <ol style="list-style-type: none"> <li>2. Where an application for a license under sections (56),(57),(58) and (59) is refused, the applicant or licensee aggrieved by such decision may appeal to the Secretary under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him or her.</li> <li>3. The Secretary shall, in considering an appeal under subsections (1) and (2), notify the appellant of the decision in writing, which shall be final, together with the reasons thereof, within thirty (30) days of receiving notification of the appeal by the applicant or licensee.</li> <li>4. Any person aggrieved by the decision of the secretary may prefer an appeal to the Court of appeal within Thirty (30) days from the date of communication of such decision, on question of Law.</li> </ol>             |
|  | <p><b>PART IV - FISHING OPERATIONS IN AREAS BEYOND NATIONAL JURISDICTION</b></p>  |
| <p><b>Non-Regulated Fish Species in the High Seas</b></p> <p><b>Section 62</b></p> | <ol style="list-style-type: none"> <li>1. Fishing vessels shall only be authorized to conduct fishing operations for non-regulated species by a Regional Fisheries Management Organization (RFMO) in the high seas, where such fishing operations are part of a scientific programme for data collection for exploratory fisheries in accordance with section 92 of this Act.</li> <li>2. The owner or operator planning to conduct fishing operations for exploratory fisheries as referred to in subsection (1), shall submit the application for a fishing license under section 42.</li> <li>3. Upon receipt of the application, the Director General shall transmit the details of the fishing vessel and planned fishing activities to National Aquatic Resources Research and Development Agency (NARA) for inclusion of the fishing vessel in the program for data collection for exploratory fisheries.</li> <li>4. If the Director General decides to issue a fishing license as referred to in subsection (2), he or 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.</li> </ol> |

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|   | <ol style="list-style-type: none"> <li>5. National Aquatic Resources Research and Development Agency (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 67.</li> <li>6. Any person engaged in fishing of non-regulated species on High Seas shall conduct such activity under the terms and conditions of a fishing license issued by the Director General .</li> <li>7. Any person who contravenes subsection (6) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol>   |
| <p><b>Species Regulated by Regional Fisheries Management Organization (RFMO)</b></p> <p><b>Section 63</b></p> | <ol style="list-style-type: none"> <li>1. Fishing vessels shall conduct fishing operations for species regulated by the Regional Fisheries Management Organization, where Sri Lanka is member of that organization, only under the authority of a fishing license issued in accordance with section 42.</li> <li>2. Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</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 member.</li> </ol>   |
| <p><b>Fishing in the Waters of another country with Access Agreement</b></p> <p><b>Section 64</b></p>         | <ol style="list-style-type: none"> <li>1. The master, operator, charterer, crew or any person onboard of a Sri Lankan fishing vessel shall be authorized to conduct fishing operations in the waters of another country where such operations are undertaken under the framework of a fisheries access agreement, or other kind of arrangement, between Sri Lanka and that another country, and under the authority of a fishing license issued in accordance with the procedure laid down in section 43.</li> <li>2. Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</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 countries with the access agreement to fishing in another country, related to fisheries access 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>   | <ol style="list-style-type: none"> <li>1. Sri Lankan nationals serving as crew members in Sri Lankan vessels are entitled to repatriation to be borne by the vessel</li> </ol>   |

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| <p><b>Section 65</b></p>  | <p>owner or operator in any circumstances, in the following situations:</p> <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 vessel owner, or by the crew member for justified reasons; or</li> <li>c) When the crew member is no longer able to carry out his or her duties under the employment agreement or cannot be expected to carry them out in specific circumstances, including cases where the vessel is arrested by another country.</li> </ol> <ol style="list-style-type: none"> <li>2. Vessel owners or operators shall not require crew members to make an advance payment towards the cost of repatriation at the beginning of their employment, and shall not recover 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 or her employment obligations.</li> <li>3. The Minister may make regulations to implement in the provisions of the International Labour Conventions on Fishing and other matters connected therewith.</li> </ol>   |
|   | <p><b>PART V - MANAGEMENT OF FISHERIES AND OTHER AQUATIC RESOURCES</b></p>  |
| <p><b>General Principles of Fisheries Management</b></p> <p><b>Section 66</b></p> | <ol style="list-style-type: none"> <li>1. Fisheries management and conservation measures adopted under this Part shall be based on the best available scientific evidence provided by National Aquatic Resources Research and Development Agency (NARA) or any other relevant scientific institute recognized by the Director General and other relevant scientific institutes where appropriate, to ensure longer-term sustainability of fisheries and aquatic resources and their optimum utilization.</li> <li>2. For the purpose of subsection (1), in exercising functions and duties under and in relation to this Part, all persons shall observe the objectives of section 3 (a),(b),(c),(d),(e),(f) (g) and (j).</li> <li>3. In the absence of adequate or sufficient scientific information, National Aquatic Resources Research and Development Agency (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 dependent species and the conservation of non-target species and their environment.</li> <li>4. For the purpose of subsection (3), in applying the precautionary approach to fisheries management, any institute referred to</li> </ol> |

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|   | <p>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 67</b></p> | <ol style="list-style-type: none"> <li>1. National Aquatic Resources Research and Development Agency (NARA) shall be consulted at regular intervals on matters pertaining to the management, regulation, conservation, development and sustainable use of fisheries and aquatic resources, including biological, economic, environmental, social and technical considerations.</li> <li>2. National Aquatic Resources Research and Development Agency (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 ,V and VI of this Act.</li> <li>3. The Director General and Minister shall take into account the advice from National Aquatic Resources Research and Development Agency (NARA) when developing and implementing fisheries management and conservation measures and regulations under this Act.</li> </ol> |
| <p><b>National Fisheries Policy</b></p> <p><b>Section 68</b></p>                                  | <ol style="list-style-type: none"> <li>1. A National Fisheries Policy that addresses management, regulation, conservation, development and sustainable use of fisheries and aquatic resources shall be developed and implemented and it shall be reviewed at least once every five years.</li> <li>2. The policy shall identify goals, taking into account the objectives of this Act enshrined in section 3, and relevant national policies.</li> <li>3. The Secretary shall be responsible for formulating the proposal for the National Fisheries Policy for the Minister’s consideration, taking into account of the Fisheries Advisory Council, and other stakeholders as may be appropriate.</li> <li>4. The Minister shall, upon endorsement, submit the National Fisheries Policy to the Cabinet of Ministers for approval.</li> </ol>   |
| <p><b>Types of Fisheries Management and Conservation Measures</b></p> <p><b>Section 69</b></p>    | <ol style="list-style-type: none"> <li>1. Measures for the sustainable exploitation of fisheries resources may include, <i>inter alia</i>, the following: <ol style="list-style-type: none"> <li>a) Fisheries management plans;</li> <li>b) Management of Fishing efforts;</li> <li>c) Management of fishing capacity of fishing fleets ;</li> <li>d) Regulation on the use and operation of fishing gears and methods;</li> <li>e) Prohibition of catching certain species; and</li> </ol> </li> </ol>  |

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|  | f) Spatial or temporal closures.  |
| <b>Management and Conservation Measures</b><br><br><b>Section 70</b> | <ol style="list-style-type: none"> <li>1. In exercising powers under and in relation to this Act the Director General shall determine the total allowable catch or total level of fishing effort for any fishery and adopt such other conservation and management measures as may be necessary to ensure the conservation and long-term sustainability of the resource.</li> <li>2. 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 in weight or number of each species.</li> <li>3. The Director General shall prepare a list of the total allowable catch or total capacity of fishing effort for any fishery referred to in subsection (1) that can be harvested within the year.</li> <li>4. Upon a recommendation from the Director General, the Minister shall by order published such list in the Gazette.</li> <li>5. For the purpose of developing and determining conservation and management measures under this sections, the Director General may establish transparent and accountable procedures in accordance with this Act, and shall take into account the relevant recommendations of the Fisheries Advisory Council, or the Fisheries Coordinating Committees where applicable, and shall follow such procedures as may be established in a Fishery Management Plan.</li> <li>6. The Minister may adopt conservation and management measures as part of one or more Fishery Management Plan(s) in accordance with section 75.</li> <li>7. Conservation and management measures referred to in subsections (1) and (2) shall take into account the 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.</li> </ol> |
|  | <b>CHAPTER 1 – Fisheries Co-management</b>  |
| <b>Designated Fisheries</b><br><br><b>Section 71</b>                 | <ol style="list-style-type: none"> <li>1. The Minister may, on the recommendation of the Director General based on the scientific report and in accordance with this Act designate any fishery or fisheries in Sri Lanka waters to be subject to a Specific Fishery Management Plan, and such designated fishery or fisheries shall be published in the Gazette.</li> <li>2. Fisheries designated under subsection (1) shall be managed in</li> </ol>   |



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|   | <p>line with a Specific Fishery Management Plan adopted under section 75.</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 Specific Fishery Management Plan.</p>   |
| <p><b>Fisheries Committees</b></p> <p><b>Section 72</b></p>       | <ol style="list-style-type: none"> <li>1. Fishers and Fishing related activities registered under section 31 may form themselves into a Fisheries Committee.</li> <li>2. 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 specific fisheries management area declared under section 73.</li> <li>3. Every Fisheries Committee shall transmit updated information of the register specified under subsection (2), to the Director General on a regular basis, and at least once a year.</li> <li>4. Elected members from the Fisheries Committee may participate in the Coordinating Committee meetings as provided in Schedule II.</li> <li>5. The Director General may, on the application of the Fisheries Committee, register such Committee in its assigned name and shall publish in the Gazette a notification of such registration.</li> <li>6. Every Fisheries Committee established under this Act by name assigned to it, shall upon registration under subsection (4), be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.</li> <li>7. The Director General may cancel the registration of any Fisheries Committee if he or she is satisfied that the Fisheries Committee has been inactive or has failed to conduct itself in the interests of its members.</li> <li>8. The Director General shall, where he or she cancels the registration of a Fisheries Committee, appoint a person to be liquidator of that Fisheries Committee who shall have the power to: <ol 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> </ol> </li> </ol> |
| <p><b>Fisheries Management Areas</b></p> <p><b>Section 73</b></p> | <ol style="list-style-type: none"> <li>1. Specific Fisheries Management Areas may be established in accordance with the section 71 for the purposes of co-management in accordance with a Specific Fisheries Management Plan.</li> <li>2. Application may be made to the Director General , by fishers or any relevant Fisheries Committee established accordance with section 72 and other stakeholders as appropriate, for the establishment of a Specific Fisheries Management Area.</li> </ol>   |

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|   | <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> <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> </ol> <p>4. Upon receipt of an application pursuant to subsection (3), the Director General shall ensure that the following conditions have been met:</p> <ol style="list-style-type: none"> <li>a) the requirements of subsection (3) are fulfilled;</li> <li>b) the declaration of a Specific 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 Specific Fisheries Management Area support or will take part in the proposed co- management; and</li> <li>d) Co- management arrangements, consistent with this Act, are identified and agreed.</li> </ol> <p>5. Where the Director General determines that the conditions in subsection (4) are met, he or she shall recommend the establishment of a Specific 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 Specific Fisheries Management Area, and such Order shall specify:</p> <ol style="list-style-type: none"> <li>a) the purpose(s) for which the area is declared a Specific Fisheries Management Area;</li> <li>b) requirements for the development and implementation of a Specific Fishery Management Plan in accordance with section 75; and the management arrangements and procedures, including co-management and decision making as appropriate.</li> </ol> |
| <p><b>District Fisheries Management Coordinating Committees</b></p> | <ol style="list-style-type: none"> <li>1. There shall be District Fisheries Management Coordinating Committee (the “Coordinating Committee”) for every Specific Fisheries Management Area.</li> <li>2. The Coordinating Committee shall, be constituted by the</li> </ol>   |

**Section 74**

permanent members and nine (9) *ad hoc* members in Schedule II as determined by the Minister.

3. The Coordinating Committee shall be the governing body of the Specific Fisheries Management Area. It shall be charged with submitting to the Director General a fisheries development and management plan in respect of the Specific Fisheries Management Area, within a period of one year from the date of publication of the Order establishing that Specific Fisheries Management Area. The procedure to follow for the adoption of Specific fisheries management plans is laid down in section 75.
4. The Coordinating Committee shall be constituted by the Director General in consultation with the Minister from among the persons specified in Schedule II to this Act, taking into consideration the matter to be determined by such Coordinating Committee.
5. The Director General shall appoint from among the officials referred to in Schedule II, Secretary or Convener of the Coordinating Committee. The Secretary or the Convener shall convene all meetings of the Coordinating Committee constituted for a Specific Fisheries Management Area.
6. The Coordinating Committee constituted for a Specific Fisheries Management Area shall meet at least once every month, or in the case of an emergency.
7. The Director General or his/her nominee shall preside over the meetings of the Coordinating Committee.
8. In the absence of the Director General the relevant District Secretary shall be the Chairman for that meeting.
9. 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 Specific 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 Specific Fisheries Management Area, to be members of the Coordinating Committee.
10. The functions of a District Fisheries Coordinating Committee may include:
  - a) Providing a forum for the discussion and resolution of issues relating to the management of relevant fisheries, including:

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|   | <ul style="list-style-type: none"> <li>i. Monitoring mechanisms;</li> <li>ii. Surveillance and enforcement priorities; and,</li> <li>iii. Research priorities in accordance with the objectives of fisheries resource management.</li> </ul> <ul style="list-style-type: none"> <li>b) Management arrangements for the fishery resources;</li> <li>c) Managing the collection of information and data relating to matters within the scope of this Act;</li> <li>d) Facilitating information sharing among stakeholders;</li> <li>e) Representing the members of the fisheries committee including other relevant government entities, established by the Director General or otherwise under this Act ;</li> </ul>  |
| <p><b>Specific Fisheries Management Plan</b></p> <p><b>Section 75</b></p> | <ol style="list-style-type: none"> <li>1. The Director General may cause to be drawn up a Specific 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 71.</li> <li>2. A Specific Fisheries Management Plan shall be consistent with the provisions of this Act, and contain the following elements: <ol style="list-style-type: none"> <li>a) identify the fishery and its characteristics, including: <ol style="list-style-type: none"> <li>i. the current status of the resource;</li> <li>ii. the current status of the fishery, including participants, fishing gear, fishing operations, other activities, and economic and social factors relating to the fishery;</li> <li>iii. the level of development of the fishery;</li> <li>iv. the ecosystem status and possible adverse environmental effects of fishing and other activities relating to the fishery;</li> <li>v. relevant institutional, legal and policy considerations; and</li> <li>vi. relevant regional and international obligations.</li> </ol> </li> <li>b) report on consultations with fishers, Fisheries Committees and other stakeholders;</li> <li>c) specify the management objectives and performance indicators for the fishery;</li> <li>d) specify management measures to be applied to the fishery;</li> <li>e) specify the process for review and revision of the Specific Fishery Management Plan;</li> <li>f) as appropriate make provision in relation to any other matter necessary for effective management, regulation, conservation and development sustainable use of the fishery.</li> </ol> </li> <li>3. A Specific Fisheries Management Plan may: <ol style="list-style-type: none"> <li>a) delegate management responsibility to any Fisheries Committee established under section 72;</li> <li>b) provide for subsidiary management plans adopted by any Fisheries Committee, which shall be valid to the extent they are consistent with the Specific Fishery Management Plan, as determined by the Director- General; and</li> </ol> </li> </ol> |

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|  | <p>c) Specify obligations and responsibilities for stakeholders in general.</p> <p>4. Each Specific Fisheries Management Plan and each revision of a such plan shall be submitted to the Minister for approval, and shall have force of law upon publication and notification in the Gazette.</p> <p>5. If the Minister does not publish the Specific Fisheries Management Plan, shall return such plan to the Director General for revision and resubmission, stating the reasons for non-publication.</p> <p>6. The Director General shall give due public notice of each Specific Fisheries Management Plan upon its notification in the Gazette.</p>  |
| <p><b>Protection of coastal fishing communities and fishing for subsistence</b></p> <p><b>Section 76</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.</p> <p>3. When developing the National Fisheries Policy, account should be taken of the special need for protection of the coastal fishing communities, fishing for subsistence and indigenous people, and the Secretary shall endeavor to promote the marketing of traditional fisheries products and the local consumption of such products.</p> <p>4. The Minister may make regulations determining certain areas and activities which shall be reserved and laying 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> |
|  | <p><b>CHAPTER 2 – Fishing Effort in proportion to the catch allocation</b></p>  |
| <p><b>Fishing Effort in proportion to the catch allocation</b></p> <p><b>Section 77</b></p>                  | <p>1. The Director General shall allocate catch proportional manner in based on scientific report annually, for a given fishery or group of fisheries, to fishing license holders based on transparent and objective criteria as may be prescribed by regulation.</p> <p>2. Fishing license holders may be, <i>inter alia</i>, individual fishers, Fishing vessels issued fishing licences, cooperatives and fisheries organizations or management authorities in Specific Fisheries Management Areas.</p>  |

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|   | <ol style="list-style-type: none"> <li>3. Fishing license holders shall not fish in excess of the fishing effort, species and quantity allocated to them pursuant to the fishing operation license.</li> <li>4. Any fishing license holders that catch fish or aquatic resources subject to effort, without effort, commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>5. Where a fishing license holder exceeds the efforts or catch quantity allocated to him or her, commits and offence any applicable penalty level specified to the Schedule III level of fines shall apply, taking into account the quantity of fish overfished.</li> <li>6. The Minister may make regulations laying down the criteria for allocating fishing effort, species and quantity of the catch, the conditions for transfers and exchanges of fishing effort amongst holders, margin or flexibility for overshooting efforts, and procedures for deductions and reallocations in cases of overfishing.</li> </ol>  |
| <p><b>Management of Fishing Capacity</b></p> <p><b>Section 78</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) Limiting the overall Length 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> |
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| <b>CHAPTER 3 –Regulation of Fishing Gears and Methods</b>                                   |  |
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| <p><b>Objectives of regulate fishing gears and methods</b></p> <p><b>Section 79</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> <li>c) Control importation of fishing gears, navigational equipment and fishery related accessories</li> </ol> </li> <br/> <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 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.</li> </ol>  |
| <p><b>Prohibitions on the Use of Fishing Gears and Methods</b></p> <p><b>Section 80</b></p> | <ol style="list-style-type: none"> <li>1. No owner, 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 does not conform to the standards required or prescribed pursuant to this Act.</li> <br/> <li>2. No owner, master or operator shall use for fishing any fishing gear or method which is prohibited under this Act.</li> <br/> <li>3. It shall be prohibited to catch marine resources using the following fishing gear or method:               <ol style="list-style-type: none"> <li>a) any chemical, poison or noxious substance or material, dynamite, water gel or explosive substance or device as referred to in section 83;</li> <li>b) Any spear gun or hand-held spear;</li> <li>c) Any push net;</li> <li>d) Any moxi net;</li> <li>e) Any gillnet net or trammel net on coral reefs or rocks; and,</li> <li>f) Any device use for harvesting corals or marine sponges.</li> <li>g) Any fishing gear or method which is not prescribed under this Act.</li> <li>h) Any thangus net</li> <li>i) Any fishing gear or method required to be prohibited by way of regulations made by the Minister under this Act.</li> </ol> </li> <br/> <li>4. No person shall use, possess, import, transport, purchase or sell <i>Thangus</i> Net.</li> </ol> |

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|  | <ol style="list-style-type: none"> <li>5. The provisions in this section shall apply to any person engaged in maintaining warehouses, transport and trade of fishing gears, navigation equipment and fishery related accessories.</li> <li>6. Except for navigation lights, and the required lights by prescribed the regulations 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> <li>7. Any person who contravenes the provisions of this section, commits an offence and upon conviction, shall be liable to a level of fine set out in the 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>   |
| <p><b>Diving Operations</b></p> <p><b>Section 81</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 or she shall cancel the said license with immediate effect.</li> <li>5. Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III</li> </ol> |
| <p><b>Regulation on the use of Seine nets, Gill nets and other types of prescribed nets</b></p> <p><b>Section 82</b></p> | <ol style="list-style-type: none"> <li>1. The master of a purse seine vessel carrying out fishing operations on the high seas shall not set the nets in areas frequently inhabited by marine mammals, whale sharks, Thresher shark, Ocean whitetip shark, fan tail Ray and Turtle when accidentally caught, such marine mammals and whale sharks, Thresher shark and Ocean whitetip shark, fan tail Ray and Turtle shall be promptly released back into the sea unharmed.</li> <li>2. All targeted fish (Bigeye tuna, skipjack tuna and yellow fin tuna) and non-targeted fish (other tuna fish species, rainbow runner, dolphin fish, marlin, sword fish, sail fish, king mackerel and giant sea pike) caught in the sea master of Purse Seine netting boats shall be brought up to the land onboard and unloaded such fish shall not be discarded into sea except being unfits for human consumption.</li> </ol>   |



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|   | <ol style="list-style-type: none"> <li>3. The Director General may determine the number of ring nets, specification of the nets and targeted species in Sri Lanka Waters or high seas other than tuna species based on National Aquatic Resources Research and Development Agency (NARA) Scientific report.</li> <li>4. 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>5. The Minister may make regulations to determine where 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>6. Any person who contravenes the provisions of this section, shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III shall apply and all fish or fishery products seized under this section shall be forfeited, and any vessel or vehicle used to catch or transport such fish or fishery products, nets may be forfeited, in addition to any other penalty that may be provided or prescribed under this Act.</li> </ol>  |
| <p><b>Prohibition to use poisonous or explosive substances to catch fish</b></p> <p><b>Section 83</b></p> | <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, water gel or explosive substance or device.</p> </li> <li>2. For the purposes of this section, any poisonous, explosive or stupefying substance (including dynamite and water gel) or other noxious or harmful material or substance found on board any fishing vessel shall be presumed to be intended for the use in contravention of 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 product has been taken in contravention of this section, fail or refuse to give, on request, to any authorized officer information regarding: <ol style="list-style-type: none"> <li>a) any activity described in subsection (1), or in support of, or</li> </ol> </li> </ol> |

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|   | <p>that contributes to such activity; or</p> <p>b) the source of 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 or her designee stating the cause of death or injury of any fish, issued in accordance with section 158, <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) shall be guilty of a serious offence and upon conviction, shall be liable to a level of fine set out in the Schedule III and all fish or fishery products seized under this section shall be forfeited, and any vessel or vehicle used to catch or 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></p> <p><b>Section 84</b></p> | <ol style="list-style-type: none"> <li>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.</li> <li>2. No person shall engage in or cause any other person to engage in fishing utilizing bottom trawl nets in Sri Lankan waters.</li> <li>3. No person shall use, possess, transport, purchase or sell any bottom trawl net for the purpose of carrying out fishing in Sri Lankan waters.</li> <li>4. No license shall be issued by the Director General under Part III of this Act for fishing operations carried out by bottom trawl nets in Sri Lankan waters.</li> <li>5. Notwithstanding 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 traditional soft 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: <ol style="list-style-type: none"> <li>a) It is undertaken by local vessels not more than 35 feet in length overall ;</li> <li>b) The area of operation shall be prescribed in regulations;</li> <li>c) Only the existing fishing license will be renewed and no new entries will be issued</li> </ol> </li> <li>6. The Minister may make regulations to determine the demarcation of trawl grounds only for traditionally engaged people for a limited time period and any other requirement for the operation of soft trawl gear and the conduct of trawl fisheries on the recommendations from National Aquatic Resources, Research and Development Agency (NARA).</li> <li>7. Any person who contravenes or fails to comply with the provisions of this section shall be guilty of a serious offence</li> </ol> |

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|  | and upon summary conviction, shall be liable to a level of fine set out in the Schedule III   |
|  | <b>PART VI - CONSERVATION MEASURES</b>  |
| <b>Control of Pollution in Marine Ecosystems</b><br><br><b>Section 85</b>              | <ol style="list-style-type: none"> <li>1. No person shall discharge any pollutant, waste or foreign matter directly or indirectly in Sri Lankan waters, resulting from fishing or fishing related activities in a manner causing threat to fish and aquatic resources.</li> <li>2. No person shall fill or reclaim areas in Sri Lanka waters in a manner causing destruction to fish and aquatic resources.</li> <li>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.</li> <li>4. No person shall engage in any activity which causes a threat to the conservation of fish species in Sri Lankan waters or coastal belt adjacent to it. However, the Director General without may issue a permit consisting of conditions required to be observed for any activity which does not have any harmful effect.</li> <li>5. Notwithstanding the provisions in any other written law, any person who contravenes the provision of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol>  |
| <b>Retrieval of Abandoned, Lost or discarded Fishing Gear</b><br><br><b>Section 86</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 item (f) of the section 3 of this Act.</li> <li>2. It shall be prohibited to discard fishing gear, moorings and other objects in the sea, and to abandoned fishing nets and devices in the sea or on the seabed.</li> <li>3. The master of a fishing vessel shall report the loss of any Fish Aggregating Device (FAD) or Gill net to the authorized 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 Fish Aggregating Device (FAD) ; and,</li> <li>b) The time and position where the Gillnet or Fish Aggregating Device (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 programmes, such as recycling alternatives to those gears, to retrieve lost, abandoned or discarded fishing gear from the sea, including other equipment.</li> <li>5. Any person who contravenes the provision of subsection</li> </ol> |

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|  | (2) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.  |
| <b>Spatial or Temporary Closures, Open and Closed seasons</b><br><br><b>Section 87</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 National Aquatic Resource, Research and Development Agency (NARA) may by notice published in the Gazette, declare an area, 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 either juveniles or spawning aggregations of marine resources with the objective of contributing to stock recovery.</li> <li>2. Notwithstanding subsection (1), in an emergency situation, such as an oil spill or any other kind of hazardous discharges or introductions, or marine disaster affecting fishing, the Minister may, in consultation with the Director General, declare any specified area as a prohibited area for fishing and fishing related activities.</li> <li>3. The notice of closing an area referred to under subsection (1) shall contain the following information: <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>4. The Director General may authorize the use of artificial reefs for stock recovery. The provisions of subsections (1) and (2) shall apply, <i>mutatis mutandis</i>.</li> <li>5. Fishing vessels and fishers subject to the obligations under subsections (1) or (3) shall not conduct fishing operations within the closed area or artificial reef, accordingly.</li> <li>6. The Minister, in consultation with the Director General, on the basis of the best available scientific evidence, provided by National Aquatic Resource Research and Development Agency (NARA) may by notice published in the Gazette, declare fishing seasons for certain species in Sri Lankan waters. No Fishing vessels and fishers shall conduct fishing operations before or after such fishing season.</li> <li>7. 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>8. Any person who contravenes subsection (4) or (5) commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol> |
| <b>Fisheries Reserves</b>  | <ol style="list-style-type: none"> <li>1. The Minister may, on the recommendation of the Director</li> </ol>  |

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| <p><b>Section 88</b></p>   | <p>General and after consultation with the Minister in charge of the Wild Life by Order published in the Gazette declare any area of Sri Lankan waters or any land adjacent thereto to be a fisheries reserve, where considers that special measures are necessary to:</p> <ol 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> </ol> <p>2. The Minister may, in the Order published under subsection (1):</p> <ol 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 group 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 item (a) ,(b) and (c) of subsection (2).</li> </ol> <p>3. 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>4. Any person who contravenes a prohibition or condition specified in accordance with item (a) ,(b) and (c) of subsection (2) commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> |
| <p><b>Protected/<br/>prohibited<br/>Species</b></p> <p><b>Section 89</b></p> | <ol style="list-style-type: none"> <li>1. No person shall engage in fishing for catch ,take, land, display for sale, sell, deal in, transport, receive, buy or possess any fish or aquatic resource, or products thereof, declared as protected / prohibited species in Sri Lankan waters.</li> <li>2. For the purpose of subsection (1), the species declared as protected /prohibited species in accordance with this Act shall be prescribed by the regulation.</li> <li>3. The Minister may, by Order published in the Gazette, declare as protected /prohibited species, 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</li> </ol>   |

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|   | <p>principles of this Act.</p> <ol style="list-style-type: none"> <li>4. Conservation and management measures in relation to protected/prohibited 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 a 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 151 and 152.</li> <li>6. Any person who contravenes the provisions of subsection (1) commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol>   |
|   | <p><b>PART VII - SCIENTIFIC RESEARCH AND DATA COLLECTION</b></p>  |
| <p><b>Scientific Research by Fishing Vessels</b></p> <p><b>Section 90</b></p> | <ol style="list-style-type: none"> <li>1. The Director General may in consultation with the Minister of Foreign 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 National Aquatic Resources Research and Development Agency (NARA) for the purpose of, <i>inter alia</i>: <ol style="list-style-type: none"> <li>a) Exploring fishing gears and methods for avoidance, minimization and elimination of unwanted catches, including juveniles and discards;</li> <li>b) Assessing fishing gears and methods with reduced impact on the ecosystem and sensitive habitats;</li> <li>c) Catching unregulated species on the high seas for commercial purposes, or;</li> <li>d) any other scientific project aimed at gathering scientific data or testing new methods with the aim of contributing to better fisheries management, regulation, conservation development and sustainable use.</li> <li>e) 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: <ol style="list-style-type: none"> <li>i. fishing licenses under section 40;</li> <li>ii. Fisheries Management Plans under section 75;</li> <li>iii. fishing gears and methods under sections 80, 82 and 84;</li> <li>iv. spatial or temporal closures under section 87;</li> <li>v. fisheries reserves under section 88, or;</li> <li>vi. Protected / prohibited species under section 89.</li> </ol> </li> </ol> </li> </ol> |

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|  | <p>2. The Director General may provide financial assistance fishers involved in fishing for scientific research, provided such research has significant benefit to fisheries management, regulation, conservation and development of sustainable use of the fisheries or coastal communities, where such funding is not allowed under the Fund established under section 107 of this Act.</p> <p>3. Any person who contravenes subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>Scientific Research by a Foreign Research Organization or Another country</b></p> <p><b>Section 91</b></p> | <p>1. The head of a foreign research organization or another country, intending to conduct scientific research in Sri Lankan waters, shall notify the Director General in writing, not less than three (3) months 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> <ol style="list-style-type: none"> <li>a) the nature and objectives of the project;</li> <li>b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;</li> <li>c) the precise geographical areas in which the project is to be conducted;</li> <li>d) the expected date of arrival and final departure of the vessel(s), or deployment of the equipment and its removal, as appropriate;</li> <li>e) the name of the sponsoring institution, its director General, and the person in charge of the project; and,</li> <li>f) The extent to which it is considered that Sri Lanka should be able to participate or to be represented in the project.</li> </ol> <p>2. Upon receipt of the notification referred to in subsection (1), the Director General shall consult National Aquatic Resources, Research and Development Agency (NARA) for assessment of the proposed scientific research plan.</p> <p>3. The Minister, on the recommendation of the Director General in consultation with the Minister of Foreign and the Ministry of Defence may, approve the proposed scientific research plan where the following conditions are complied with:</p> <ol style="list-style-type: none"> <li>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;</li> <li>b) the obligation for the foreign research organization or another country 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;</li> <li>c) the obligation for the foreign research organization or another country to provide access to all data and samples derived from the marine scientific research project, with an</li> </ol> |

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|   | <p>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 country 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), shall inform the representative of the foreign research organization or country 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> <p>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.</p> <p>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.</p> <p>7. It shall be prohibited to sell or offer for sale fish and marine resources caught during the marine scientific research program.</p> <p>8. Any person who contravenes subsections (1), (3) and (5) commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> <p>9. The Minister may make regulations, on the recommendations of National Aquatic Resource Research and Development Agency (NARA), to regulate the activities of marine scientific research in compliance with the objectives and purposes of this Act.</p> |
| <p><b>Fisheries Data Collection Programs</b></p> <p><b>Section 92</b></p> | <p>1. The Director General may, in consultation with National Aquatic Resources, Research and Development Agency (NARA), authorize in writing, programmes for the collection of biological, environmental, technical and socio-economic data in the fisheries sector (“data collection programs”) considering information needs to contribute to the objective laid down in item (a) of subsection 1 of section 3 of this Act.</p> <p>2. Data collection programs shall specify the data to be collected, methods, standards form for reporting such data and any other relevant information.</p> <p>3. Data collection programs may include, <i>inter alia</i>, the following</p>  |



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|  | <p>activities:</p> <ul style="list-style-type: none"> <li>a) Surveys at sea</li> <li>b) Experimental fisheries</li> <li>c) Scientific observers on board</li> <li>d) Samples 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 or her duties until completion of the program and any other conditions laid down in sections 54 and 114.</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 (4) commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>Collection,<br/>Transmission<br/>and<br/>Verification<br/>of Data</b></p> <p><b>Section 93</b></p> | <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 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) Persons or other authorities to whom licenses have been issued or granted under this Act;</li> <li>b) Owners or operators of vessels licenses 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> <li>d) persons who engage in the receiving, buying, transporting, processing, storage, sale, or disposal of fish or fishery products;</li> <li>e) persons who provide vessels for hire for the purpose of enabling persons to take fish;</li> <li>f) persons who engage in fishing otherwise than for the purpose of sale;</li> <li>g) persons who are required under this Act to register their</li> </ul> |

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|  | <p>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>Shall be guilty of a serious offence and upon conviction, any relevant license or registration issued pursuant to this Act which is held by such person shall be suspended or cancelled and in the case of a natural person, he or she shall be liable to a fine or imprisonment, and in the case of a corporate body it shall be liable to a level of fine set out in the Schedule III.</p> <p>6. Any person who transmits data or information which is not true, complete and accurate in contravention of subsection (4), shall be guilty of an offence a serious offence and any relevant license issued pursuant to this Act which is held by such person shall be suspended or cancelled.</p> |
|  | <p><b>PART VIII - QUALITY OF FISH, FOOD SAFETY AND TRADE IN FISH AND FISHERY PRODUCTS</b></p>  |
| <p><b>General Objective and Application</b></p> <p><b>Section 94</b></p> | <p>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) of this Act.</p> <p>2. The provisions in this section shall apply to any person engaged in fishing, fish processing, Storing, transport 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.</p>  |

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| <p><b>Quality of Fish, Food Safety and Food Security</b></p> <p><b>Section 95</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 quality and food safety, 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> <li>4. Any person contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>5. The Minister may make regulations to determine the necessary conditions to ensure quality and food safety for fishery products from catching to retail stage, including the conduct of inspections.</li> </ol> |
| <p><b>Prohibition to Possess and Trade with Fishery Products Unlawfully Obtained</b></p> <p><b>Section 96</b></p> | <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 shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol>   |
| <p><b>Export, Import and re-export of Certain Fish and Fishery Products</b></p> <p><b>Section 97</b></p>          | <ol style="list-style-type: none"> <li>1. The Minister may, in consultation with the Minister in charge of the subject 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</li> </ol>  |

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|   | <p>prepared thereof for such period of time as may be specified in the Order.</p> <ol style="list-style-type: none"> <li>2. In an emergency situation Director General has power to regulate to export ,import and re-export of fish and fishery product to take as the precautionary measures for the protection of fishing industry .</li> <li>3. This section shall 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>  |
| <p><b>Traceability and Catch Certificate</b></p> <p><b>Section 98</b></p>             | <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 at all stages of production, processing and distribution, from catching to retail stage in accordance with the prescribed regulations.</li> <li>2. No person shall export, import or re-export any fishery 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.</li> <li>3. Details of all fish species shall be provided under the statistical document programs of relevant Regional Fisheries Management Organizations as prescribed by the regulations.</li> <li>4. Any person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>5. The Minister may make regulations to implement provisions on traceability requirements for fishery products.</li> </ol> |
| <p><b>Registration of Fish Processing Establishments</b></p> <p><b>Section 99</b></p> | <ol style="list-style-type: none"> <li>1. No person shall operate a fish processing establishment without a valid license issue by the Director General .</li> <li>2. The Director General shall prior to issuing licence under subsection (1): <ol style="list-style-type: none"> <li>a. assess and approve plans and structures of the intended processing establishment;</li> <li>b. carry out inspection of the processing establishment for compliance with food safety regulations made under this Act or any other law;</li> <li>c. that the processing establishment meets the applicable requirements prescribed by the Minister.</li> </ol> </li> <li>3. The Minister may, on the recommendation of the Director General make regulations to prescribe:</li> </ol>  |

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|   | <ol style="list-style-type: none"> <li>a. requirements for the operation of fish processing establishment</li> <li>b. specifications for fisheries resources processing establishments, cold rooms, ice plants, fisheries resources transportation vehicles, boats and landing stations;</li> <li>c. conditions for the activities of dealers of fisheries resources and fisheries products;</li> <li>d. require processing establishments to prepare, implement and monitor quality management programs;</li> <li>e. hygiene conditions for staff working in fisheries processing establishments;</li> </ol> <p>4. The Director General shall maintain a register of exporters and importers of fish and fishery products, and of fish processing establishments, as prescribed. The exporters, importers and fish processing establishment shall furnish monthly data of their exports, imports and the fish process to the Director General within a period of one month.</p> <p>5. Any person who contravenes subsection (1) commits an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>Application for a license to process fish, export, import and re-export fish and fishery products</b></p> <p><b>Section 100</b></p> | <ol style="list-style-type: none"> <li>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.</li> <li>2. The license shall have a validity period of one year from the date of issuance, unless cancelled or suspended earlier. The license may be renewed for equivalent periods.</li> <li>3. Any person who contravenes subsection (1) guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>4. The Minister may make regulations to determine the form for the application, application procedure, including renewal, suspension and cancellation, payable fees and anyother matter related to the licensing for the processing of fish, export, import and re-export of fishery products under this Act.</li> </ol> |
| <p><b>Suspension or Cancellation of the Registration of License</b></p> <p><b>Section 101</b></p>   | <p>The Director General may cancel or suspend the registration and license referred to in sections 99 and 100 respectively, wherea person contravenes the terms and provisions of the license 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>   |

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| <p><b>Appeals</b></p> <p><b>Section 102</b></p>   | <ol style="list-style-type: none"> <li>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 Secretary of Ministry of Fisheries , under such procedures as may be prescribed, within thirty (30) days from the date on which the decision is communicated to him or her.</li> <br/> <li>2. 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.</li> <br/> <li>3. Any person aggrieved by the decision of the secretary may prefer an appeal to the Court of appeal within Thirty (30) days from the date of communication of such decision, on question of Law.</li> </ol>                 |
| <p><b>Inspection of warehouses and Fish Processing Establishments</b></p> <p><b>Section 103</b></p> | <ol style="list-style-type: none"> <li>1. Every importer, exporter, re exporter, owner or licensee of fish, fishery products shall permit and facilitate any authorized officer to enter, inspect, and collect samples, data and documents at the warehouses, fish processing establishment and at the point of import without prior notice.</li> <br/> <li>2. The authorized 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.</li> <br/> <li>3. Any importer, exporter, re exporter, owner or licensee of the fish or fishery products processing establishment who contravenes the provisions of subsection (1) shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> </ol> |
| <p><b>Competent Authority</b></p> <p><b>Section 104</b></p>   | <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>   |
| <p><b>Interference with Inspected Fish or Fishery Products</b></p> <p><b>Section 105</b></p>        | <ol style="list-style-type: none"> <li>1. No person shall, except with the written permission of the Director General :       <ol 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> </ol> </li> </ol>  |

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|   | <p>2. Any person who contravenes subsection (1) shall be guilty an offence and upon conviction, any applicable penalty level referred in the level of fine in schedule III shall apply and in addition any fish or fishery products shall be forfeited to the State.</p>   |
| <p><b>Imposition of Cess on Imported Fish and Fishery Products into Sri Lanka</b></p> <p><b>Section 106</b></p> | <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 from time to time adapted by Parliament.</p> <p>2. The cess shall be collected by the Director General of Customs and credited to the Fund established pursuant to section 107.</p> <p>3. This section shall apply as if it formed part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.</p>   |
| <p><b>PART IX - FISHERIES FUND AND FISHERIES SUBSIDIES</b></p>  |  |
| <p><b>Fisheries Fund</b></p> <p><b>Section 107</b></p>  | <p>1. Fisheries Fund (the Fund) is hereby established.</p> <p>2. There shall be paid into the Fund a percentage of:</p> <ol style="list-style-type: none"> <li>a) fifty percent (50% ) of all fines and penalties imposed by a Court of Law under this Act subject to the concurrence of the Minister in charge of the subject of Finance;</li> <li>b) all moneys received by compounding an offence in accordance with section (133);</li> <li>c) all moneys received by the disposal of items forfeited under this Act;</li> <li>d) all moneys collected by the Director General of Customs as cess in accordance with section (106) of this Act.</li> <li>e) any surplus remaining after the closure of the liquidation of a Fisheries Committee under section (72);</li> <li>f) 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>a) Reward any officer appointed under section (5);</li> <li>b) Any informer, of such sum of money not exceeding the maximum prescribed by regulations made under this Act;</li> <li>c) Pay a premium to fishers involved in fishing for scientific research under section (90);</li> <li>d) To provide financial support to Fisheries Committees to develop data collection programs under section (92);</li> <li>e) To provide financial support to Fisheries Committees to develop programs or action to retrieve lost, abandoned or discarded fishing gear under section (86),or;</li> </ol> |

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|  | <p>f) Any other matter within the scope of this Act.</p> <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 (9).</p> <p>6. The Minister may make regulations, in consultation with the Minister of Finance 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>  |
| <p><b>Fisheries Subsidies and Assistance</b></p> <p><b>Section 108</b></p> | <p>1. It shall be prohibited to grant fisheries subsidies and assistance to any person, master, owner , charterer, any person on-board or any person suspected to have been on board 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 Illegal, Unregulated, Unreported vessel list of any Regional Fisheries Management Organization where Sri Lanka is member.</p> <p>c) engage in catching of Identified over fish stocks based on scientific reports.</p> <p>2. Where fisheries subsidies and assistance have been granted under subsection (1), such support shall be recovered from such person, master, owner , charterer, any person on-board or any person suspected to have been on board .</p> |
|  | <p><b>PART X - MONITORING, CONTROL, SURVEILLANCE AND ENFORCEMENT</b></p>   |
|  | <p><b>CHAPTER 1 – Monitoring, Control and Surveillance</b></p>   |
| <p><b>Port Entry</b></p> <p><b>Section 109</b></p>                         | <p>1. All vessels wishing to land their catches, transship 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 96 and 98 of this Act.</p>   |



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|  | <p>4. The master, owner ,operator or charterer of a fishing vessel or support vessel that contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p>   |
| <p><b>Vessel Monitoring System</b></p> <p><b>Section 110</b></p> | <ol style="list-style-type: none"> <li>1. No Sri Lankan vessel shall be authorized to conduct fishing operations in areas beyond national jurisdiction, and in other situation as the case may be, 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 ,operator or charterer of a fishing vessel conducting fishing activities in areas beyond the national jurisdiction of Sri Lanka, and in any other situation as the case may be, shall as a condition of obtaining a fishing license, install, maintain and operate a vessel monitoring system (VMS) in accordance with this Act or prescribed regulations.</li> <li>3. The master, crew or operator shall ensure that the vessel monitoring system (VMS) installed on board the vessel shall be: <ol style="list-style-type: none"> <li>a) fully operational at all times;</li> <li>b) 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) Transmits the following information to the Fisheries Monitoring Centre (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 Universal Time Coordinated (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> <li>4. The master, owner ,operator or charterer of a fishing vessel shall comply with such other conditions that may be prescribed, or the Director General may require, including: <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> </li> </ol> |

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|  | <ol style="list-style-type: none"> <li>5. The master, owner ,operator or charterer of a fishing vessel shall immediately notify the Director General when the Mobile Transmit Unit (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 .</li> <li>6. The master, owner ,operator or charterer of a fishing vessel who contravenes the provisions of this section commits a serious offence and the Director General shall suspend the license for such time as he or she deems appropriate, and upon conviction, shall be liable to a level of fine set out in the Schedule III and shall apply or imprisonment for a period not exceeding one year, or both. In addition, the master, owner ,operator or charterer of a fishing vessel who fails to provide vessel monitoring system (VMS) cruise track data at the arrival of the fishery harbour shall not be granted permission for sale or export of such fishery products.</li> <li>7. The Director General shall establish and operate vessel monitoring system (VMS) for purposes of monitoring, control and surveillance, and managing the operations of fishing vessels according to prescribed regulations under this Act.</li> <li>8. The Minister may make regulations to implement conditions in relation to the operation of the vessel monitoring system (VMS) and related matters as required within the scope of this Act.</li> </ol> |
| <p><b>Transshipments</b></p> <p><b>Section 111</b></p> | <ol style="list-style-type: none"> <li>1. Transshipment at sea shall be prohibited, unless allowed by this Act or any regulation thereof.</li> <li>2. Transshipment 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.</li> <li>3. The master , owner ,operator or charterer of a fishing vessel of a Sri Lankan fishing vessel or support vessel intending to engage in transshipment in accordance with subsection (2) above shall: <ol style="list-style-type: none"> <li>a) only transship 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 transship 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 other prior notice as may be prescribed by the Director-General. The master, owner ,operator or charterer may request to transship any or all of the fishery products on</li> </ol> </li> </ol>  |

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|  | <p>board, and shall report quantities of fish on board the fishing vessel prior to the transshipment and the quantities to be transshipped, 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 transshipped; 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, owner, operator or charterer of a Sri Lankan vessel that has conducted transshipment, shall document the event in accordance with the prescribed Port State Measures transshipment declaration, and shall carry on board record that includes each transshipment declaration, and a copy of the transshipment declaration shall accompany the record about the transshipped fish on the carrier vessel.</p> <p>5. Transshipment operations by foreign vessels shall be subject to port state measures under section 113 and any implementing regulation.</p> <p>6. Any master, owner, operator or charterer who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</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>Fish Landings</b><br/><b>Section 112</b></p> | <ol style="list-style-type: none"> <li>1. The master, owner, operator or charterer of a vessel carrying fish caught outside Sri Lankan waters, shall only land fish at 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 accordance with prescribed regulations.</li> <li>2. Landings shall be documented in accordance with the landing declaration under prescribed regulations.</li> <li>3. The master, owner, operator or charterer of a vessel carrying fish caught in Sri Lankan waters shall only land fish at designated fishery harbours, landing sites or anchorages.</li> <li>4. Authorized officers shall conduct samplings in accordance with prescribed regulations in order to monitor landings of catch.</li> </ol>   |

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|   | <ol style="list-style-type: none"> <li>5. Landing of fish by foreign fishing vessels shall be subject to port state measures under section 113 and any implementing regulation thereof.</li> <li>6. The master ,owner ,operator or charterer of a vessel that contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</li> <li>7. 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 Vessels</b></p> <p><b>Section 113</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 or she shall cause such designation to be transmitted to the relevant Regional Fisheries Management Organizations (RFMOs) and the Food and Agriculture Organization (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, refueling 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 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 such products have been previously landed</li> </ol> </li> <li>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 and shall not discriminate in form or in fact against vessels of any country , and may, <i>inter alia</i>: <ol style="list-style-type: none"> <li>a) Require inspection of documents, fishing gear and catch on board fishing vessels voluntarily in designated ports or offshore terminals; and</li> <li>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, or in accordance with such requirements as may be prescribed.</li> </ol> </li> <li>6. The master ,owner ,operator or charterer of a foreign fishing vessel that contravenes the provisions of this section shall be guilty of an offence, and without prejudice to the action that</li> </ol> |

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|  | <p>the flag State of that vessel may take, upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> <p>7. The Minister may make regulations for the purposes of implementing port state measures for foreign vessels entering designated ports in Sri Lanka in accordance with the provisions of this Act and relevant international law.</p>  |
| <p><b>Observer Programme</b></p> <p><b>Section 114</b></p>                                     | <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 or fishing related activities in Sri Lankan waters and ports, and in areas beyond national jurisdiction, and for other uses as may fall within the scope of this Act.</p>   |
| <p><b>Appointment and Identification of Observers</b></p> <p><b>Section 115</b></p>            | <p>1. The Director General may appoint a person in writing to be an 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.</p> <p>2. An observer shall, on request, identify himself or herself and produce evidence that he or she is an observer.</p>  |
| <p><b>Duties of Observers</b></p> <p><b>Section 116</b></p>                                    | <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> |
|  | <p><b>CHAPTER 2 –Authorized Officers</b></p>   |
| <p><b>Appointment of Authorized Officers and other persons for Monitoring, Control and</b></p> | <p>1. The Director General may, by notice in writing and in accordance with such standards and procedures as he may require or as may be prescribed, appoint the following persons as authorized officers for the purpose of this Act or any regulation:</p>   |

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| <p><b>Surveillances (MCS) purposes</b></p> <p><b>Section 117</b></p>          | <ul style="list-style-type: none"> <li>a) A fisheries inspector or fishery officer ;</li> <li>b) An officer of the Army, Navy, Air Force, not below the rank of sergeant or equivalent;</li> <li>c) An officer of the Department of Coast Guard</li> <li>d) Such other persons as may be appointed.</li> </ul> <p>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.</p> <p>3. The Director General may, by notice in writing, appoint such other personnel as he or 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:</p> <ul style="list-style-type: none"> <li>a) observers for the purposes of surveillance and scientific functions;</li> <li>b) port samplers;</li> <li>c) inspectors and auditors for purposes of fish quality control; and</li> <li>d) 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> </ul> <p>4. Personnel appointed under subsection (3) shall have such authority, rights and duties as described in this Act or any regulation made thereof.</p> |
| <p><b>Identification of Authorized Officers</b></p> <p><b>Section 118</b></p> | <p>1. An Authorized officer and other personnel appointed under subsection 117 shall, in exercising any power conferred by this Act, upon request, identify himself or herself and produce evidence that he or she is an authorized officer.</p> <p>2. The production by any authorized officer of any identification document issued to him or 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.</p> <p>3. It shall not be an offence for any person to refuse to comply with a request, demand or Order made by an authorized officer if such authorized officer fails to declare his/her office and produce such identification as may be reasonably sufficient to show that he is an authorized officer for the purposes of this Act.</p>  |
| <p><b>General Powers of Authorized Officers</b></p> <p><b>Section 119</b></p> | <p>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 or her powers under this Act.</p> <p>2. An authorized officer may use such force as may be reasonably necessary to enable the exercise of his or her powers under this Act.</p>   |

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|  | <p>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 shall be applicable as if the duties were performed within areas under national jurisdiction.</p> <p>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.</p> <p>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.</p> |
| <p><b>Power of Hot Pursuit</b></p> <p><b>Section 120</b></p>                   | <p>An authorized officer may, following a hot pursuit in accordance with international law, and commenced within Sri Lankan waters, stop, board and inspect outside Sri Lankan waters any vessel which he or 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 121</b></p> | <p>1. Authorized officers 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 .</p> <p>2. The Boarding and Inspection Form shall be completed by the authorized officer who has participated in the boarding and inspection of a fishing vessel other than a boarding and inspection in port, and shall provide such form to the Director General .</p>  |
| <p><b>Powers of Entry and Inspection</b></p> <p><b>Section 122</b></p>         | <p>1. An authorized officer may, without a warrant</p> <p>a) and for purposes of exercising his or her powers under this Act;:</p> <p>i) any vessel in Sri Lanka waters which he or she has reason to believe has been used, is being used or is intended to be used for fishing or a related activity in contravention of this Act;</p> <p>ii) any Sri Lanka fishing vessel on the high seas, or;</p> <p>iii) any other vessel to which this Act and any international law or agreement being implemented in Sri Lanka applies.</p> <p>stop, board, enter, search, inspect and remain on board:</p> <p>b) enter, examine and inspect any premises or place, other than premises used exclusively as a-dwelling house, including</p>   |

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|   | <p>premises that are part of or attached to a dwelling h house which he or 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;</p> <p>c) inspect and take logbooks, documents, licenses, 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;</p> <p>d) monitor landing and transshipment operations and take samples, photographs and relevant documentation;</p> <p>e) 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;</p> <p>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;</p> <p>g) examine or test or cause to be examined 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 or 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 license or authorization under this Act.</p> <p>2. For the purposes of this section, a 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 implemented in Sri Lanka.</p> |
| <p><b>Power to take and secure information and evidence</b></p> <p><b>Section 123</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 or she has reason to believe show, or tend to show, the</p>   |



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|  | <p>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 or 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 or she has reason to believe might be used in evidence in any proceedings under this Act.</p> <p>2. Where any fish or other aquatic resources seized under subsection (1) are subject to speedy decay, an authorized officer may sell observing following acceptable transparent procedure or practices, such fish or other aquatic resources and shall deposit the proceeds of such sale in the Magistrate's Court.</p> <p>3. A fisheries inspector/ fishery officer or authorized 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> <p>a) produce the registration, license, authorization or other permission required for or in relation to the activity;</p> <p>b) produce any other documents in relation to the activity;</p> <p>c) give any other relevant information, and the fisheries inspector / fishery officer or authorized officer may take copies of, or extracts from, any such 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 124</b></p> | <p>1. An authorized officer may, where the master of a 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 national and 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 or she may, including the case of hot pursuit:</p> <p>a) bring the vessel, or require the master to bring the vessel as he or she directs, to any port in Sri Lanka; and</p> <p>b) 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</p>   |

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|   | <p>until an authorized officer permits him or her to depart from that place.</p> <ol style="list-style-type: none"> <li>3. An authorized officer bringing a vessel to a place in Sri Lanka in accordance with subsections (2) and (4), 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 or her, and that person shall: <ol style="list-style-type: none"> <li>a) be deemed to be an authorized officer for the purposes for, and time during which, he or 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> </li> <li>4. Where a vessel is being brought to a place in the country in accordance with this section and section 120 no claim may be made against any authorized officer or other person appointed under section 117 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.</li> <li>5. Where the master of the vessel mentioned in subsection (2) is required to remain in control he or 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>6. 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> |
| <p><b>Power to immobilize a fishing vessel</b></p> <p><b>Section 125</b></p>                            | <ol style="list-style-type: none"> <li>1. Where a 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, an authorized officer may remove any of its part or parts, or otherwise secure the vessel, for the purpose of immobilizing it.</li> <li>2. Where any part or parts of a vessel have been removed in accordance with subsection (1), such part or parts shall be kept safely and returned to the vessel immediately upon its lawful release from custody.</li> <li>3. No person shall possess or arrange to obtain such part or parts or make any replacement or substitute part or parts.</li> </ol>  |
| <p><b>Power to confiscate passport, master license and seamen's books</b></p> <p><b>Section 126</b></p> | <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> </ol>   |

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|  | <p>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 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 seaman'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 127</b></p>                                   | <p>1. An authorized officer may, if he or she has reasonable grounds to believe that a person is committing or has committed an offence under this Act or any other law:</p> <ol 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 authorized 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> </ol> <p>2. If an authorized officer detains a person without a warrant under subsection (1) he or she shall not be discharged except on his own bond or on bail or under the special order in writing of a Magistrate.</p> <p>3. (1) whenever-</p> <ol style="list-style-type: none"> <li>a) any foreign fishing boat seized and detained under this Act ; and</li> <li>b) any action is instituted under this Act against the master, owner, charter or any person on-board of any, of a foreign fishing boat,</li> </ol> <p>notice shall be forthwith served on the consular officer of the country to which the fishing boat belongs through the Minister to whom the subject of Foreign Affairs has been assigned.</p> <p>(2) The grounds on which the boat has been seized and detained or on which the proceedings have been taken place, shall be specified in the notice to be served under subsection (1).</p> |
| <p><b>Power in relation to abandoned fishing vessels, gear, fish or fishery products</b></p> | <p>1. Where an authorized 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 or she shall report the same immediately to the Director General who shall require the owner of the fishing vessel, fishing gear, fish</p>  |

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| <p><b>Section 128</b></p>  | <p>or fishery product to remove the same within thirty (30) days.</p> <ol style="list-style-type: none"> <li>2. Where such owner failed to comply with the Order of the Director General within the deadline mentioned in subsection (1), the Director General may take appropriate action or apply to the Court of competent jurisdiction for an Order to dispose of such fishing vessel, fishing gear, fish or fishery product.</li> <li>3. Where such owner has absconded or cannot be found the authorized 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 such owner.</li> </ol>   |
| <p><b>Duties to Authorized Persons</b></p> <p><b>Section 129</b></p> | <ol style="list-style-type: none"> <li>1. No person, including the operator or crew member of a vessel, shall:       <ol style="list-style-type: none"> <li>a) fail or refuse to allow and assist any authorized person:           <ol style="list-style-type: none"> <li>i) safe boarding of a vessel;</li> <li>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;</li> <li>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;</li> <li>iv) to take, measure, store on or remove from the vessel and retain such reasonable samples or whole specimens of any fish as may be required for scientific purposes;</li> <li>v) safe disembarkation from a vessel;</li> </ol> </li> <li>b) fail, impede or refuse to allow an authorized officer conduct an audit, inspection, examination or search that is authorized under this Act;</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;</li> <li>d) Fail or refuse to allow an authorized officer 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</li> </ol> </li> </ol> |

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|  | <p>every lawful instruction or direction given by an authorized person;</p> <p>f) when lawfully required to state his or 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;</p> <p>g) resist lawful arrest for any act prohibited by this Act;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>k) impersonate or falsely represent himself or herself to be an authorized person, or to be a person lawfully acting under the Director General 's or the authorized person's instructions;</p> <p>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 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 as directed 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 or her duties.</p> <p>2. A person who contravenes the provisions of this section shall be guilty of an offence and upon conviction, shall be liable to a level of fine set out in the Schedule III.</p> |
|  | <p><b>PART XI - MEDIATION, ADMINISTRATIVE AND JUDICIAL PROCEEDINGS</b></p>   |
|  | <p><b>CHAPTER 1 – Mediation</b></p>  |
| <p><b>Fishing Dispute Settlement Panel</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 nine (9) persons to be members of the Settlement Panel.</p>   |

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| <p><b>Section 130</b></p>   | <ol style="list-style-type: none"> <li>2. The persons to be appointed to the Settlement Panel shall be: <ol style="list-style-type: none"> <li>a) Three Fishery officers;</li> <li>b) Persons having proven experience and expertise in the particular subject of the dispute, and</li> <li>c) One Community leader.</li> </ol> </li> <li>3. In recommending members for appointment to the Settlement Panel, the Director General shall take into account the relevant technical capabilities, knowledge or expertise in the fisheries sector.</li> <li>4. The function of the Settlement Panel shall be to provide an independent and impartial forum for the resolution of fishing disputes referred by the Director General in accordance with section 131.</li> <li>5. Members of 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 declared to be of unsound mind;</li> <li>c) a person declared an insolvent or bankrupt under any law in Sri Lanka or any other country;</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) a person who has been convicted or charged of 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> |
| <p><b>Referral of the Director- General of fishing disputes</b></p> <p><b>Section 131</b></p> | <ol style="list-style-type: none"> <li>1. Parties to the fishing dispute shall attempt to resolve the dispute at the district level before submitting such dispute to the Director General .</li> <li>2. Where any fishing dispute has arisen, the Director General may: <ol style="list-style-type: none"> <li>a) Where no further inquiry is required, refer such dispute to a dispute settlement officer for mediation, or;</li> <li>b) Where further inquiry 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> </ol>   |

- c) Where the Director General referred a fishing dispute under subsection (2) (a), the dispute settlement officer shall invite the parties to the dispute, and shall endeavour to settle the dispute amicably within thirty (30) days of referral.
3. Where the dispute settlement officer resolves the dispute:
- a) He or 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.
- b) A party who has signed a certification in accordance with subsection (3) (a) shall be bound by the terms of settlement.
4. Where a dispute settlement officer does not resolve the dispute within thirty (30) days of referral, he or she shall notify the Director General who shall designate three (3) members of the Settlement Panel under section 130, and shall by notice published in the Gazette and in the daily newspapers in Sinhala, Tamil and English:
- a) Specify the subject matter of the dispute;
- b) Specify the name(s) of the person(s) designated to determine the dispute;
- c) Call upon all persons desiring to make representations to submit such representations in writing to the Settlement Panel members before a specified date; and,
- d) Inform the date, time and place of the commencement of the Settlement Panel proceedings.
5. At the conclusion of the proceedings, the Settlement Panel shall promptly submit to the Director General a report containing its decision and the reasons therefore.
6. Where there are no objections against the decision of the Settlement Panel within thirty (30) days of such decision, the Director General shall:
- a) Cause the decision of the Settlement Panel to be published in the Gazette;
- b) Deliver a copy of the decision of the Settlement Panel to each of the parties to the fishing dispute; and,
- c) Make available a copy of the decision of the Settlement Panel at the District offices of the Department.
7. 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.
8. Party who is not satisfied with the decision of the Settlement Panel, may initiate court proceedings within thirty (30) days from the date of the decision.
9. It shall be an offence for any party to refuse or fail to comply with the decision of the Settlement Panel where there are no

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|   | <p>objections under subsection (7), or of the dispute settlement officer under subsection (3)(a).</p> <p>10. under subsection (3) (a) and subsection (7) shall be final, and shall A decision not be called into question in any Court, and shall be enforced in the same manner as if the decision were a judgement of the Court in exercise of its civil jurisdiction.</p> <p>11. Any person who fails to comply with any such decision, commits an offence and shall be liable upon conviction, shall be liable to a level of fine set out in the Schedule III and shall apply and any other order that the Court may impose.</p>  |
|   | <p><b>CHAPTER 2 – Administrative Proceedings</b></p>  |
| <p><b>Panel of Experts</b><br/><b>Section 132</b></p> | <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 fisheries and aquatic resources, 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 or she shall impose a monetary penalty on any person.</p>  |
| <p><b>Compounding</b><br/><b>Section 133</b></p>      | <p>1. The Director General may, on the recommendation of the Panel appointed under section 132, 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 or she has sufficient evidence to believe that a person or an operator has committed an offence in contravention of any of the provisions of this Act or any implementing regulations thereof;</li> <li>c) the relevant person or an operator is a first offender;</li> <li>d) the relevant offence is not a serious offence under this Act; and,</li> <li>e) the person or an operator has admitted in writing to having committed such offence and consented to a compounding proceeding within ten (10) days after being fully informed about these proceedings by the Director General .</li> </ul> <p>2. Where compounding proceedings have been initiated under this Act, the person or operator who admits to having committed the offence, shall:</p> <ul 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.</li> </ul> |



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|   | <ol style="list-style-type: none"> <li>3. A person or an operator who engages in fishing or other related activities under 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 to a fine and may be subject to such proceedings under this Act as the Director General may determine.</li> <li>4. The fine determined by the Director General on the recommendation of the Panel to compound the offence shall not be less than one third of the maximum fine or not less than five times of the value of the catch, whichever is higher.</li> <li>5. Where the fine as determined under subsection (4) is not paid in full within sixty (60) days of the notification of such penalty to the person, The Director General shall immediately refer the matter to the prosecuting authority.</li> <li>6. 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>7. Where a proceeding is pending under this section, the Director General shall inform the prosecuting authority of the process and that no prosecution of the offence shall be undertaken at this stage.</li> <li>8. The Director General shall not act under subsection (1) if the offence is an indictable offence without the written approval of the Attorney General.</li> <li>9. In any proceedings brought against any person or an operator for an offence against this Act or Regulation, it shall be a defense if such person proves that the offence for which he is charged has been compounded under this Act.</li> <li>10. The decision of the Director General under this Section shall not be subject to any inquiry or appeal before any court or body.</li> </ol> |
|   | <p><b>CHAPTER 3 – Judicial Proceedings, Offenses and Penalties</b></p>  |
| <p><b>Jurisdiction and Standing</b><br/><br/><b>Section 134</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 by such persons to which this Act applies shall be dealt with and judicial proceedings taken before: <ol style="list-style-type: none"> <li>a) the High Court, for all offences for which the High Court has jurisdiction; or</li> <li>b) Any Magistrate’s Court, for all offences for which the Magistrate’s Court has jurisdiction, except that the High Court of Colombo shall have the exclusive jurisdiction to</li> </ol> </li> </ol>   |

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|  | <p>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 Magistrate's Court within or 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 under section 136 (1)(b) of Criminal Procedure code no .15 of 1979 of 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 and sections 3,4,5,6,7,8,12,13,14, 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> <li>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.</li> </ol> |
| <p><b>Procedure</b><br/><b>Section 135</b></p> | <ol style="list-style-type: none"> <li>1. An offence committed under this Act shall be prosecuted summarily before a Magistrate or in the High Court only if the compounding proceedings taken in accordance with section 133 have failed</li> <li>2. Notwithstanding the provisions of section 139, an authorized officer may report facts in respect of fisheries offences</li> </ol>  |

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|   | <p>committed under this Act.</p> <ol style="list-style-type: none"> <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 charged with an offence under this Act is not resident or physically present in Sri Lanka any corporate entity operating under the laws of Sri Lanka with which such registered owner, operator or any such person is connected as 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 against such corporate entity unless the contrary is proved.</li> <li>5. Any prosecution relating to any offence committed under this Act by any foreign fishing boat in Sri Lankan waters shall be concluded within one/three month(s) from the date of institution of any such proceedings in the Magistrate's Court.</li> </ol>   |
| <p><b>General Offence</b></p> <p><b>Section 136</b></p> | <p>An offence for which no other penalty is specifically provided under this Act, a Court may impose:</p> <ol style="list-style-type: none"> <li>a) A fine 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 or three times the economic benefit derived from the value of the catch that the person obtained through the violation, whichever is greater and/or</li> <li>ii. Imprisonment for a term not exceeding years</li> </ol> </li> <li>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.</li> </ol> |
| <p><b>Levels of Fines</b></p> <p><b>Section 137</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. 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 or she acted alone or in</li> </ol> </li> </ol>   |

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|  | <p>association, and the benefit obtained;</p> <p>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,</p> <p>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 imposed.</p>  |
| <p><b>Continuous Offenses</b></p> <p><b>Section 138</b></p>        | <p>Each day of a continuing offence shall be considered a Separate offence.</p>  |
| <p><b>Repeated Offenders</b></p> <p><b>Section 139</b></p>         | <ol style="list-style-type: none"> <li>1. Any fine or imprisonment 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.</li> <li>2. In addition to the penalty in subsection (1), the license may be suspended for a minimum of three (3) months.</li> </ol>   |
| <p><b>Cost Incurred by the State</b></p> <p><b>Section 140</b></p> | <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. Where the cost for pursuit is sought to be recovered in accordance with subsection (1)(a), the State shall, fourteen (14) days prior to the 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 141</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) a serious offences mentioned in the Schedule III under this</li> </ol> </li> </ol>  |

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|   | <p>Act; or</p> <p>b) multiple offences under this Act.</p> <p>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.</p> <p>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 the sanctions of Schedule III shall apply.</p>  |
| <p><b>Default by non-payment<br/>And Powers of Seizure, removal of mortgage Fishing Vessel, Engine and Fishing Gear</b></p> <p><b>Section 142</b></p> | <p>1. 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 [1%] per day of the total amount of the fine or determination.</p> <p>2. (a) Where default is made by any person in the payment of any sum due to the Government on any agreement entered into between the Government and such person in respect of fishing vessel, engine, fishing net or other fishing gear or equipment, the Director General may in writing empower any authorized officer to seize and remove such fishing vessel, engine, fishing net or other fishing gear or equipment.</p> <p>(b) An authorized officer, for the purpose of seizing any fishing boat, engine, fishing net or other fishing gear or equipment under subsection (2)(a) may enter and search any premises or place in which he has reason to believe such fishing vessel, engine, fishing net or other fishing gear or equipment is kept.</p> <p>(c) Nothing in this section shall be deemed to preclude the Government from recovering any sum due to the Government on any agreement referred to in sub section (1) in accordance with the provisions of any other law for the time being in force.</p> |
| <p><b>Liability for non-payment of fines</b></p> <p><b>Section 143</b></p>  | <p>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:</p> <p>a) pecuniary penalties not specifically designated as fines;</p> <p>b) all rents, charges, expenses and duties; and</p> <p>c) all other sums of money payable under this Act.</p> <p>2. Every action under subsection (1) shall be instituted under the name of the Director General and sections (3), (4), (5), (6), (7), (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.</p>   |
| <p><b>Liability for loss or damage</b></p> <p><b>Section 144</b></p>  | <p>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.</p>   |

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|  | <ol style="list-style-type: none"> <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; and</li> <li>b) any costs associated with or incurred in detaining or seizing any property, fish, article or thing in respect of that offence</li> </ol> </li> </ol>  |
| <b>Liability of officers of companies and masters of vessels</b><br><br><b>Section 145</b> | <ol style="list-style-type: none"> <li>1. Except as 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 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 fishing 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 defense to liability under this section for the officer of a company or master of a vessel to prove that he or she used due diligence to secure compliance with this Act or that the violation or offence was committed without that officer's or masters knowledge, consent, collusion or collaboration.</li> </ol> |
| <b>Liability of operators</b><br><br><b>Section 146</b>                                    | <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 the contrary is proved.</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>   |
| <b>Citizen's suit and civil enforcement</b><br><br><b>Section 147</b>                      | <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>   |
| <b>Injunction</b><br><br><b>Section 148</b>  | <p>A Court may issue an injunction to enforce any provision of this Act against any person as provided for in section (147).</p>   |
| <b>Prompt</b>  | <ol style="list-style-type: none"> <li>1. In cases of arrest or detention of foreign fishing vessels, the</li> </ol>   |

**Release**

**Section 149**

Director General shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

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.
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.
4. Upon receipt of an application under subsection (3), and in the case of a foreign vessel the Court shall order:
  - 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 or catch on board, or fish and fishery products on the premises, or;
  - b) Any of the following:
    - i. the fair market value of the vessel or property and catch on board or fish or fishery products on the premises;
    - ii. the maximum fine or fines provided for the offences charged or likely to be charged; or
    - iii. the costs likely to be recovered by the prosecution if a conviction is entered; and
  - c) the release of the vessel or property, upon receipt of the bond referred to in subsection (4) (a).
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 or may require additional security to be deposited with the Court.
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 unless the impairment is caused by natural cause or any act of Force majeure, or until any final proceedings under the Act have been disposed of or discontinued, and any fines, penalties or other determinations have been paid.
7. A vessel or property seized under this Act, or where a security has been posted 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.
8. Where a bond has been posted under subsection (2) and the vessel or property has been released:
  - a) 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;
  - b) the payment of any fine or penalty ordered upon conviction shall be made from the security; and

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|   | <p>c) any Order for costs shall be applied against the security.</p>  |
| <p><b>Granting of bail<br/>Section 150</b></p>                            | <ol style="list-style-type: none"> <li>1. No bail shall be allowed by the Magistrate to any person who is accused of an offence under section 83 of this Act.</li> <li>2. 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 83 of this Act.</li> </ol>   |
| <p><b>Forfeiture<br/>Section 151</b></p>                                  | <ol style="list-style-type: none"> <li>1. 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>a) 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>b) 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>c) 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>d) where any fish has been sold under section (152), the proceeds of the sale of the fish; or</li> <li>e) such other item or items as may be deemed necessary</li> </ol> </li> <li>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 107.</li> </ol> |
| <p><b>Disposition of seized or forfeited property<br/>Section 152</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 authorize 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> </ol> </li> </ol>  |



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|   | <p>b) sell or authorize 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.</p> <p>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.</p> <p>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:</p> <p>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 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 subsection 5(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>               |
|   | <p><b>CHAPTER 4 – Evidence and Presumptions</b></p>   |
| <p><b>Certificate of Evidence</b></p> <p><b>Section 153</b></p> | <p>The Director General, not below the rank of fisheries inspector or any person designated in writing by him/her may give a certificate in accordance with this Act stating that:</p> <p>a) a specified vessel was or was not on a specified date or dates a Sri Lanka fishing vessel or a foreign fishing vessel;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>f) a particular item or piece of equipment is fishing gear;</p> <p>g) the cause and manner of death of or injury to any fish or aquatic resource;</p> <p>h) an appended document is a true copy of an approved charter</p> |

agreement, an access agreement or fisheries management agreement;

- 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;
- j) an appended position or catch report was given in respect of a specified vessel;
- 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 subsection (b), as declared in an appended copy of a statement signed by the Director General ;
- l) an appended document is a true certificate of calibration of a specified measuring device;
- 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;
- n) an appended position or catch report was given for a specified vessel;
- o) a photograph is a true and accurate representation of what it is meant to represent;
- p) a photograph was taken by a specified surveillance officer;
- 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
- 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;

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| <p><b>Validity and Procedures for Certificates</b></p> <p><b>Section 154</b></p>   | <ol style="list-style-type: none"> <li>1. Unless the contrary is proved, a document purporting to be a certificate issued under section 153 shall be deemed to be a certificate duly issued under that section.</li> <li>2. Where a certificate issued under section 153 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 153 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 153 shall be titled "Certificate issued under the Fisheries and Aquatic Resources Act, No [xx] 2023".</li> <li>5. Any omission from or mistake made in any certificate issued under section 153 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.</li> <li>6. Where in any proceedings a certificate issued under section 153 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</li> </ol> |
| <p><b>Certificate as to the location of a vessel</b></p> <p><b>Section 155</b></p> | <ol style="list-style-type: none"> <li>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 where 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.</li> <li>2. An authorized officer shall, in any certificate made in subsection (1), state: <ol style="list-style-type: none"> <li>a) His or her name, address, official position, country of appointment and provision under which he is appointed;</li> <li>b) the name and, if known, call sign of the fishing vessel concerned;</li> <li>c) the date and time or period of time the vessel was in the place or area;</li> <li>d) the place or area in which it is alleged the vessel was located;</li> </ol> </li> </ol>   |

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|   | <ul style="list-style-type: none"> <li>e) the position fixing instruments used to fix the place or area stated in and their accuracy within specified limits;</li> <li>f) that he or 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>g) that he or she checked the instrument as soon as possible after the time concerned against such instrument if a position fixing instalment which is not judicially recognized as accurate, or a designated machine is used.</li> </ul> <p>3. Section 155 shall apply to a certificate issued under this section as if it had been a certificate issued under section 154 and any reference therein to section 154 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 Countries.</p>   |
| <p><b>Automatic Location System, Presumptions and Certificate</b></p> <p><b>Section 156</b></p> | <ul style="list-style-type: none"> <li>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: <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> </li> <li>2. The presumption in subsection (1) shall apply whether or not the information was stored before or after any transmission or transfer.</li> <li>3. An Automatic Location System installed and operated in accordance with this Act shall be judicially recognized as accurate.</li> <li>4. Any authorized officer may issue a certificate stating: <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 malfunctioning the Automatic Locator System its transmissions, or other machines used in obtaining or ascertaining the information.</li> </ul> </li> <li>5. Section 153 shall apply to a certificate issued under this section as if it had been a certificate given under section</li> </ul> |

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|  | <p>154 and any reference therein to section 154 shall be read as a reference to this section.</p>  |
| <p><b>Photographic Evidence</b><br/><b>Section 157</b></p> | <ol style="list-style-type: none"> <li>1. Where a photograph is taken of any fishing or fishery related activity and simultaneously the date and time when 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 so appearing.</li> <li>2. The presumption set out in subsection (1) shall arise only if: <ol style="list-style-type: none"> <li>a) the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and</li> <li>b) the photograph was taken by an authorized officer or any photograph admissible under the Evidence Ordinance.</li> </ol> </li> <li>3. Any authorized officer who takes a photograph of the kind described in subsection (1) may give a certificate appending the photograph stating: <ol style="list-style-type: none"> <li>a) His/her name, address, official position, country of appointment and authority under which he is appointed;</li> <li>b) the name and call sign, if known, of any fishing vessel appearing in the photograph;</li> <li>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 or she checked those instruments a reasonable time before and after the taking of the photograph and that they all appeared to be working correctly;</li> <li>d) the matters set out in subsection (2)(a) and (b); and</li> <li>e) the accuracy of the position fixing instrument used within specified limits.</li> </ol> </li> <li>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.</li> <li>5. Section 154 shall apply to a certificate issued under this section as if it had been a certificate issued under section 155 and any reference therein to section 155 shall be read as a reference to this section.</li> </ol> |
| <p><b>Expert Evidence</b><br/><b>Section 158</b></p>       | <p>The Director General shall nominate not below the rank of fisheries inspector or any person as an expert under the provisions of evidence ordinance.</p>  |
| <p><b>Presumptions</b><br/><b>Section 159</b></p>          | <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>   |

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 authorized 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.
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 or she has violated the provisions of section 110.
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.
10. Unless the contrary is proved, any person who is found in possession of any illegal fishing gear onboard a vessel or near Sri Lankan waters shall be presumed to be undertaking an unlawful activity contrary to sections 80, 82 and 84 of this Act.

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| <p><b>Burden of Proof</b></p> <p><b>Section 160</b></p>                        | <ol style="list-style-type: none"> <li>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.</li> <li>2. Where a person is charged with the contravention of section 93, the burden shall be on that person to prove that the information given was true, complete and correct.</li> </ol>   |
| <p><b>Interfering or tampering with Evidence</b></p> <p><b>Section 161</b></p> | <ol style="list-style-type: none"> <li>1. No person shall destroy, damage, obscure or otherwise interfere with evidence which may be related to an offence under this Act.</li> <li>2. In particular, but not to limit the generality of subsection (1), no person shall: <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 to that a vessel, fish, equipment or any other item held in custody under this Act may be removed from custody, whether or not he or she knew that the vessel, fish, equipment or other item was being held in custody;</li> <li>c) intentionally, recklessly or unintentionally destroy, damage, render inoperative or otherwise interfere with any premises or facilities licensed under this Act;</li> <li>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 in operative 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;</li> <li>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</li> <li>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.</li> </ol> </li> </ol> |

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|   | <p>3. Any person who contravenes the provisions of subsection (1) or (2) of this section shall be guilty of an offence and upon conviction, the sanctions of Schedule III shall be applicable.</p>  |
|   | <p><b>PART XII - GENERAL</b></p>  |
| <p><b>Consultation with Provincial Councils</b></p> <p><b>Section 162</b></p> | <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 163</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 authorized 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 authorized 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 authorized 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> <br/> <li>2. Where the master, owner, operator, charterer, any person on-board or any person suspected to have been on board of a such 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 affected: <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> |



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| <p><b>Designation of confidential information</b></p> <p><b>Section 164</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 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.</li> <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 or 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 upon request, to the responsible authority for purposes including surveillance, search and rescue and other</li> </ol> </li> </ol> |

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|  | <p>emergency;</p> <p>b) for purposes he or 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), shall be guilty of an offence and upon conviction the sanctions of Schedule III shall apply.</p>  |
| <p><b>Ownership of Information</b></p> <p><b>Section 165</b></p>                       | <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>   |
| <p><b>Educational and awareness Programs for Fishers</b></p> <p><b>Section 166</b></p> | <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 Indian Ocean Tuna Commission (IOTC), and to create awareness among fishers about the measures taken by the Government to conserve fish stocks and to minimize pollution.</p>   |
| <p><b>Regulations</b></p> <p><b>Section 167</b></p>                                    | <p>1. The Minister may make regulations for and in respect of all or any matters for which regulations are required to be made under this Act, and in respect of all or any of the following matters:</p> <p>a) To implement rules for Fisheries Committees under section (72) and the establishment of Fisheries Organizations at District and village levels;</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 (11);</p> <p>c) to implement the necessary provisions related to instruments of mortgage under sections (20),(21),(22),(23),(24),(25) and (26);</p> <p>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 (31);</p> <p>e) To determine the form for the application, payable fees and any other matter related to the licensing of fishing vessels and</p> |

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 sections (40), (42), (43), (56),(57),(58) and (59);

- f) 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 (53);
- g) 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 (59);
- h) To implement conservation, management and control measures adopted by Regional Fisheries Management Organizations where Sri Lanka is party under section (63) and International Conventions and Treaties which are ratified by Sri Lanka ;
- i) To prescribe appropriate provisions determining the circumstances under which crew members are entitled to repatriation, and to implement in the provisions of the International Labour Organization on Work on Fishing Convention, or any other related fishing conventions under section (65);
- j) To lay down specific conditions for the protection of coastal fishing communities and fisheries for subsistence to secure their livelihoods under section (76);
- k) To lay down the criteria for allocating fishing efforts and fishing effort, the conditions for transfers and exchanges of fishing efforts and fishing effort amongst holders, margin of flexibility for overshooting efforts, and procedures for deductions and reallocations in cases of overfishing under section (77);
- l) To implement conditions, rules and procedures to manage the capacity of fishing fleets under section (78);
- m) To establish the minimum size of marine species, rules for the use and operation of fishing nets, gears and methods, maximum percentages of by catches, and protected species under section (79);
- n) To regulate the activities of marine scientific research under section (90);
- o) 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 (95);
- p) 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 (97);
- q) To implement provisions on traceability requirements for fishery products under section (98);
- r) To determine the form for the application, application procedure, including renewal, cancellation and suspension,

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|  | <p>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 (100);</p> <p>s) To implement conditions in relation to the operation of the Global Positioning System (GPS), Vessel Monitoring System (VMS) or any other authorized automatic locator communication system to ensure proper monitoring of the fleet and related matters under section (110);</p> <p>t) To implement regulations on transshipment under section (111);</p> <p>u) To lay down rules on landings under section (112);</p> <p>v) To implementing Port State Measures for foreign vessels entering designated ports in Sri Lanka under section (113);</p> <p>w) To implement regulations on onboard observers under section (114) ;</p> <p>x) Fishing boat safety, (design, construction and equipment), minimum standards on navigation, the minimum manning standards and safety equipment under section (32) ;</p> <p>y) To make regulations in relation to the functioning, financing, auditing of the National Fisheries Federation and all the matters incidental thereto under section (8);</p> <p>z) All matters stated or required under this Act to be prescribed or for which regulations are authorized or required to be made under this Act.</p> <p>2. Every regulation made by the Minister under subsection (1) shall be published in the <i>Gazette</i> and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.</p> <p>3. Every regulation made by the Minister shall, as soon as convenient after its publication in the <i>Gazette</i>, be brought before Parliament for approval. Any regulation which is not approved shall be deemed to be rescinded from the date of the its disapproval. But without prejudice to anything previously thereunder.</p> <p>4. Notification of the date on which any regulation is deemed to be rescinded under subsection (3) shall be published in the <i>Gazette</i>.</p> |
| <p><b>Interpretation</b></p> <p><b>Section 168</b></p> | <p>In this Act, unless the contrary interpretation appears:</p> <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 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 over which the owner or operator has accidentally lost control and that cannot be located and /or retrieved by the owner or operator.</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.

**‘Areas beyond national jurisdiction’**: means those areas beyond Sri Lankan waters and the equivalent areas under the national jurisdiction of other States as recognized by international law;

**‘Aquaculture’**; means the cultivation, propagation or farming of fish or other living aquatic resources, and includes cultivation, propagation or farming from eggs, spawn, spat or seed, or buy rearing fish or aquatic plants or aquatic resources lawfully taken from the wild or lawfully imported in to the country or by other similar process;

- **‘Aquaculture activities’**: means the conduct of aquaculture in any area, enclosure, pond, impoundment, premises or structure setup or used for the cultivation of aquatic plant or organisms including fish or commercial purposes and includes any bed or raft or other structure used for the cultivation of pearl oyster and other shell fish.

- **‘Authorized Officers’**: means the officers appointed by the Director General under section (117(1)) for the purpose of monitoring, control, surveillance and enforcement activities

- **‘Automatic Identification System’ (AIS)**: means a ship- reporting system of data including identification, position, course and speed, based on messages broadcasted by vessels carrying transponders;

- **‘Automatic Locator Communicator’ (ALC)**: means a device approved by the Director General , and placed on a fishing vessel that is designed to transmit, whether independently or inconjunction with another device or devices, information concerning position, fishing and such other activities of the vessel as may be required, and includes Global Positioning System (GPS) and Vessel Monitoring System (VMS);

- **‘Beneficial owner’**: means the person to whom specific property rights belong in equity even though legal title of the property belongs to another person.

- **‘Bottom Trawl net’**: means a towing net having a cone shaped body of netting, and a bag or cod-end (*madiya*) 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.

- **‘Conservation and management measures’**: 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;

- **‘Drift gillnet’**: means a type of gillnet that is not fixed to the seabed but allowed to drift with the current.

-**‘Ecosystem based approach to fisheries management’**: 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;

-**‘ Fishing Effort’**: means a quantity of the Total Allowable Catch (TAC) for a given stock or group of stocks over a given period of time, allocated to different effort holders in line with prescribed objectives and transparent criteria;

-**‘Electronic Logbook System’ (ELS)**: means a computerized 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 authorized officer;

-**‘Exclusive Economic Zone’**: means the area declared to be the exclusive economic zone of Sri Lanka by proclamation made under section 5 of the Marine Zones Law, No. 22 of 1976;

-**‘Fish’**: 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;

-**‘Fish Aggregating Device (FAD)’**: 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;

-**‘Fish Processing’**: includes the production of any substance or article from fisheries resources by any method, such as cutting up, dismembering, cleaning, sorting, loining, icing, freezing, canning, smoking, drying, filleting, fermenting, salting and preserving.

-**‘Fish processing establishment’**: means any building or vessel or area in which fish is handled and processed for commercial use;

-**‘Fish product’**: means any fish which has been partly or wholly processed;

-**‘Fisher’**: means any person who engages in fishing directly, including but not restricted to fishermen, crew and the master of the vessel and registered in the registry of fishers under section (31);

-**Fishing related activities** : means any person who engages indirect activities in fisheries sector and registered in the registry of fishing

related activities, under section (31);

-**'Fishing dispute'**: 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;

-**'Fishing Operations'**: 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;

-**'Fishing operation area'**: means Areas permitted to engaging in fishing operations as mentioned in the fishing operation license.

-**'Fishing authorization'**: means an authorization, license, permit, or endorsement required under this Act;

-**'Fishing effort'**: The amount of fishing gear of a specific type used on the fishing grounds over a given unit of time

-**'Fishing gear'**: 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 International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V;

-**'Fishing related activities'**: 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;

-**'Fishing trip'**: 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;

-**'Fishing species targeted'**: means fishing species permitted to be caught under the fishing operation license;

-**'Fishing vessel'**: means any vessel used for, equipped to be used for, or of a type that is normally used for, fishing or fishing related activities;

-**'Fisheries Monitoring Centre'**: means an operational center established by the Director General in order to, among other things, receive tracking reports generated by the vessel monitoring system;

-**'Foreign vessel'**: means any vessel, ship of another type or boat, other than a Sri Lankan vessel, used for, equipped to be used for, or intended to be used for, fishing or fishing related activities;

-**'Gillnet'**: means a long rectangular wall of netting set 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;

-‘**High Seas**’: 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;

-‘**Illegal, Unreported and Unregulated fishing**’ (‘**IUU**’ fishing): means as laid down in Schedule IV of this Act;

-‘**Inboard Fishing Vessel**’ : means engine fixed inside the vessel ;

-‘**Indian Ocean Tuna Commission (IOTC)**’: 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;

-‘**Inland waters**’: means any public rivers, lakes, estuaries, lagoons, streams, tanks, pools, channels and any other public areas of fresh or brackish water in Sri Lanka;

-‘**Kilowatts/horse power**’’: (of an engine) means the unit in which engine power is expressed;

-‘**Landing**’: 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;

-‘**Licensing officer**’: means any fishery officer or Fisheries Inspector appointed by the Director General for issuing fishing operations licenses in the Administrative District;

-‘**Logbook**’: 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;

- ‘**Longline**’: 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; floating long line’, and when the line is anchored close to the bottom or at the bottom it is called; bottom long line’;

-‘**Marine Ecosystems**’: means an aquatic environment with high levels of dissolved salt which includes the open ocean, deep-sea ocean, and coastal marine ecosystems such as estuaries, bays, lagoons, salt marshes, mangrove forests, coral reefs.

-‘**Master**’: means any person holding the most responsible position at any given time on-board a fishing vessel and includes the skipper.

-‘**Mesh size**’: 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 center measurement.

-‘**Mobile Transceiver Unit**’ (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;

‘**Multiday fishing vessel**’: means Vessels engaging fishing in Sri Lanka waters or high seas exhibit in vessel register number with code of IMUL. .

-‘**National Aquatic Resources and Development Agency**’ (NARA): means the National Aquatic Resources and Development Agency established by the National Aquatic Resources Research and Development Agency Act No. 54 of 1981;

-‘**Owner**’: means the natural or legal person registered as the owner of a vessel;

-‘**Operator**’: 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;

-‘**Port State Measure**’: means measures implementing the Food and Agriculture Organization (FAO) Agreement on Port State Measures to prevent, deter and eliminate Illegal Unreported and Unregulated fishing, approved by the FAO Conference at its Thirty-six session, Rome, 2009.

-‘**Prescribed**’: means prescribed by regulations made under this Act;

-‘**Precautionary approach to fisheries management**’: 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;

-‘**Public corporation**’: means any corporation, board or other body which was or is established by or under any written law other than the Companies Act, with funds or capital wholly or partly provided by the Government by way of grant, loan or otherwise;

-‘**Recreational Fishing Vessel**’: means a vessel used for recreational fisheries which is registered as a Recreational Fishing vessel under this Act.

-‘**Recreational fisheries**’: means non-commercial fishing activities exploiting fisheries and marine aquatic resources, including ‘catch and release’ for recreation, tourism or sport;

-‘**Regional Fisheries Management Organizations**’ (RFMO): means agreements or obligations made by the Regional Fisheries Management Organizations which are binding on Sri Lanka to which Sri Lanka is a contractual party.

-‘**Secretary**’: means the Secretary appointed to the Ministry in charge of the subject of Fisheries in accordance with article 52 of the Constitution;

-‘**Seine net**’ (or **Madel**’ or **Danish seine**): means a net with or without a cod end (*madiya*) 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;

-‘**Soft trawl gear**’: means :

towing net having a cone shaped body of netting, and a bag or cod-end (*madiya*) connected to the apex with or without two wings connect to the other end, and towed by mechanized one fishing vessel not more than 35 feet in length overall to catch fish through herding and sieving.

-‘**Sri Lankan Fishing Vessel**’: means-

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

-‘**Surrounding net**’: means a net set in water covering all sides except the surface of the water, and catches fish by surrounding a school of fish.

- ‘**Stake net**’(*Kattu Del*): 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;

-‘**Sri Lankan waters**’: means-

- a) The areas declared to be the territorial sea, the contiguous zone, the exclusive economic zone and historic waters under the Maritime Zones Law No. 22 of 1976, and,
- b) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, channels and all other public inland or internal waters;

-‘**Subsistence fishery**’: means a fishery where the fish caught for the consumption of the families of the fishers and not sold for commercial purpose;

-‘**Tonnage**’: (of a vessel) means the gross tonnage as specified in Annex I of International Convention on Tonnage Measurement of Ships;

‘**Total Allowable Catch**’: means the total allowable catch of each stock that can be caught over the period of time;

‘**Traditional Migrant Fisher**’: means person who can establish he and his past generation were engaged in migrant fishing activities in the particular fishing area during the last five years, based on monsoonal

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|   | <p>patterns and has been registered for such purpose under this Act.</p> <p><b>‘Traditional Soft Trawling’</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 softly towed by less than 35 feet motorized one fishing vessel to catch fish in traditional fishing grounds.</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>-‘Transshipment’</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>-‘Vessel Monitoring System’</b> (VMS): means a satellite-based reporting system to monitor the position and activities of fishing vessels for the purposes of effective management of fisheries.</p>   |
| <p><b>Act to Prevail</b><br/><b>Section 169</b></p> | <ol style="list-style-type: none"> <li>1. The provisions of this Act shall be in addition to and not of derogation of the provisions of the Fauna and Flora Protection Ordinance (Chapter 469) and the Forest Ordinance (Chapter 451) or of any regulation or rule made under such Ordinances relating to the taking of fish or to the carrying of fish in Sri Lankan waters.</li> <li>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.</li> </ol>  |
| <p><b>Repeals</b><br/><b>Section 170</b></p>        | <p>The Fisheries and Aquatic Resources Act No. 2 of 1996 and Fisheries (Regulation of Foreign Fishing Boats) Act No.59 of 1979 the amendments made there under are hereby repealed.</p>   |
| <p><b>Savings</b><br/><b>Section 171</b></p>        | <p>Notwithstanding the repeal of the Fisheries and Aquatic Resources Act No. 2 of 1996 and Fisheries (Regulation of Foreign Fishing Boats) Act No.59 of 1979 in accordance with section (169):</p> <ol 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 sofar 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</li> </ol> |

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|  | <p>as if the provisions of the said Acts were not repealed;</p> <p>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 (107) of this Act; and,</p> <p>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.</p> |
| <p><b>Sinhala to Prevail</b></p> <p><b>Section 172</b></p> | <p>In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall, prevail.</p>  |

## **SCHEDULE I – MEMBERS OF THE ADVISORY COUNCIL**

There shall be permanent members the following persons:

- (a) the Secretary to the Ministry of the Minister appointed under Article 44 of the Constitution to whom the subject of Fisheries 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 of the Coast Conservation and Coastal Resource Management Department, established under the Coast Conservation and Coastal of Resource Management Act, No. 57 of 1981;
- (g) The Director General of the Department of Coast Guard, established under the Department of Coast Guard Act, No. 41 of 2009;
- (h) Representative(s) from relevant Provincial Council/ Councils
- (i) Representative of Sri Lanka Navy Commander.
- (j) Chairman, Cey-Nor Foundation
- (k) Chairman, North Sea Limited,

There shall be ad hoc members the following persons:

- (a) the Conservator-General of Forests, appointed under the Forest Conservation Ordinance (Chapter 451);
- (b) the Commissioner-General of Agrarian Development, appointed under the Agrarian Development Act, No. 46 of 2000;

- (c) the Secretary to the Ministry of the Minister to whom the subject of Irrigation has been assigned, or his nominee;
- (d) the Secretary to the Ministry of the Minister to whom the subject of Wild Life Conservation has been assigned, or his nominee;
- (e) the Secretary to the Ministry of the Minister to whom the subject of River Basins has been assigned, or his nominee;
- (f) the Secretary to the Ministry of the Minister to whom the subject of Land has been assigned, or his nominee;
- (g) the Secretary to the Ministry of the Minister to whom the subject of Tourism has been assigned, or his nominee;
- (h) the Secretary of the All Ceylon Madel Owners Fisheries Cooperative Society Limited, registered under the Co-operative Societies Law, No. 5 of 1972;
- (i) the Secretary of National Fisheries Federation;
- (j) two persons engaged in fishing, nominated by the National Fisheries Federation of Fisheries Organizations;
- (k) two persons engaged in fishing nominated by the Multi Day Fishing Boat Owners Association;
- (l) the Chairman of the Sri Lanka National Federation of Fisheries Co-operative Societies Ltd;
- (m) two persons engaged in fishing nominated by the Sri Lanka National Federation of Fisheries Co-operative Societies Ltd.;
- (n) the President of the Fishery Products Exporters Association;
- (o) the Chairman of the Association of Live Ornamental Fish Exporters of Sri Lanka;
- (p) two representatives of women engaged in fishing;
- (q) six other members appointed by the Minister hereinafter referred to as 'appointed members' from among persons who shall have special knowledge and experience in matters relating to the fisheries industry or other scientific disciplines

## **SCHEDULE II – MEMBERS OF THE FISHERIES MANAGEMENT**

### **COORDINATING COMMITTEE**

There shall be permanent Members the following persons:

- a) the officer in charge of the District Fisheries Office and two other officers from that office;
  - i. Not more than 4 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 (12) elected by the members of all the fisheries committees in that Fisheries Management Area :
  - iii. provided however, that there shall be an equal member of members from each of such fisheries committees
- b) the District Secretary of the Administrative District within which the Fisheries Management Area is situated;
- c) the Divisional Secretary of the Administrative District within which the Fisheries Management Area is situated;
- d) 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
- e) 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;
- f) Five persons from the following as required;
- I. not more than two 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, five members shall be elected by the members representing the fisheries committees in that Fisheries Management Area: Provided however, that in the election of five members, there shall be an equal number of members from each of such fisheries committees;

There shall be *ad hoc Members* the following persons:

- a) the Chairman of the Pradeshiya Sabha constituted for the Pradeshiya Sabha area within which the Fisheries Management Area is situated;
- b) 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;
- c) 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
- d) the Provincial Director of Fisheries of the Province within which the Fisheries Management Area is situated;
- e) 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;
- f) An officer of the Central Environmental Authority established under National Environmental Act, No. 47 of 1980, nominated by the Chairman of that Authority;
- g) 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;
- h) An officer of the Department of Forest Conservation, established under Forest Conservation Ordinance (Chapter 451) nominated by the Conservator-General of Forest;
- i) 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;
- j) 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;
- k) 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;
- l) 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;
- m) 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
- n) 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 - Levels of Fines

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

| Level | Value in rupees           |
|-------|---------------------------|
| 1     | 1 000 – 5 000             |
| 2     | 5 001 – 50 000            |
| 3     | 50 001 – 100 000          |
| 4     | 100 001 – 250 000         |
| 5     | 250 001 – 500 000         |
| 6     | 500 001 – 1 000 000       |
| 7     | 1 000 001 – 1 500 000     |
| 8     | 1 500 001 – 50 000 000    |
| 9     | 50 000 001 – 100 000 000  |
| 10    | 100 000 001 – 175 000 000 |
| 11    | 175 000 001 – 220 000 000 |

### Specific level of fines depending on the type of Vessel

|   |      |
|---|------|
| 1. Non-Motorized Traditional Boats      | NTRB |
| 2. Beach Seine Boats (Non Motorized)    | NBSB |
| 3. Motorized Traditional Boats          | MTRB |
| 4. Fiberglass Boats With Outboard Motor | OFRP |
| 5. Day Boats With Inboard Engines       | IDAY |
| 6. Offshore Multiday Boats              | IMUL |

| Section  | Vessel type                                 | Type of offense | Compounding      | Penalty (Rs)                   |
|--|---|-----------------|------------------|--------------------------------|
| Section 11<br>Registration   | Non-Motorized Traditional Boats (NTRB)      | Non-Serious     | 1/3 of the fine  | Level 1<br>(1 000 – 5 000)     |
|  | Beach Seine Boats (Non Motorized) (NBSB)    | Non-Serious     | 1/3 of the fine  | Level 1<br>(1 000 – 5 000)     |
|  | Motorized Traditional Boats (MTRB)          | Non-Serious     | 1/3 of the fine  | Level 2<br>(5 001 – 50 000)    |
|  | Fiberglass Boats With Outboard Motor (OFRP) | Non-Serious     | 1/3 of the fine  | Level 2<br>(5 001 – 50 000)    |
|  | Day Boats With Inboard Engines (IDAY)       | Serious         | Non-Compoundable | Level 3<br>(50 001 – 100 000)  |
|  | <b>Multiday Fishing Vessels</b>             |                 |                  |                                |
|  | < 15 m                                      | Serious         | Non-Compoundable | Level 2<br>(5 001 – 50 000)    |
|  | > 15 m to 24 m                              | Serious         | Non-Compoundable | Level 3<br>(50 001 – 100 000)  |
|  | <b>Multiday Fishing Vessels</b>             |                 |                  |                                |
|  | < 15 m                                      | Serious         | Non-Compoundable | Level 2<br>(5 001 – 50 000)    |
|  | > 15 m to 24 m                              | Serious         | Non-Compoundable | Level 4<br>(100 001 – 250 000) |
|  | > 24 m to 45 m                              | Serious         | Non-Compoundable | Level 4<br>(100 001 – 250 000) |
|  | > 45 m to 75 m                              | Serious         | Non-Compoundable | Level 4<br>(100 001 – 250 000) |
|  | > 75 m                                      | Serious         | Non-Compoundable | Level 5<br>(250 001 – 500 000) |
| Section 13<br>Obligation to carry certificate of registration on board | Motorized Traditional Boats (MTRB)          | Non-Serious     | 1/3 of the fine  | Level 2<br>(5 001 – 50 000)    |
|  | Fiberglass Boats With Outboard Motor (OFRP) | Non-Serious     | 1/3 of the fine  | Level 2<br>(5 001 – 50 000)    |

|  |  |             |                  |   |
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|  | Day Boats With Inboard Engines ( <b>IDAY</b> )       | Non-Serious | 1/3 of the fine  | Level 3<br>(50 001 – 100 000)           |
|  | <b>Multiday Fishing Vessels</b>                      |             |                  |   |
|  | < 15 m   | Non-Serious | 1/3 of the fine  | Level 2<br>(5 001 – 50 000)             |
|  | > 15 m to 24 m                                       | Non-Serious | 1/3 of the fine  | Level 3<br>(50 001 – 100 000)           |
|  | <b>Multiday Fishing Vessels</b>                      |             |                  |   |
|  | < 15 m   | Non-Serious | 1/3 of the fine  | Level 3<br>(50 001 – 100 000)           |
|  | > 15 m to 24 m                                       | Non-Serious | 1/3 of the fine  | Level 4<br>(100 001 – 250 000)          |
|  | > 24 m to 45 m                                       | Non-Serious | 1/3 of the fine  | Level 4<br>(100 001 – 250 000)          |
|  | > 45 m to 75 m                                       | Non-Serious | 1/3 of the fine  | Level 5<br>(250 001 – 500 000)          |
| <b>Section 14</b><br><b>Marking of the fishing vessel</b>  | Non-Motorized Traditional Boats ( <b>NTRB</b> )      | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)              |
|  | Beach Seine Boats (Non Motorized) ( <b>NBSB</b> )    | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)              |
|  | Motorized Traditional Boats ( <b>MTRB</b> )          | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)             |
|  | Fiberglass Boats With Outboard Motor ( <b>OFRP</b> ) | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)             |
|  | Day Boats With Inboard Engines ( <b>IDAY</b> )       | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)           |
|  | Offshore Multiday Boats ( <b>IMUL</b> )              | Serious     | Non-Compoundable | Level 4<br>(100 001 – 250 000)          |
| <b>Section 31</b><br><b>Registration of Fishers and Fishing Related Activities</b>   | Any Vessel   | Non-Serious | Compoundable     | Level 1<br>(1 000 – 5 000)              |
| <b>Section 32</b><br><b>Registration of boat yards , manufacturers and importers of fishing gears, navigational equipment, and fishery related accessories</b> | Any Vessel   | Serious     | Non-Compoundable | Level 4<br>(100 001 – 250 000)          |
| <b>Section 37</b><br><b>Transfer of Fishing Licenses</b>   | Any Vessel   | Serious     | Non-Compoundable | Level 4<br>(100 001 – 250 000)          |
| <b>Section 38 (1)</b><br><b>Foreign Vessels in Sri Lanka Waters is prohibited</b>  | < 15 m   | Serious     | Non-Compoundable | Level 8<br>(1 500 001 – 50 000 000)     |
|  | > 15 m to 24 m                                       | Serious     | Non-Compoundable | Level 8<br>(1 500 001 – 50 000 000)     |
|  | > 24 m to 45 m                                       | Serious     | Non-Compoundable | Level 9<br>(50 000 001 – 100 000 000)   |
|  | > 45 m to 75 m                                       | Serious     | Non-Compoundable | Level 10<br>(100 000 001 – 175 000 000) |
|  | > 75 m   | Serious     | Non-Compoundable | Level 11<br>(175 000 001 – 220 000 000) |
| <b>Section 38 (2)</b><br><b>Foreign Vessels</b>  | Any Foreign Vessel                                   | Serious     | Non-Compoundable | Level 6<br>(500 001 – 1 000 000)        |
| <b>Section 40</b><br><b>Application for a</b>  | Non-Motorized Traditional Boats ( <b>NTRB</b> )      | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)              |
|  | Beach Seine Boats (Non                               | Serious     | Non-Compoundable | Level 2                                 |



|   |  |         |                  |   |
|---|--|---------|------------------|---|
| <b>Fishing License to Conduct Fishing Operations in Sri Lankan Waters</b>                               | <b>Motorized) (NBSB)</b>                             |         |                  | <b>(5 001 – 50 000)</b>                   |
|   | Motorized Traditional Boats ( <b>MTRB</b> )          | Serious | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>        |
|   | Fiberglass Boats With Outboard Motor ( <b>OFRP</b> ) | Serious | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>        |
|   | Day Boats With Inboard Engines ( <b>IDAY</b> )       | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | <b>Multiday Fishing Vessels</b>                      |         |                  |   |
|   | < 15 m   | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | > 15 m to 24 m                                       | Serious | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>     |
|   | <b>Multiday Fishing Vessels</b>                      |         |                  |   |
|   | < 15 m   | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | > 15 m to 24 m                                       | Serious | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>     |
|   | > 24 m to 45 m                                       | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>     |
|   | > 45 m to 75 m                                       | Serious | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>   |
|   | > 75 m   | Serious | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b> |
| <b>Section 42</b>   | <b>Multiday Fishing Vessels</b>                      |         |                  |   |
| <b>Application for a Fishing License to Conduct Fishing Operations on the High Seas</b>                 | < 15 m   | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | > 15 m to 24 m                                       | Serious | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>     |
|   | > 24 m to 45 m                                       | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>     |
|   | > 45 m to 75 m                                       | Serious | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>   |
|   | > 75 m   | Serious | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b> |
| <b>Section 43</b>   | <b>Multiday Fishing Vessels</b>                      |         |                  |   |
| <b>Application for a Fishing License to Conduct Fishing Operations in the Waters of Another Country</b> | < 15 m   | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | > 15 m to 24 m                                       | Serious | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>     |
|   | > 24 m to 45 m                                       | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>     |
|   | > 45 m to 75 m                                       | Serious | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>   |
|   | > 75 m   | Serious | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b> |
| <b>Section 48</b>   | <b>Obligations on fishing licenses</b>               |         |                  |   |
|   | Non-Motorized Traditional Boats ( <b>NTRB</b> )      | Serious | Non-Compoundable | Level 1<br><b>(1 000 – 5 000)</b>         |
|   | Beach Seine Boats (Non Motorized) ( <b>NBSB</b> )    | Serious | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>        |
|   | Motorized Traditional Boats ( <b>MTRB</b> )          | Serious | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>        |
|   | Fiberglass Boats With Outboard Motor ( <b>OFRP</b> ) | Serious | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>        |
|   | Day Boats With Inboard Engines ( <b>IDAY</b> )       | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | <b>Multiday Fishing Vessels</b>                      |         |                  |   |
|   | < 10.3 m   | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>      |
|   | > 10.3 m to 15 m                                     | Serious | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>     |
|   | > 15m to 24m   | Serious | Non-Compoundable | Level 5                                   |

|                                      |  |               |                  |  |
|--------------------------------------|--|---------------|------------------|--|
|                                      |  |               |                  | <b>(250 001 – 500 000)</b>                     |
|                                      | > 24m  | Serious       | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>        |
|                                      | <b>Multiday Fishing Vessels</b>  |               |                  |  |
|                                      | < 15 m   | Serious       | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b>      |
|                                      | > 15 m to 24 m   | Serious       | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b>     |
|                                      | > 24 m to 45 m   | Serious       | Non-Compoundable | Level 9<br><b>(50 000 001 – 100 000 000)</b>   |
|                                      | > 45 m to 75 m   | Serious       | Non-Compoundable | Level 10<br><b>(100 000 001 – 175 000 000)</b> |
|                                      | > 75 m   | Serious       | Non-Compoundable | Level 10<br><b>(100 000 001 – 175 000 000)</b> |
| <b>Section 49</b>                    |  |               |                  |  |
| <b>License to be carried onboard</b> | Non-Motorized Traditional Boats <b>(NTRB)</b>                            | N/A           | N/A              | N/A  |
|                                      | Beach Seine Boats (Non Motorized) <b>(NBSB)</b>                          | N/A           | N/A              | N/A  |
|                                      | Motorized Traditional Boats <b>(MTRB)</b>                                | Non - Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>              |
|                                      | Fiberglass Boats With Outboard Motor <b>(OFRP)</b>                       | Non- Serious  | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>              |
|                                      | Day Boats With Inboard Engines <b>(IDAY)</b>                             | Non -Serious  | 1/3 of the Fine  | Level 3<br><b>(50 001 – 100 000)</b>           |
|                                      | <b>Multiday Fishing Vessels</b>  |               |                  |  |
|                                      | < 15 m   | Non - Serious | 1/3 of the Fine  | Level 3<br><b>(50 001 – 100 000)</b>           |
|                                      | > 15 m to 24 m   | Non - Serious | 1/3 of the Fine  | Level 3<br><b>(50 001 – 100 000)</b>           |
|                                      | <b>Multiday Fishing Vessels</b>  |               |                  |  |
|                                      | < 15 m   | Serious       | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>          |
|                                      | > 15 m to 24 m   | Serious       | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>          |
|                                      | > 24 m to 45 m   | Serious       | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>          |
|                                      | > 45 m to 75 m   | Serious       | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>          |
|                                      | > 75 m   | Serious       | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>          |
| <b>Section 50</b>                    |  |               |                  |  |
| <b>Departure and Arrival</b>         | All Inboard vessels  | Serious       | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
| <b>Section 51</b>                    |  |               |                  |  |
| <b>Record of Fisheries Data</b>      | All Inboard vessels  | Serious       | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
| <b>Section 52</b>                    |  |               |                  |  |
| <b>Landing and Reporting</b>         | Landing of Fish by Sri Lanka Fishing Vessels and without Fishing Vessels |               |                  |  |
|                                      | <b>Without Fishing Vessels</b>   | Non - Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>              |
|                                      | Non-Motorized Traditional Boats <b>(NTRB)</b>                            | Non - Serious | N/A              | Level 1<br><b>(1 000 – 5 000)</b>              |
|                                      | Beach Seine Boats (Non Motorized) <b>(NBSB)</b>                          | Non – Serious | N/A              | Level 1<br><b>(1 000 – 5 000)</b>              |
|                                      | Motorized Traditional Boats <b>(MTRB)</b>                                | Non - Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>              |
|                                      | Fiberglass Boats With  | Non - Serious | 1/3 of the Fine  | Level 1  |

|   |   |             |                  |  |
|---|---|-------------|------------------|--|
|   | <b>Outboard Motor (OFRP)</b>                        |             |                  | <b>(1 000 – 5 000)</b>                         |
|   | Day Boats With Inboard Engines ( <b>IDAY</b> )      | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | <b>Multiday Fishing Vessels</b>                     |             |                  |  |
|   | < 15 m  | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | > 15 m to 24 m                                      | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | <b>Multiday Fishing Vessels</b>                     |             |                  |  |
|   | < 15 m  | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | > 15 m to 24 m                                      | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | > 24 m to 45 m                                      | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>           |
|   | > 45 m to 75 m                                      | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>           |
|   | > 75 m  | Serious     | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>          |
| <b>Section 53<br/>Marking of Fishing Gears</b>  | <b>Multiday Fishing Vessels (Sri Lanka Waters)</b>  |             |                  |  |
|   | < 15 m  | Non-Serious | 1/3 of the Fine  | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | > 15 m to 24 m                                      | Non-Serious | 1/3 of the Fine  | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | <b>Multiday Fishing Vessels (High Seas)</b>         |             |                  |  |
|   | Offshore Multiday Boats ( <b>IMUL</b> )             | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>           |
| <b>Section 54 (5)<br/>Master not complying with obligation towards the observer</b>           | Offshore Multiday Boats ( <b>IMUL</b> ) (High Seas) | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>          |
| <b>Section 56<br/>Licenses for Fishers Fishing Without Vessel</b>                             | N/A   | Non-Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>              |
| <b>Section 57<br/>Fishing License for Fishers onboard a Foreign Vessel</b>                    | Foreign   | Non-Serious | 1/3 of the Fine  | Level 3<br><b>(50 001 – 100 000)</b>           |
| <b>Section 58<br/>License for Master</b>  | Vessel with Inboard engine                          | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | Day Boats With Inboard Engines ( <b>IDAY</b> )      | Serious     | Non-Compoundable | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | Offshore Multiday Boats ( <b>IMUL</b> )             | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>           |
| <b>Section 59<br/>Recreational Fisheries</b>  | With Vessel   | Non-Serious | 1/3 of the Fine  | Level 2<br><b>(5 001 – 50 000)</b>             |
|   | Without Vessel                                      | Non-Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>              |
| <b>Section 63<br/>Species regulated by Regional Fisheries Management Organizations (RFMO)</b> | <b>Multiday Fishing Vessels</b>                     |             |                  |  |
|   | < 15 m  | Serious     | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b>      |
|   | > 15 m to 24 m                                      | Serious     | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b>     |
|   | > 24 m to 45 m                                      | Serious     | Non-Compoundable | Level 9<br><b>(50 000 001 – 100 000 000)</b>   |
|   | > 45 m to 75 m                                      | Serious     | Non-Compoundable | Level 10<br><b>(100 000 001 – 175 000 000)</b> |

|  |   |             |                  |   |
|--|---|-------------|------------------|---|
|  | > 75 m                                      | Serious     | Non-Compoundable | Level 10<br>(100 000 001 – 175 000 000) |
| <b>Section 64</b><br><b>Fishing in the waters of other Countries with Access Agreement</b>     | <b>Multiday Fishing Vessels</b>             |             |                  |   |
|  | < 15 m                                      | Serious     | Non-Compoundable | Level 7<br>(1 000 001 – 1 500 000)      |
|  | > 15 m to 24 m                              | Serious     | Non-Compoundable | Level 8<br>(1 500 001 – 50 000 000)     |
|  | > 24 m to 45 m                              | Serious     | Non-Compoundable | Level 9<br>(50 000 001 – 100 000 000)   |
|  | > 45 m to 75 m                              | Serious     | Non-Compoundable | Level 10<br>(100 000 001 – 175 000 000) |
|  | > 75 m                                      | Serious     | Non-Compoundable | Level 10<br>(100 000 001 – 175 000 000) |
| <b>Section 77</b><br><b>Fishing effort and Catch in Proportional Manner</b>                    | Fishers without Vessel                      | Serious     | 1/3 of the Fine  | Level 1<br>(1 000 – 5 000)              |
|  | Skin Diving                                 | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)             |
|  | SCUBA Diving                                | Serious     | Non-Compoundable | Level 3                                 |
|  | Non-Motorized Traditional Boats (NTRB)      | Non-Serious | 1/3 of the Fine  | Level 2<br>(5 001 – 50 000)             |
|  | Beach Seine Boats (Non Motorized) (NBSB)    | Non-Serious | 1/3 of the Fine  | Level 2<br>(5 001 – 50 000)             |
|  | Motorized Traditional Boats (MTRB)          | Non-Serious | 1/3 of the Fine  | Level 2<br>(5 001 – 50 000)             |
|  | Fiberglass Boats With Outboard Motor (OFRP) | Non-Serious | 1/3 of the Fine  | Level 2<br>(5 001 – 50 000)             |
|  | Day Boats With Inboard Engines (IDAY)       | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)           |
|  | <b>Multiday Fishing Vessels</b>             |             |                  |   |
|  | < 15m                                       | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)           |
|  | > 15 m to 24 m                              | Serious     | Non-Compoundable | Level 4<br>(100 001 – 250 000)          |
|  | > 24 m to 45m                               | Serious     | Non-Compoundable | Level 6<br>(500 001 – 1 000 000)        |
|  | > 45m to 75m                                | Serious     | Non-Compoundable | Level 7<br>(1 000 001 – 1 500 000)      |
|  | > 75 m                                      | Serious     | Non-Compoundable | Level 8<br>(1 500 001 – 50 000 000)     |
| <b>Section 80(1),(3),(4),(5)</b><br><b>Prohibition on the use of Fishing Gears and Methods</b> | Fishers without Vessel                      | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)              |
|  | Skin Diving                                 | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)              |
|  | SCUBA Diving                                | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)             |
|  | Non-Motorized Traditional Boats (NTRB)      | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)              |
|  | Beach Seine Boats (Non Motorized) (NBSB)    | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)             |
|  | Motorized Traditional Boats (MTRB)          | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)             |
|  | Fiberglass Boats With Outboard Motor (OFRP) | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)           |
|  | Day Boats With Inboard Engines (IDAY)       | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)           |
|  | <b>Multiday Fishing Vessels</b>             |             |                  |   |
|  | < 15m                                       | Serious     | Non-Compoundable | Level 3                                 |

|   |                |             |                  |  |
|---|----------------|-------------|------------------|--|
|   |                |             |                  | <b>(50 001 – 100 000)</b>                  |
|   | >15 m to 24 m  | Serious     | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>      |
|   | > 24 m to 45m  | Serious     | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>    |
|   | > 45m to 75m   | Serious     | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b>  |
|   | > 75 m         | Serious     | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b> |
| <b>Section 80(2)<br/>Prohibition of the use of prohibited fishing gear or method by any owner, master or operator for fishing</b> | Any vessel     | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
| <b>Section 81<br/>Diving Operations</b>   | Skin Diving    | Non-Serious | 1/3 of the Fine  | Level 2<br><b>(5 001 – 50 000)</b>         |
|   | Scuba Diving   | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
| <b>Section 82<br/>Regulations on the use of Seine nets, drift Gillnets and other types of prescribed nets</b>                     | Drift Gill Net | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
|   | Seine Net      | Serious     | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>      |
| <b>Section 83<br/>Prohibition to use poisonous or explosive substances to catch fish</b>  | Any Vessel     | Serious     | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>    |
| <b>Section 84<br/>Prohibition to engage in bottom trawling</b>  | Any Vessel     | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 85<br/>Control of Pollution in Marine Ecosystems</b>   | Any Vessel     | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 86<br/>Retrieval of Abandoned, Lost or discarded Fishing Gear</b>  | Any Vessel     | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
| <b>Section 87<br/>Spatial Closures, Open and Closed seasons</b>   |                | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 88<br/>Fisheries Reserves</b>  |                | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 89<br/>Protected Species</b>   |                | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 90<br/>Scientific Research by Fishing Vessels</b>  |                | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |

|  |                                 |         |                  |  |
|--|---------------------------------|---------|------------------|--|
| <b>Section 91</b><br><b>Scientific Research by a Foreign Research Organization or Another Country</b>                          |                                 | Serious | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b>  |
| <b>Section 92</b><br><b>Fisheries Data Collection Programs</b>   |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 93</b><br><b>Collection, Transmission and Verification of Data</b>  |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 95</b><br><b>Quality of Fish, Food, Safety and Food Security</b>  |                                 | Serious | Non-Compoundable | Level 4<br><b>(100 001 – 250 000)</b>      |
| <b>Section 96</b><br><b>Prohibition to Possess and Trade Fishery Products Unlawfully Obtained</b>                              |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 98</b><br><b>Traceability and Catch Certificate</b>   |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 99</b><br><b>Registration of Fish Processing Establishments</b>   |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 100</b><br><b>Application for a license to process fish, export, import and re-export fish and fishery products</b> |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 103</b><br><b>Inspection of warehouses and Fish Processing Establishments</b>                                       |                                 | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
| <b>Section 105</b><br><b>Interference with Inspected Fish or Fishery Products</b>  |                                 | Serious | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
| <b>Section 109</b><br><b>Port Entry</b>  |                                 | Serious | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
| <b>Section 110</b><br><b>Vessel Monitoring System (VMS)</b>  | <b>Multiday Fishing Vessels</b> |         |                  |  |
|  | < 15 m                          | Serious | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>    |
|  | > 15 m to 24 m                  | Serious | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b>  |
|  | > 24 m to 45 m                  | Serious | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b> |
|  | > 45 m to 75 m                  | Serious | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b> |
|  | > 75 m                          | Serious | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b> |

|  |  |             |                  |                                     |
|--|--|-------------|------------------|-------------------------------------|
| <b>Section 111<br/>Transshipments</b>  |  | Serious     | Non-Compoundable | Level 5<br>(250 001 – 500 000)      |
| <b>Section 112(1)<br/>Landings of fish catch<br/>outside of Sri Lankan<br/>Waters by Sri Lanka<br/>Vessels</b> | <b>Multiday Fishing<br/>Vessels</b>            |             |                  |                                     |
|  | < 15 m   | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)         |
|  | > 15 m to 24 m                                 | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)         |
|  | > 24 m to 45m                                  | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)       |
|  | > 45 m to 75m                                  | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)       |
|  | > 75m  | Serious     | Non-Compoundable | Level 4<br>(100 001 – 250 000)      |
| <b>Section 112(2)<br/>Landing declaration<br/>under prescribed<br/>regulation</b>                              | Non-Motorized<br>Traditional Boats<br>(NTRB)   | Non-Serious | Compoundable     | Level 1<br>(1 000 – 5 000)          |
|  | Non-Motorized<br>Traditional Boats (NBSB)      | Non-Serious | Compoundable     | Level 1<br>(1 000 – 5 000)          |
|  | Motorized Traditional<br>Boats (MTRB)          | Non-Serious | Compoundable     | Level 1<br>(1 000 – 5 000)          |
|  | Fiberglass Boats With<br>Outboard Motor (OFRP) | Non-Serious | Compoundable     | Level 1<br>(1 000 – 5 000)          |
|  | <b>Multiday Fishing Vessels</b>                |             |                  |                                     |
|  | < 15 m   | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)         |
|  | > 15 m to 24 m                                 | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)       |
|  | > 24 m to 45m                                  | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)       |
|  | > 45 m to 75m                                  | Serious     | Non-Compoundable | Level 4<br>(100 001 – 250 000)      |
|  |  | > 75m       | Serious          | Non-Compoundable                    |
| <b>Section 112(3)<br/>Landings</b>   | Foreign Vessels                                | Serious     | Non-Compoundable | Level 6<br>(500 001 – 1 000 000)    |
| <b>Section 113<br/>Port State Measures for<br/>Foreign Vessels</b>   |  | Serious     | Non-Compoundable | Level 8<br>(1 500 001 – 50 000 000) |
| <b>Section 129<br/>Duties to Authorized<br/>Persons</b>  | Non-Motorized<br>Traditional Boats<br>(NTRB)   | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)          |
|  | Non-Motorized<br>Traditional Boats (NBSB)      | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)          |
|  | Motorized Traditional<br>Boats (MTRB)          | Serious     | Non-Compoundable | Level 1<br>(1 000 – 5 000)          |
|  | Fiberglass Boats With<br>Outboard Motor (OFRP) | Serious     | Non-Compoundable | Level 2<br>(5 001 – 50 000)         |
|  | Day Boats With Inboard<br>Engines (IDAY)       | Serious     | Non-Compoundable | Level 3<br>(50 001 – 100 000)       |
|  | <b>Multiday Fishing Vessels</b>                |             |                  |                                     |
|  | < 15 m   | Serious     | Non-Compoundable | Level 5<br>(250 001 – 500 000)      |
|  | > 15 m to 24 m                                 | Serious     | Non-Compoundable | Level 5<br>(250 001 – 500 000)      |
|  | > 24 m to 45m                                  | Serious     | Non-Compoundable | Level 6<br>(500 001 – 1 000 000)    |
|  | > 45 m to 75m                                  | Serious     | Non-Compoundable | Level 7<br>(1 000 001 – 1 500 000)  |
|  | > 75m  | Serious     | Non-Compoundable | Level 8<br>(1 500 001 – 50 000 000) |
| <b>Section 131(11)<br/>Fishing Disputes</b>  |  | Serious     | Non-Compoundable | Level 5<br>(250 001 – 500 000)      |
| <b>Section 166</b>   | Non-Motorized                                  | Non-Serious | 1/3 of the Fine  | Level 1                             |

| <b>Violation of Regulations</b> | <b>Traditional Boats (NTRB)</b>                    |             |                  | <b>(1 000 – 5 000)</b>                     |
|---------------------------------|--|-------------|------------------|--|
|                                 | Non-Motorized Traditional Boats <b>(NBSB)</b>      | Non-Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>          |
|                                 | Motorized Traditional Boats <b>(MTRB)</b>          | Non-Serious | 1/3 of the Fine  | Level 1<br><b>(1 000 – 5 000)</b>          |
|                                 | Fiberglass Boats With Outboard Motor <b>(OFRP)</b> | Non-Serious | 1/3 of the Fine  | Level 2<br><b>(5 001 – 50 000)</b>         |
|                                 | Day Boats With Inboard Engines <b>(IDAY)</b>       | Serious     | Non-Compoundable | Level 3<br><b>(50 001 – 100 000)</b>       |
|                                 | <b>Multiday Fishing Vessels</b>                    |             |                  |  |
|                                 | < 15 m   | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
|                                 | > 15 m to 24 m                                     | Serious     | Non-Compoundable | Level 5<br><b>(250 001 – 500 000)</b>      |
|                                 | > 24 m to 45m                                      | Serious     | Non-Compoundable | Level 6<br><b>(500 001 – 1 000 000)</b>    |
|                                 | > 45 m to 75m                                      | Serious     | Non-Compoundable | Level 7<br><b>(1 000 001 – 1 500 000)</b>  |
|                                 | > 75m  | Serious     | Non-Compoundable | Level 8<br><b>(1 500 001 – 50 000 000)</b> |

#### **SCHEDULE IV – ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

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

“ “Illegal, Unreported and Unregulated (IUU)

Fishing Operations mean With regard to Illegal Fishing, Fishing Operations conducted by-

- (a) local or foreign fishing boats in Sri Lanka Waters in contravention of any law or any regulation made under this Act;
- (b) any local fishing boat in the High Seas in contravention of any laws or any regulation made under this Act, including any regulation made to implement conservation and management measures adopted by the Indian Ocean Tuna Commission or other Fisheries Management Organization to which Sri Lanka is a party;
- (c) any local fishing boat in waters under the jurisdiction of another State, without the permission of such State;
- (d) any fishing boat flying the flag of any foreign State, which is a party to the Indian Ocean Tuna Commission or another Regional Fisheries Management Organisation to which Sri Lanka is also a party, in Sri Lanka Waters, operating in contravention of regulations made under this Act implementing-
  - (i) the conservation and management measures adopted by the Indian Ocean Tuna Commission or such other Regional Fisheries Management Organization; or
  - (ii) the relevant provisions of any international agreement or obligations undertaken by Sri Lanka, as the case may be; with regard to Unreported Fishing, Fishing Operations- which have not been reported, or have been misreported to the Director-General in



contravention of the prescribed reporting procedures under this Act or any regulation made hereunder, including any regulation that may be made by the Minister under this Act implementing any reporting procedures of the Indian Ocean Tuna Commission or any other Regional Fisheries Management Organisation to which Sri Lanka is a party or the relevant provisions of any international agreement or obligations undertaken by Sri Lanka, in the area of competence of the Indian Ocean Tuna Commission or any other Regional Fisheries Management Organisation or such other area, as the case may be;

with regard to Unregulated Fishing, Fishing Operations-

- (a) in the area of competence of the Indian Ocean Tuna Commission or any other Regional Fisheries Management Organisation to which Sri Lanka is a party conducted by a fishing boat without nationality or flying the flag of a State that is not a party to Indian Ocean Tuna Commission or such other Regional Fisheries Management Organisation, 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 Organisation, implemented by any regulation made under this Act;
- (b) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with the responsibilities of Sri Lanka for the conservation of living marine resources under international law to the extent set out in any regulation made under this Act;"