

Regional compendium of fisheries legislation (Indian Ocean Region) Volume I

FAO
LEGISLATIVE
STUDY

42/1

Provisional edition



FOOD
AND
AGRICULTURE
ORGANIZATION
OF THE
UNITED NATIONS

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Prepared by
Legislation Branch
FAO Legal Office
with the assistance of the
International Centre for Ocean Development

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Rome, 1986

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M-40

ISBN 92-5-102567-3

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FOREWORD

The changing law of the sea emerging from the Third United Nations Conference on the Law of the Sea and its central concept of coastal state jurisdiction over a 200 mile exclusive economic zone opens up substantial new opportunities for coastal states, while at the same time confronting them with increased responsibilities for the management of the living resources newly within their jurisdiction.

To help developing coastal states to meet these new opportunities and responsibilities, FAO established a Comprehensive Programme of Assistance in the Management and Development of Fisheries in Economic Zones (the FAO EEZ Programme). The Fishery Law Advisory Programme was set up in 1979 as one component of the EEZ Programme, with activities covering the Indian Ocean, Western Pacific and South China Sea, Western Central Atlantic (WECAF) and Eastern Central Atlantic (CECAF) regions. The objectives of the programme are to provide legal assistance on request to the Governments of developing coastal states on subjects such as the drawing up of fisheries legislation and bilateral or joint venture agreements, to train Government fisheries lawyers and to promote the harmonization of fisheries legislation on a regional or sub-regional basis. One of the problems immediately encountered in any attempt at regional harmonization of legislation has been the relative dearth of information on the present state of national laws. An essential task of the fishery law advisory programme then has been to put together collections or compendia of fisheries laws and regulations for each region, together with synoptic tables setting out pertinent information such as the level of licence fees, conservation measures, penalties, etc. in a readily accessible and easily comprehensible form. Compendia have already been published covering the West African (CECAF) and Western Pacific regions.

The present compendium covers the fisheries legislation in force, to the extent known, in the coastal countries of the Indian Ocean and in particular the area served by the FAO Indian Ocean Fishery Commission (IOFC). The Compendium is published in two volumes (Volume I and Volume II).

While every effort has been made to verify the information presented in this compendium, there are, by the very nature of the task, liable to be gaps and inaccuracies. It is hoped that any errors, omissions or new legislation will be communicated to the Chief, Legislation Branch, FAO, Rome, so that updated versions of the compendium may be prepared.

The cost of printing the present compendium has been met by a grant from the International Centre for Ocean Development, Halifax, Nova Scotia, Canada.

F.M. Mifsud
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PART ONE

ANALYSIS OF NATIONAL LEGISLATION

ANALYSIS OF NATIONAL LEGISLATION RELATING TO THE MANAGEMENT AND DEVELOPMENT OF MARINE FISHERIES IN THE IOFC AREA

A. Introduction

The United Nations Convention on the Law of the Sea was signed by 119 countries in Montego Bay, Jamaica, on 10 December 1982^{1/}, bringing to a close almost a decade and a half of discussions and negotiations that have had a radical impact on the legal regime of fisheries. Despite the last-minute failure to achieve consensus on the whole Convention the fishery provisions have remained largely unchanged since the time of the first Informal Single Negotiating Text in 1975. Central to these provisions is the concept of coastal state jurisdiction over all natural resources including fisheries within a so-called exclusive economic zone extending beyond the territorial sea up to a distance of 200 miles and the related responsibilities of the coastal state for fisheries management within that zone. Although the new Convention will not come into force until 12 months after the deposit of the sixtieth instrument of ratification or accession, a large number of coastal

^{1/} The following 117 sovereign states signed the Convention on 10 December 1982: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Dem. Rep., Ghana, Greece, Grenada, Guinea Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Kenya, Korea (Dem. Peoples Rep.), Kuwait, Lao Peoples Dem. Rep., Lesotho, Liberia, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, S. Lucia, S. Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, USSR, United Arab Emirates, Tanzania, Upper Volta, Uruguay, Vanuatu, Viet Nam, Yemen (Arab Rep.), Yemen (Peoples Dem. Rep.), Yugoslavia, Zambia and Zimbabwe. The Convention was also signed by the Council for Namibia and the Cook Islands. Since then the Convention has also been signed by a further 38 states and two others: Afghanistan, Antigua and Barbuda, Argentina, Belgium, Benin, Bolivia, Botswana, Brunei Darussalam, Central African Republic, Comoros, Democratic Kampuchea, Dominica, El Salvador, Equatorial Guinea, Guatemala, Guinea, Italy, Japan, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Nicaragua, Oman, Qatar, Republic of Korea, St. Christopher and Nevis, Samoa, Sao Tome and Principe, Saudi Arabia, South Africa, Spain, Swaziland, Switzerland and Zaire; European Economic Community and Niue. As of 30 April 1986 the Convention had been ratified by the UN Council for Namibia and the following 31 states; Bahamas, Bahrain, Belize, Cameroon, Côte d'Ivoire, Cuba, Egypt, Fiji, Gambia, Ghana, Guinea, Guinea-Bissau, Iceland, Indonesia, Iraq, Jamaica, Kuwait, Mali, Mexico, Nigeria, Paraguay, Philippines, St. Lucia, Senegal, Sudan, Tanzania, Togo, Trinidad and Tobago, Tunisia, Yugoslavia and Zambia.

states have already implemented the central feature of the new regime, the extension of national jurisdiction over fisheries up to 200 miles, in their national legislation ^{1/}.

The extension of fisheries jurisdiction has had a great impact on the States bordering the Indian Ocean, especially the island countries, bringing vast new areas of seas and fishery resources under their control. The extension of jurisdiction has also brought with it new responsibilities and problems of fisheries management and control over the foreign fishing operations in their zones. In an effort to tackle these problems, over half of the countries of the region have already adopted new fisheries legislation, and others are in the process of drafting or considering proposals for new legislation.

B. The Extent of National Jurisdiction

In 1969 an FAO survey showed that almost all of the countries bordering the Indian Ocean claimed fisheries limits of 12 miles or less. Now, following adoption of the UN Convention on the Law of the Sea, almost all the countries that have a potential 200 mile fishing zone have claimed it. Only Tanzania (50 miles) and British Indian Ocean Territory (3 miles) have failed to exercise a potential 200-mile claim, and in the latter case, Mauritius has claimed an EEZ around the same islands, the Chagos Archipelago. Of the 14 countries in more constricted geographical situations, 6 have extended fisheries jurisdiction to an agreed or median line or, in the case of Egypt, an unspecified distance. Most of these claims are in terms based on the Convention. Thus 27 States of the region have established 12-mile territorial seas. Of the remainder, 7 claim territorial seas of 6 miles or less, one of 50 miles and one of 200 miles. Twenty-one states have established exclusive economic zones, 18 of them extending out to 200 miles, and 4 others have established fishing zones, ranging from median lines to 200 miles in the case of Australia.

So far as the implications of extended national jurisdiction over fisheries are concerned, most of the countries in the IOFC region base their fishing industries mainly on their own resources, but a growing number also operate in neighbouring and high-seas waters. Notable in this regard are Thailand, which possesses a sizeable middle-water fishing fleet, Mauritius, which has the nucleus of an oceanic tuna fleet, and Seychelles and Madagascar, which serve as bases for oceanic purse-seiners. In addition to the purse-seiners (mainly French and Spanish), foreign fishing is represented by Japanese, Korean and Taiwanese long-liners fishing in Seychelles and on the high seas, Soviet trawlers in Mozambique and Yemen P.D.R., and a variety of

1/ As of October 1984, out of some 140 independent coastal states, four fifths (112 states) claim limits of more than 12 miles. Ninety-seven claim 200 miles, 6 claim limits over 12 and less than 200 miles, two claim areas defined solely by geographical coordinates and a further 7 claim jurisdiction up to median lines short of 200 miles. EEZ legislation is pending before the legislative bodies of a number of other countries or has been enacted and is awaiting entry into force. See generally, Coastal State Requirements for Foreign Fishing, FAO Legislative Study N° 21, Rev. 2, Rome, 1985.

fishing activities by East Asian vessels in Australia and Indonesia. There are also joint venture arrangements with foreign interests in many Indian Ocean countries.

C. Legislation for extended fisheries jurisdiction

The status of legislation to implement extended fisheries jurisdiction varies considerably, from relatively elaborate maritime zones acts to simple proclamations of jurisdiction without any implementing legislation whatever. Since there has been a tendency for extended zones to be proclaimed by the executive first and only made the subject of legislation later, it can be expected that the number of countries which have extended their jurisdiction without legislation will diminish as implementing laws are adopted.

There is one cluster of EEZ laws which stands out both for its completeness and for the striking similarity of the laws to each other. The group comprises Burma, India, Mauritius, Pakistan, Seychelles and Sri Lanka ^{1/}. Each of these countries' laws establishes a 12-mile territorial sea limit and provides for innocent passage of foreign ships. Each of the laws except for Mauritius and Seychelles also provides for the establishment of a contiguous zone for security purposes. They all define the coastal state's sovereign rights over the continental shelf. Finally, all the laws provide for the establishment of exclusive economic zones of 200 miles, in which the rights of the coastal state are described in almost identical language, based generally on the Convention on the Law of the Sea. Each of the states requires exploration and exploitation activities within the economic zone to be licensed, or otherwise authorized, although all but Pakistan and Sri Lanka specifically provide that these controls are not to apply to fishing by local nationals. In addition, all but Burma and Sri Lanka provide for the establishment of designated areas within the economic zone and on the continental shelf in which further controls may be exercised. Sri Lanka provides for a Pollution Prevention Zone to be established. Provisions on offences and sanctions are included in the laws of all but Sri Lanka. This group of laws also extends or creates the power to extend any act to the EEZ and continental shelf which could go beyond the rights of coastal states in the EEZ under UNCLOS.

Similarly complete maritime zones legislation also exists in Bangladesh, Comoros, Djibouti and Yemen P.D.R., although the details vary ^{2/}. Both Indonesia ^{3/} and Malaysia ^{4/} have rather extensive laws, although they deal only with the EEZ and not the other maritime zones. The Malaysian law has particularly extensive provisions on the marine environment and on scientific research in the EEZ.

^{1/} Burma Territorial Sea and Maritime Zones Law, 1977; India Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976; Mauritius Maritime Zones Act, 1977; Pakistan Territorial Waters and Maritime Zones Act, 1976; Seychelles Maritime Zones Act, 1977; Sri Lanka Maritime Zones Law, 1976.

^{2/} Bangladesh Territorial waters and Maritime Zones Act, 1974; Comoros Loi N° 82.005; Djibouti Loi N° 52/AN/78 of 9 January 1979; Yemen P.D.R. Act N° 45 of 1977.

^{3/} Indonesia Act N 5 of 1983 on the Indonesian Exclusive Economic Zone.

^{4/} Malaysia Exclusive Economic Zone Act, 1984.

France 1/, Mozambique 2/ and Oman 3/, on the other hand, only define the zones, leaving other legislation to regulate activities. Madagascar's new EEZ law 4/ has slightly more substance in adding to the definition of maritime zones the general prohibition against foreigners' exploiting the EEZ without permission.

Even the most elaborate maritime zones laws require regulations to make them effective, and they usually contemplate further legislation or the extension of existing laws as well. These laws and regulations have taken a variety of forms, depending both on the nature of the texts establishing extended jurisdiction and on the nature of the activities to be regulated. Several countries in the region have adopted specific legislation on foreign fishing (Comoros 5/, India 6/, Sri Lanka 7/) or fishing in the EEZ (Pakistan 8/); others have revised or replaced their general fisheries legislation to meet new circumstances (Australia, Bangladesh, Indonesia, Malaysia, Oman, Qatar, Yemen P.D.R.); while a third group has so far relied on existing legislation extended to the new areas, or measures taken under the authority of extended jurisdiction laws and proclamations (Djibouti, Egypt, Kenya, Madagascar, Mauritius, Saudi Arabia, Thailand, United Arab Emirates). The tendency is to revise general fisheries legislation for application to extended zones, but there is usually a lag of several years between the initial proclamation of jurisdiction and the adoption of an applicable fisheries law. In one case, Seychelles, all approaches have been used, culminating in 1986 in a new fisheries law of general application 9/.

The remainder of this introduction will concentrate on the substance of fisheries legislation in the Indian Ocean, in whatever form it is embodied.

D. Fisheries Management

The extension of jurisdiction over fisheries has increased the interest of coastal states in fisheries management and confronted fisheries managers with a formidable task. The Law of the Sea Convention charges the coastal state with legal responsibility for managing resources in its EEZ and gives several criteria according to which management should be conducted. One is "optimum utilization of the living resources of the exclusive economic zone", a laudable objective, but one which is notoriously hard to define. Another objective is protection of the resources against over-exploitation, for which a minimum standard may be the maintenance of populations "at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors". Measures to do this should be based on "the best scientific evidence available". For the majority of countries which have not previously had much scientific evidence at hand for fisheries management, this

1/ France Loi du 16 juillet 1976 relative à la zone économique; Décrets N^o 78.146, 78.148, 78.149.

2/ Mozambique Decreto-Lei N^o 31/76 of 1976.

3/ Oman Royal Decree N^o 15/81 of 1981.

4/ Madagascar Ordonnance N^o 85-013.

5/ Loi N^o 82-015 du 13 août 1982.

6/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

7/ Fisheries (Regulation of Foreign Fishing Boats) Act N^o 59 of 1979.

8/ Exclusive Fishery Zone (Regulation of Fisheries) Act, 1975.

9/ Fisheries Act, 1986 (not yet in force).

provision is not easy to apply to the EEZ. The Convention also requires countries to establish a total allowable catch for their EEZs, but except for optimum utilization, and maximum sustainable yield, as qualified, it does not offer much guidance in how the TAC should be established. In practice, for a country to determine what is optimum utilization of fisheries, to decide what should be the allowable catch, to devise management measures that will protect stocks while achieving other national objectives - to do any of these things in a rational way, a country must engage in a process of planning that relates its management measures to the objectives it has set.

Fisheries management may be pursued for several sometimes incompatible objectives and uses a variety of means. Traditionally management has sought first to protect the resource against damage or destruction, and within that task to distribute the opportunities to fish. More recently countries have begun to adopt management schemes for the express purpose of maximizing economic benefits (to the state or to a defined group of fishermen) from the fishery.

1. Management planning

While it is not strictly essential that machinery, procedures and criteria for planning be set up by legislation (as opposed to administrative action), it is essential that the problem of how such management planning should be carried out, be properly confronted. As an example of how this problem is being approached in one country outside the region, the legislation implementing the U.S. 200-mile fishery conservation zone provides for the drawing up of management plans for each fishery by regional fishery management councils, working on the basis of national standards and criteria 1/.

Within the Indian Ocean, management planning provisions and criteria are increasingly found in the fisheries Legislation. Australia provides for management planning including for joint state federal management authorities to undertake fisheries management planning and exercise management powers 2/. Malaysia 3/, Qatar 4/ and the new Seychelles' Act 5/ all provide explicitly for fisheries management planning. In Australia and Malaysia, plans are to seek the "optimum utilization" of fishery resources, which is not defined; in the other countries, planning goals are less clearly stated. Kuwait 6/, Oman 7/, Sri Lanka 8/ and Yemen Arab Republic 9/ all have provisions for co-ordination which may be adapted to planning as well, and Bangladesh legislation mentions fisheries management and development plans as a criterion for granting licences 10/ although it does not provide explicitly for anybody to compile the plans. Legislation now under consideration in Kenya and Mauritius also provides for management planning.

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- 1/ USA Fishery Conservation and Management Act of 1976 - Title III - National Fishery Management Programme.
 - 2/ Fisheries Act 1952, Part IVA.
 - 3/ Fisheries Act 1985, s. 6.
 - 4/ Law N° 4 of 1983, Art. 3.
 - 5/ Fisheries Act 1986, s. 3.
 - 6/ Decree Promulgating Law N° 46 of 1980, Art. 9.
 - 7/ Sultanic Decree N° 53/81, Art. 3.
 - 8/ Act N° 54 of 1981, s. 4.
 - 9/ Law N° 20 of 1978, Art. 2.
 - 10/ Marine Fisheries Ordinance, 1983, ss. 19, 24(2).

A new development in planning provisions is a provision for consultation or co-ordination of plans with neighbouring countries. This first appeared in the IOFC region in the legislation of Oman in 1981 1/, soon followed by a very similar provision in Qatar in 1983 2/. Both provisions derived from a model fisheries law adopted by the Ministers of Agriculture of the Arabian Peninsula and the Gulf, and they reflected both the fact of shared shrimp stocks in the Gulf and the Ministers' general interest in regional co-operation. The recently adopted legislation in Seychelles 3/ and that under consideration in Mauritius also provide for regional consultation on fisheries plans, in this case based on the common interest in tuna fisheries.

2. Resource information

The greatest source of fisheries resource information is the statistical returns of fishermen. Most of the countries in the IOFC area make some provision in their laws for the collection of statistics. The statistics may also have a compliance-control purpose, but that is more apparent in requirements for real-time reporting, usually by radio or telex, which are discussed below. A typical resource information requirement is to maintain a fishing log. This is either required or authorized to be required by the laws and regulations of Australia, Bangladesh, Comoros, French dependent territories, India, Indonesia, Madagascar, Malaysia, Mozambique, Oman, Saudi Arabia, Seychelles and Sri Lanka. More general reporting requirements in Bahrain, Egypt, Kuwait, Maldives, Pakistan, Qatar, Saudi Arabia and Somalia may be applied so as to require maintenance of a log.

Requirements of written returns do not usually apply to artisanal fishermen, but even they are usually subject to requirements to give information as requested, to present their catch for weighing or to land it at designated points where statistics are kept. This is the case in Kenya and Mauritius, for example 4/.

A second source of resource information is research and survey work. Several countries allow for exemptions from normal licensing and management measures for research or scientific fishing. There has been some dissatisfaction with the genuineness of scientific purpose of some experimental fishing and with the timeliness and completeness of data supplied, which has prompted at least one country to consider an approved research plan and transmission of raw data as conditions of scientific fishing.

Traditional fisheries management measures include prohibitions of ecologically harmful methods of fishing, such as explosives, minimum sizes of fish, gear restrictions, closed seasons and closed fishing areas. Any of these measures may be applied as a condition of individual fishing licences, discussed below, and to that extent they exist potentially under most fisheries laws. As distinct legislative or regulatory provisions, however, they are not so nearly universal. In the IOFC area, the most common measure is a prohibition of ecologically dangerous methods, found in Bahrain,

1/ Sultanate Decree N° 53/81, Art. 30.

2/ Law N° 4 of 1983, Art. 28.

3/ Fisheries Act 1986 (not yet in force) s. 3(4).

4/ Kenya Fish Industry Act, s. 7(c); Mauritius Fisheries Regulations 1983.

Bangladesh, Egypt, India, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Maldives, Mauritius, Oman, Pakistan, Qatar, Seychelles, Sri Lanka, Sudan, Tanzania, Thailand, Yemen Arab Republic and Yemen Democratic Republic.

Mesh size regulations are authorized in the laws of many countries, but apparently only applied in Australia, Bangladesh, Egypt, Indonesia, Iran, Israel, Kuwait, Madagascar, Malaysia, Mauritius, Mozambique, Qatar, Saudi Arabia and Sudan. They are also presumably applied by state legislation in India. Minimum fish sizes, restrictions on taking berried female lobsters and other catch characteristics are found in Australia, Iran, Israel, Kenya (oysters), Kuwait, Madagascar, Mauritius, Oman ("small fish"), Pakistan, Qatar, Seychelles, Sri Lanka (spiny lobster) and Sudan.

Closed seasons are applied in Mauritius for different kinds of gear and in several countries for shrimp. The most interesting of these provisions was jointly adopted by the members of the IOFC Gulfs Fisheries Committee to prohibit shrimping during the critical period of the year (roughly February to June, although the dates of national regulations vary). Pakistan also has a closed season for shrimp, June and July.

A number of laws authorize closed areas for conservation and other purposes, but most of those have been applied for the purpose of restricting certain gear in coastal or local-fishing areas. Thus Malaysia restricts trawlers to distances of from 3 to 12 miles, depending on their size, and also prohibits night fishing by the smaller trawlers ^{1/}. Egypt, Kuwait, Madagascar also restrict trawling in terms of distance or geographical areas. Bangladesh, Oman, Qatar and Saudi Arabia all prohibit the use of certain gear in shallow water. Iran includes a combination of distance and depth criteria for the operation of trawls and certain other gear.

Programmes to limit catch and effort are relatively rare, except for the perhaps unintended effect of the special conditions applied to foreign fishing. A notable exception is Australia, which has considerable experience with controlled entry to several fisheries, especially the Northern prawn fishery. Malaysia is making efforts in this direction and a number of countries in the IOFC area have instituted some basic provisions which would facilitate limitation schemes. Planning is one such provision and licensing is another.

3. Licensing

The heart of any effective fisheries management system is licensing. An appropriately designed licensing system allows the fisheries administration to limit entry into a fishery both quantitatively and in terms of the kind of fishing that will be allowed and the way it can be conducted. Licensing provides the basis for the collection of statistics, for collecting fees, for imposing other conditions and for controlling compliance with the fisheries regime.

^{1/} Fisheries (Maritime) Regulations, 5th schedule.

Not surprisingly, most of the countries in the IOFC region have some sort of licensing system, although it may be limited to certain kinds of fishing or sizes of vessel. In some cases the requirement is in terms of "registration" rather than licensing (Kenya, Sri Lanka) but the provisions are similar in substance. It is suspected even where the legislation is not available that all countries in the Indian Ocean in fact require authorization for foreign fishing. Quite a few known to have licensing requirements, on the other hand, do not require a licence for certain categories of local vessel (Bahrain, Djibouti, Indonesia, Israel, Jordan, Kenya). And very few countries require a licence for fishing without a vessel, except for certain kinds of net and for special products such as cockles, bêche-de-mer and turtles.

Simply requiring licences is not in itself a means of controlling catch and effort, which depends on the criteria for granting licences. Traditionally, there have been three main strains of licensing criteria in fisheries legislation. One has been to leave licensing to the broad discretion of a licensing officer, frequently exercised according to administrative instructions or standard practices (e.g. Australia, Comores, France, India, Iraq). This is a very frequent provision for foreign licensing. A second, almost opposite strain has been the automatic licence, in which the licensing officer apparently has no power to refuse a correctly submitted application (e.g. Tanzania). In practice, where there is no policy of limiting licences, the two approaches may produce the same result. Such licences are not well suited for a limitation scheme because there is no reasoned legal basis for distinguishing among potential licensees.

A third approach, which has usually been applied to fixed gear and inland fisheries, is to grant exclusive rights to fish or to use certain gear in an area. Thailand 1/ authorizes exclusive fisheries and Bahrain 2/ explicitly cites interference with other fish barriers as a ground for refusing a licence for a new barrier.

A more general power to limit the number and kind of licences can also be used to limit fishing effort in a non-exclusive fishery, which is not a traditional approach. As mentioned, licence-limitation schemes are still very rare, in practice, but much of the legislation in IOFC countries now provides explicitly for the limitation of licences or could be used to limit them.

Refusal or cancellation of licences for the proper management of fisheries (expressed in different ways) is increasingly found in legislation in the IOFC area (e.g. Australia, Comoros, Sri Lanka). Legislation in Bangladesh 3/ and Malaysia 4/ go somewhat further and require licensing decisions to conform to the fisheries plan. In addition both Oman 5/ and Qatar 6/ have provisions for planning and for limiting the number of licences, although the two provisions are not linked in the legislation.

1/ Fisheries Act, B.E. 2490, sec. 10-13.

2/ Decree Promulgating Law N° 5 of 1981, Art. 10.

3/ Marine Fisheries Ordinance, 1983, s. 19, 24(2).

4/ Fisheries Act 1985, s. 13(1), 18(1).

5/ Law N° 4 of 1983, Art. 3(a), 13.

6/ Sultanlic Decree N° 53/81, Art. 3, 11.

Actually fixing limits of catch and effort requires some determination of the desirable or permissible level. At least nine countries' laws require that the level be set for some - usually foreign - or all fisheries (e.g. Bangladesh, Egypt, France, Indonesia, Kuwait, Maldives, Oman, Qatar, Seychelles), and eight others allow limits on either catch or effort to be established (Australia, Comoros, Iraq, Israel, Madagascar, Malaysia, Sri Lanka, Tanzania).

At least six countries have published laws or regulations actually setting allowable catches or effort levels for given fisheries. Indonesia has stated a total allowable catch for several species in accordance with its fisheries law; it is now required to establish the number and equipment of vessels allowed to take the TAC. Madagascar has established a commission which advises on the issue of large-vessel licences and establishes quotas for small-vessel licences. Iran, Mauritius, Mozambique and Saudi Arabia have all established effort limitations by law or regulation without a separate enabling provision. In addition, Kuwait has adopted a temporary policy of not issuing new fishing licences while it considers more permanent limitations.

E. Foreign Fishing

The extension of national jurisdiction over fisheries implies increasing problems of allocating and controlling access by foreign vessels and enforcing conservation measures. While the attitude of countries in the region towards foreign fishing in waters under national jurisdiction varies over a wide range, it is the intention here to look not so much at the general governmental policy as the mechanics of implementation and enforcement of that policy.

1. Nationality criteria

A basic element in controls over foreign fishing is the definition of national and foreign. This determines whether an operation can qualify for national treatment and avoid the more onerous conditions of foreign fishing altogether. Differences in definition have, on occasion, been the cause of substantial misunderstandings between countries interested in negotiating reciprocal fishing agreements.

In most countries in the region the basic nationality criterion is the ownership of the vessel (fishing without a vessel is frequently not even regulated). The differences arise mainly where ownership is shared among nationals and foreigners, or where the vessel is owned by a company in which shares are held by non-nationals. The traditional rule in common-law countries has been not to go behind the "veil of incorporation" to ascertain the ownership of company shares, but to treat any company incorporated under the local law as a local company, wherever actual control lies ^{1/}. The Australian Fisheries Act, for example, defines an Australian boat as one wholly owned by a person resident of, or company incorporated in Australia, provided that the operations of the boat are based in Australia and that the boat was built in Australia or lawfully imported or forfeited there ^{2/},

^{1/} As, e.g., in Australia, Malaysia and Pakistan. Similar legislation is also in force in Ethiopia, Sri Lanka and Tanzania.

^{2/} Australia: Fisheries Act, 1952, S.4. Controls over foreign participation in joint ventures or wholly owned Australian subsidiaries are handled through other legislation.

Similarly in Ethiopia, Kenya, Pakistan and Tanzania any vessel owned by a local company is defined as a national vessel.

It has become increasingly clear, however, that the criterion of vessel ownership is not sufficient to define nationality for the purpose of preferred access to national resources, including fisheries. A number of countries have therefore added requirements concerning the ownership of companies that own vessels. In Malaysia, a local fishing vessel is defined as one wholly owned by the Government of Malaysia or the Government of a State in Malaysia; or by Malaysian citizens; or a statutory corporation established under any of the laws of Malaysia; or a body corporate or unincorporate whether established in Malaysia or not, provided that it is wholly owned by any of the former persons or bodies 1/. In India, 60 % of the share capital of the company is to be held by Indian citizens 2/. In a number of other countries, local management is also a criterion. Thus, in Thailand, a majority of the directors must be nationals, if a limited company is to claim local status for its fishing vessels 3/. In Madagascar a majority of the share capital must be owned by nationals, the principal office must be in Madagascar and the general manager or managers, the chairman, and a majority of the board of directors must all be nationals 4/. Other countries with nationality requirements for company shareholders and directors include Bangladesh, Comoros, France, Iran, Seychelles, Sri Lanka and Yemen Arab Republic.

Several countries in the IOFC area define nationality in such a way that foreign-owned vessels operated by - or under contract to - local nationals are treated as local vessels. In the case of France 5/, this is only permitted where nationals have full control of the vessel and it can relinquish the flag of ownership. Mauritius, Oman and Qatar require specific approval of charter arrangements; Saudi Arabia does not.

2. Coastal State requirements for foreign fishing

Within the region, only Thailand seems to exclude the possibility of fishing by foreign vessels fishing in waters under its jurisdiction. The law actually allows for fishing by foreign vessels under intergovernmental agreements, but it also requires all vessels fishing within those limits to hold a fishing licence, and forbids the issue of such licences to non-nationals or foreign-controlled companies 6/.

Where an element of foreign fishing is allowed, this is sometimes subject to the same general requirements and system of licensing as national fishing 7/. In Pakistan, for example, the Territorial Waters and Maritime Zones Act, 1976, provides that fishing operations in the 200-mile exclusive economic zone

1/ Fisheries Act 1985, s. 2.

2/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, s. 2(e).

3/ Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482, s. 5.

4/ Code of Merchant Shipping, Art. 22.03.

5/ Act N° 67-5 du 3 janvier 1967, Art. 3, amended.

6/ Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482, s. 5, 7.

7/ S. 6(3).

are to be regulated by the provisions of the Exclusive Fishing Zone (Regulation of Fishing) Act, 1975, which applies to national and foreign craft alike. Bahrain and Yemen People's Republic also treat nationals and foreigners in the same way in their fisheries legislation, although Yemen applies very different conditions to foreign vessels through bilateral agreements.

In other countries in the region a distinct set of requirements applies to foreign fishing. These may be imposed by separate legislation as in India, Sri Lanka and until recently in Seychelles, or merely under special provisions of the general fisheries law.

One of the decisions of principle to be made by coastal state governments is whether foreign fishing operations are to be authorized only under the framework of an intergovernmental fishing agreement or whether individual applications should be entertained, and, conversely, whether individual licences or permits should be required even where bilateral "umbrella" agreements are in force. As evidenced by trends in other regions of the world, the requirement of both "umbrella agreements" and individual licensing seems to be viewed as the most effective basis for compliance control. Some of the States of the region have opted for that procedure. Seychelles' recently adopted legislation will require both as a general rule, as do Australia, French Departments and dependent territories, Indonesia, Kuwait, Malaysia, Madagascar (territorial sea) and Thailand.

North and South Yemen require either a licence or an agreement, and Iran requires only an agreement. In addition, agreements will in practice be the rule for fishing by EEC vessels, which already fish in Madagascar and Seychelles and have expressed interest in having agreements with Comoros, Kenya, Mozambique, Somalia and Tanzania.

Although the content of agreements is not usually specified, recent legislation in both Malaysia 1/ and Seychelles 2/ provides that agreements shall include an undertaking by the Government of the flag state to ensure compliance by its vessels with the fisheries laws of the coastal state. It is worth noting that recent fishing agreements both in the Indian Ocean and elsewhere generally do contain such an undertaking.

a. Conditions relating to benefits from foreign fishing

(1) Fees

The benefits available from foreign fishing may be realized in a number of ways, but the most common and the easiest to compare is fishing fees. Foreign fishing in the IOFC area is subject to the payment of fees that vary enormously, which is not surprising given the great variation in circumstances among countries of the region. One of the greatest beneficiaries of fishing fees, Seychelles, does not include the amounts in its regulations, but they are available from agreements. Under the agreement with Spain for purse-seining the fee amounts to a total of 5 per cent of the value of catches from anywhere in the Indian Ocean. The 1984 agreement with the EEC, on the

1/ Fisheries Act 1985, s. 17.

2/ Fisheries Act 1986 (not yet in force), s. 6(3).

other hand is expressed in tonnages and provides for total payments of ECU 70 per tonne caught in Seychelles waters, in addition to certain other payments.

Somalia, which has had extensive experience with foreign and joint-venture fishing, has promulgated a special scale of fees for joint ventures, which range up to \$ 10,000 a year for a 50/50 joint venture in addition to a vessel fee of up to \$ 1600 per month for a tuna vessel. Foreign (not joint-venture) vessel fees are \$ 80 per year per horsepower unit plus a royalty on catch ranging from \$ 49 a tonne for finfish to \$ 420 a tonne for deep-sea lobster 1/.

Other countries calculate fees in a variety of ways. Bangladesh and Indonesia charge according to the carrying capacity of the vessel. The amount ranges from \$ 25 to \$ 334 per vessel in Bangladesh. In Indonesia it is from \$ 44 to \$ 85 per cubic meter of hold capacity, depending on the type of vessel. Indonesia also has a schedule of fees for joint-venture vessels, up to \$ 1,000 per vessel plus royalties of up to 2 % of catch value. India charges foreign fishing fees based on the tonnage of catch allowed, ranging up to \$ 158 per tonne for trawl fish.

A number of other countries appear to have very low foreign fishing fees, but they tend either not to have significant foreign fishing or to impose other conditions, including fees paid under agreements. Thus Oman has fees applicable to local and foreign operators alike that do not exceed \$ 700 per vessel, yet it has long collected one of the highest payments in kind (30 per cent) anywhere.

(2) Other benefits

Other forms of benefit are mentioned in some of the legislation in the IOFC region, including training (Comoros, India, Malaysia, Maldives, Mauritius, Saudi Arabia, Somalia, Sri Lanka), employment (Bangladesh, Malaysia, Mauritius, Sri Lanka), research (Comoros, India, Malaysia, Mozambique). Most of the provisions merely authorize the relevant conditions to be applied to licences, but some are more specific. Bangladesh, for example, requires the employment of three nationals as a condition of each foreign fishing licence 2/ while Mozambique requires all vessels to perform 10 days of research a year (20 days for shrimp vessels) 3/.

Several countries mention landing of catch (many control trans-shipments, but essentially for enforcement purposes), processing and establishment of shore facilities, but these are difficult to apply as simple licence conditions since they are normally part of more complex transactions (e.g., investments in shore facilities, marketing arrangements). A related condition that is obligatory in some countries is vessel standards. Bangladesh 4/, Indonesia 5/ and Mozambique 6/ require certain specifications including refrigeration. Qatar requires navigation lights and safety equipment 7/.

1/ Ministerial Decree, 25 September 1986.

2/ Marine Fisheries Rules, 1983, R. 18.

3/ Diploma Legislativo N°65/71, Art. 58; Diploma Legislativo N°50/71, Art.21.

4/ Marine Fisheries Rules, 1983, R. 12-13.

5/ Temporary Regulations of 2 December 1973.

6/ Diploma Legislativo N° 65/71, Art. 10-21; Diploma Legislativo N° 50/71, Art. 6-13.

7/ Executive Regulations N° 2 of 1985, Art. 15.

Whether or not such conditions are mentioned in their legislation, several countries in the region in fact receive significant non-financial benefits from foreign fishing. Thus both Seychelles and Somalia have succeeded in obtaining employment of local nationals aboard foreign vessels. Several countries have joint venture arrangements which are in fact linked to parallel foreign fishing operations, although the joint venture is not a legislative requirement for foreign vessels. South Yemen has arrangements for the landing and local processing of catch from the licensed foreign fleet.

There are also certain conditions designed more to prevent a loss than to gain a benefit. Foremost are provisions to exclude foreign fishing vessels from areas exploited by local fishermen. Indonesian legislation provides for zoning of certain areas according to type of fishing in order to protect traditional fisheries 1/. Several countries, including Seychelles 2/ and Comoros 3/, forbid foreign fishing within their territorial waters (12 miles). Malaysia 4/ prohibits foreign trawlers within 30 miles of the coast and Maldives 5/ goes somewhat further and only authorizes foreign fishing beyond 75 miles from its shores. Malaysia also provides that compensation for damage to local fisheries interests may be made a licence condition 6/.

b. Conditions relating to compliance control

Enforcing legislation in a maritime zone 200 miles wide has not been easy for coastal states, especially for developing countries that do not have and cannot afford expensive means of air and sea patrol. This has caused them to seek more cost-effective means. There have been consequent innovations in criminal law, including the increased use of presumptions, of civil or compounded penalties and of course of high fines and forfeitures. One of the most interesting developments on the enforcement front, however, has been the increasing attention paid in some parts of the world to the use of licence conditions to improve compliance with fisheries regimes.

The use of bilateral agreements is in some respects a compliance control measure, giving the coastal state leverage it would not otherwise have over both licensed vessels and also other vessels of the flag state. Even without reaching the point of prosecution, the threat of losing all fishing opportunities for its vessels can cause a flag state to apply considerable pressure on its vessels to comply with coastal state legislation.

Conditions of fishing licences which aid compliance control are potentially infinite, but countries have recently tended to emphasize reporting. It is felt that self-reporting by a well identified group of vessels, such as those under licence, should be a relatively cheap source of information on their activities. Reports of position and catch should be easily verified by occasional surveillance and by port inspections, either at random or at the beginning and end of each trip. To be an effective compliance tool, though, the reports must be transmitted by radio or telex.

1/ Decree N 607 of 1976.

2/ Foreign Fishing Vessels Regulations, 1979, Reg. 5.

3/ Loi N° 82-015, Art. 2.

4/ Fisheries (Maritime) Regulations, 1967, 5th Schedule.

5/ Regulations for Issuing the Licence to Fish, Art. 2.

6/ Fisheries Act, 1985, S. 19(4)(r).

Complicated regulations, such as by-catch and type of gear are less amenable to enforcement on the basis of vessel reports and would require other means of enforcement.

Legislation in the Pacific, where control of unauthorized fishing has higher priority than enforcement of management regulations, not surprisingly emphasizes reporting of vessel activities. West African legislation devotes much less attention to this aspect. In the Indian Ocean, real-time reports are required or at least authorized by Australia (also a Pacific country), Bangladesh, Comoros, France, India, Indonesia, Malaysia, Seychelles and Sri Lanka. This requirement is likely to become more common with the development of purse-seining in the Indian Ocean. The complementary requirement of vessel marking is even more common 1/ although not all countries require marks that can be seen from the air or at a distance.

There are a number of other licence conditions designed to improve compliance. Some are quite common in the IOFC region, although it is not possible to say how rigorously they are applied. For example, requirements to come into port for inspection and to trans-ship only in the coastal state generally allow exceptions to be granted administratively. With this proviso, inspection and trans-shipment requirements are found in Bangladesh, Comoros, India, Malaysia, Seychelles and Sri Lanka. Indonesia require inspection but does not appear to control trans-shipment and France, Mauritius, Somalia and Sudan control trans-shipment but do not mention port inspection.

Other conditions include stowage of gear outside of authorized fishing areas, boarding of observers, carrying of position-fixing equipment and bonding. All of these are authorized by several countries' legislation, although they may not be applied in practice 2/. The requirement to appoint a local agent is also common, and in all cases where it is mentioned, it is a mandatory - rather than merely authorized - condition 3/.

F. Enforcement of Fisheries Legislation

A limitation on self-reporting compliance systems is the necessity of enforcement when violations are discovered. This has traditionally meant criminal enforcement backed up by police and military power - again, a high-cost method. The fact that most licensed vessels value their unharried fishing opportunities has meant that the threatened loss of a licence could to a large extent replace physical force in securing compliance. This has been powerfully complemented by flag-state responsibility, as already discussed, and by a regional register.

1/ Australia, Bahrain, Bangladesh, France, India, Mozambique, Oman, Qatar, Seychelles, Somalia, Sri Lanka, Sudan, Tanzania; Comoros and Malaysia may require markings. Bangladesh, India, Mozambique, Sechelles and Sri Lanka require the vessel to fly its flag.

2/ Australia (stowage, observers), Bangladesh (stowage, observers, equipment, bond), Comoros (observers, equipment), India (stowage, observers, equipment), Indonesia (stowage, observers); Malaysia (stowage, observers, equipment, bond); Maldives (observers, bond); Mozambique (bond); Seychelles (stowage, observers, equipment, bond); Somalia (observers); Sri Lanka (stowage, observers, equipment, bond); Sudan (observers, bond).

3/ Australia, India, Indonesia, Malaysia, Seychelles, Sri Lanka.

As practised in the Pacific, the regional register is a list of vessels which have not evaded their obligations under fisheries legislation in participating countries (members of the Forum Fisheries Agency). Those that do, for example by fishing illegally and not submitting to coastal-state jurisdiction, may lose their good standing on the register and consequently their eligibility to fish in any of the countries. This magnifies the threat of licence revocation. It is also interesting to note that both flag-state agreements (if appropriately drafted) and a regional register extend the non-criminal enforcement system to unlicensed vessels as well: other vessels of the same flag, and vessels that would wish to fish in any country in the region. Of the countries included in the coverage of the present compendium, only Australia, a Forum Fisheries Agency member, participates in a regional register, and this of course, in respect of the Pacific not the Indian Ocean.

Even where the use of force is minimized, the powers of traditional law enforcement are still a necessary element of compliance control. Their exercise has been greatly complicated by the extension of jurisdiction and some new approaches have been developed to aid law enforcement in extended zones. Given the different legal traditions and judicial procedures in the various countries of the Indian Ocean area, no attempt will be made to deal here with all aspects of this problem. General comments will be made only on aspects of enforcement relating to foreign fishing.

It is becoming standard in new fisheries legislation in the Indian Ocean and elsewhere to provide for specific penalties for violation of the law by foreign fishing vessels, especially for the offence of fishing without a licence. There are two related reasons for distinct penalties for foreign and national vessels. One is that UNCLOS forbids the penalty of imprisonment for fisheries offences by foreign vessels in the EEZ. Some states clearly do provide for imprisonment for illegal foreign fishing in the EEZ, including Bangladesh, Burma, Mauritius, Yemen PDR (others have prison penalties but they either only apply to the territorial sea or continental shelf or exist as provisions in legislation that predates the EEZ), but they are a distinct minority and most of them do not rely on imprisonment in practice. It is generally necessary therefore to find other sanctions; high monetary penalties are an obvious one. A second reason for distinct penalties for foreigners is that it is harder to apprehend foreign than local vessels, so deterrent penalties are relied on to make up for the infrequencies of apprehension. Both reasons suggest penalties that may in fact be ruinous to the vessel owner. A lesser admonition is more likely to be considered sufficient for national vessels, and prison is always available as the traditional way of dealing with the incorrigible offenders among them.

The highest fines for illegal foreign fishing in the Indian Ocean are probably in Malaysia. If found guilty of fishing without a licence, the owner or master of a foreign fishing vessel is liable to a fine not exceeding one million ringgit each and every member of the crew is liable to a fine of one hundred thousand ringgit. In all other cases, there is a liability to a fine not exceeding fifty thousand ringgit or a term of imprisonment not exceeding two years or both ¹/. In India, the nature of the penalty depends on whether the contravention takes place on the territorial waters or in the exclusive

¹/ Fisheries Act 1985, S. 25.

economic zone. In the first case, the owner or the master of the vessel is punishable with imprisonment for a term not exceeding three years or with fine not exceeding 1,5 million rupees or with both. In the second, the penalty is less severe since such persons are only punishable with fine not exceeding 300,000 rupees 1/. In Sri Lanka, contravention of the relevant provision of the law carries a fine not exceeding one million five hundred rupees 2/. Forfeiture of vessels, gear and catch is a typical accompaniment to fines for foreign fishing offences, similarly a response to the need for deterrent penalties other than imprisonment. Forfeiture of vessels is mandatory in cases of unauthorized foreign fishing in Bangladesh, Malaysia, Sri Lanka and Tanzania. Some form of forfeiture is found in the laws of most of the other IOFC countries 3/. A table giving the level of penalties for each of the countries of the region is contained in Part II of this compendium.

The potential conflict between the navigation rights of shipping and the enforcement needs of coastal states is dealt with in several ways. The most common requirement is the stowage of gear by unlicensed vessels 4/.

Some countries go further, in effect prohibiting unauthorized entry of foreign fishing vessels into jurisdictional waters, except for a limited right of passage ("innocent passage" as opposed to "free navigation") or some other purpose such as distress. Australia requires that passage be direct and by the shortest practicable route 5/. Mozambique prohibits "preparing to fish", which is defined in such a way as to require expeditious passage through Mozambican waters 6/. Maldives requires permission for foreign fishing vessels to enter the EEZ 7/. In Malaysia, the master of the vessel is required to radio the name, the flag state, location, route and destination of the vessel, along with the type and amount of fish it is carrying while exercising the right of innocent passage 8/. In addition to making unauthorized fishing or entry into jurisdictional zones, offences, the Australian legislation 9/ prohibits unauthorized carrying or processing of fish within jurisdictional waters (i.e., mother-ship operations), while the Tanzanian legislation, with the same aim in view, prohibits the unauthorized trans-shipment of fish within its waters 10/.

So far as enforcement is concerned, most countries provide broadly similar powers of stopping, boarding, inspection, seizure and arrest in the event of suspected contraventions. However, very few indications are given of

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- 1/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 10.
- 2/ Fisheries (Regulation of Foreign Fishing Boats) Act, 1979, S. 15.
- 3/ Australia, Bahrain, Burma, Comoros, Egypt, France, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Madagascar, Mauritius, Mozambique, Oman, Pakistan, Qatar, Seychelles, Somalia, Sudan, Thailand, Yemen A.R. and Yemen P.D.R.
- 4/ Australia, Bangladesh, India, Indonesia, Malaysia, Seychelles, Tanzania and Sri Lanka.
- 5/ Fisheries Act, S. 13AB(3)
- 6/ Loi N° 8/78, Art. 1, 2.
- 7/ Law N° 32/76.
- 8/ Fisheries Act, 1985, S. 16
- 9/ Fisheries Act, S. 13AA.
- 10/ Fisheries (General) Regulations, 1973, Reg. 31.

the specific procedures for arrest and seizure of foreign vessels. Of more interest is the introduction in several laws in the region of provisions relating to hot pursuit, following article 111 of the United Nations Convention on the Law of the Sea which, subject to certain conditions, recognizes the right of coastal states to undertake the hot pursuit of foreign vessels which are believed to have violated their laws and regulations including those relating to their exclusive economic zones. Burma was one of the first States of the region to introduce its legislation provisions for hot pursuit from the territorial sea and other zones, including the economic zone 1/. In Seychelles, there is specific provision for the hot pursuit of foreign fishing vessels following the commission of an offence against the applicable law relating to fishing in the exclusive economic zone 2/. In Malaysia, where it is believed that a vessel has contravened the applicable law, the vessel may be pursued beyond the limit of the exclusive economic zone "to the extent allowed by international law" 3/. Under the Malaysian law, the right of hot pursuit ends as soon as the vessel enters the territorial sea or exclusive economic zone of its own State or any third State except when an agreement to which Malaysia is a party provides otherwise. Where cooperative enforcement procedures are contemplated in regional fishing agreements between neighbouring countries in the region, an issue of particular importance may be rights of pursuit into the territorial sea or economic zone of the neighbouring country. Under the Convention, hot pursuit only ends when the vessel enters another country's territorial sea, but, as the Malaysian legislation implicitly recognizes, pursuit into the EEZ can also be a sensitive matter..

Enforcement of controls over fishing in extended zones of national jurisdiction presents a number of evidentiary problems. In this connection, it is interesting to note the increasing use of presumptions in national legislation. One form of "factual" presumption consists in equating failure to stow gear properly with fishing, either as sufficient proof of fishing or as a separate offence with the same (high) penalty. Another frequent presumption concerns fish aboard a vessel. In the new legislation in Seychelles 4/, fish found aboard a vessel which has committed an offence are rebuttably presumed to have been caught in the commission of the offence and thus subject to forfeiture. In the previous Seychelles legislation 5/, as well as in that of India 6/ and Malaysia 7/ fish found on board a vessel is presumed, without direct evidence of an offence, to have been caught in jurisdictional waters. This considerably eases the burden of proving illegal fishing, but it could also be applied to restrict rights of navigation. The Seychelles presumption could be rebutted by a radio report before entering the zone; in Malaysia, a radio call and proof that the fish is carried in a sealed hold constitute a defence to a prosecution.

1/ Territorial Sea and Maritime Zones Law, 1977, S. 25.

2/ Control of Foreign Fishing Vessels Decree, 1979, S. 10; Fisheries Act, 1986, S. 20 (not yet in force);

3/ Exclusive Economic Zone Act, 1984, S. 25. Cf. India Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 9(5).

4/ Fisheries Act, 1986, S. 25(2) (not yet in force);

5/ Control of Foreign Fishing Vessels Decree, 1979, S. 15.

6/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 22(1).

7/ Fisheries Act, 1985, S. 56.

PART TWO

TABLES

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
AUSTRALIA	3 mi <u>(Proclamation under Seas and submerged Lands Act, 1973)</u>	200 mi <u>(Fiseries Amendment Act N° 99 of 1978, s. 3)</u>	
BAHRATIN	3 mi		
BANGLADESH	12 mi (1974) from 10-fathom isobath <u>(Territorial Waters and Maritime Zones Act N° XXVI of 1974, s.3 Proclamation N° LT-1/3/74 of 1974)</u>		200 mi from 10-fathom isobath <u>Territorial Waters and Maritime Zones Act N° LT-1/3/74 of 1974)</u>
BURMA	12 mi <u>(Territorial Sea and Maritime Zones Law N° 3 of 1977, s.3)</u>		200 mi <u>(Territorial Sea and Maritime Zones Law N° 3 of 1977, s. 77)</u>
COMORS	12 mi <u>(Loi N° 82-005, Art. 3)</u>		200 mi <u>(Loi N°82-005, Art. 6)</u>
DJIBOUTI	12 mi <u>(Loi N° 52 /AN/78 du 9 janvier 1979, Art. 4)</u>		200 mi <u>(Lot N° 52/AN/78 du 9 janvier 1979, Art. 12)</u>

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
INDONESIA	12 mi from straight baselines surrounding archipelago <u>(Act N° 4 of 18 February 1960 of the President of the Republic)</u>		200 mi <u>(Act N° 5 of 1983 on the Indonesian Exclusive Economic Zone)</u>
IRAN	12 mi <u>(Law of 12 April 1959 on determining the Boundaries of Iran's Coastal Water, Art. 3)</u>	Outer limits of the superjacent waters of the continental shelf; median line in the Sea of Oman <u>(Proclamation of 30 October 1973 amended by Proclamation of 22 May 1977)</u>	
IRAQ	12 mi <u>(Republican Ordinance N° 435 of 15 November 1958, Art. 2 and Law N° 71 of 1958, Art. 2)</u>		
ISRAEL	6 mi <u>(Territorial Waters Law, 1956)</u>		
JORDAN	3 mi <u>(Law N° 25 for 1943 for the Organization of Fishing, Art. 2)</u>		

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCULSIVE ECONOMIC
EGYPT	12 mi <u>(Presidential Order N° 180 of 17 February 1958)</u>		Unspecified <u>(Declaration concerning the exercise by Egypt of its rights in the Exclusive Economic Zone made upon ratification of UNCLOS 1983)</u>
ETHILPTA	12 mi <u>(Meritime Proclamation N° 137 of 25 September 1953, s. 6(f))</u>		
FRENCH DEPARTMENT AND DEPENDENT TERRITORIES	12 mi <u>(Loi N° 71.1060 du 24 Decembere 1971 relative a la delimitation des eaux territoriales francaises)</u>		200mi <u>(Loi du 16 juillet 1976 relative a la zone economique; Decrets N° 78-146, 78-148, 78-149)</u>
INDIA	12mi <u>(The Territorial Waters, Continental Shelf, EEZ and other Maritime Zones Act N° 80 of 1976)</u>		200 mi <u>(The Territorial Waters, Continental Shelf, EEZ and other Maritime Zones Act N° 80 of 1976; Notice of 15 January 1980)</u>

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
KENYA	12 mi <u>Territorial Waters Act, 1972)</u>		200 mi <u>(Proclamation by the President of the Republic, 28 February 1979)</u>
KUWAIT	12ml <u>(Decree of 17 December 1967)</u>		
MADAGASCAR	12 mi <u>(Ordonnance N° 85-013, Art. 4)</u>		200 mi <u>(Oredannance N° 85-013, Art. 1)</u>
MALAYSIA	12 mi <u>(The Emergency (Essential Powers) Ordinance N° 7 of 1969)</u>		200 mi <u>(Exclusive Economic Zone Act 1984 S.3)</u>
MLADIVES	12 mi <u>(Constitution (1975))</u>		Area defined by geographical coordinates <u>(Law N° 30/76 of 27 November 1976 relating to the EEZ)</u>
MAURITIUS	12 mi <u>(Maritimes Zones Act of 1977, S. 3(2))</u>		200 mi <u>(Maritime Zones Act of 1977, S. 6(1); Maritime Zones (Exclusive Economic Zones) Regulations 1984)</u>

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
MOZAMBIQUE	12 mi <u>(Decreto-Lei N° 31/76 of 1976, Art. 1)</u>		200 mi <u>(Decreto-Lei N° 31/76 of 1976 Art. 2)</u>
OMAN	12 mi <u>(Royal Decree N° 15/81 of 20 February 1981)</u>		200 mi <u>(Royal Decree N° 15/81 of 20 February 1981)</u>
PAKISTAN	12 mi <u>(Territorial Waters and Maritime Zones Act of 1976, S. 2(2))</u>		200 mi <u>(Territorial Waters and Maritime Zones Act of 1976, S. 6(1))</u>
QATAR	3 mi	Fisheries jurisdiction extends to area limited by agreement, by the outer limits of the super-jacent waters of the continental shelf or by a median line <u>(Law N° 4 of 1983, Art. 1, 2)</u>	
SAUDI ARABIA	12 mi (1958) <u>(Royal Decree N° 33 of 16 February 1958, Art. 3)</u>	Outer limits of the superjacent waters of the continental shelf <u>(Foreign Ministry Statement of 30 April 1974)</u>	

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
SEYCHELLES	12 mi <u>(Maritime Zones Act N° 15 of 1977, S. 3(2))</u>		200 mi <u>(Act N° 15 of 1977, S. 6(1))</u>
SOMALIA	200 mi <u>(Law N° 37 of 1972, Art. 1(1))</u>		
SRI LANKA	12 mi <u>(Maritime Zones Law N° 22 of 1976; Proclamation of 15 January 1977)</u>		200 mi <u>(Maritime Zones Law N° 22 of 1976; Proclamation of 15 January 1977)</u>
SUDAN	12 mi <u>(Sudan Territorial Waters and Continental Shelf Act N° 106 of 1970)</u>		
TANZANIA	50 mi <u>(Proclamation by the President of 24 August 1973 on the extent of the Territorial Waters of the . United Republic of Tanzania)</u>		

TABLE A
LIMITS OF NATIONAL JURISDICTION
(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
THAILAND	12 mi <u>(Royal Proclamation of 6 October 1966 establishing the Breadth of Territorial Waters)</u>		200 mi <u>(Royal Proclamation of 21 February 1980)</u>
UNITED ARAB EMIRATES	3 mi (12 mi in the case of the Emirate of Sharjah) <u>(Supplementary Decree of 5 April 1970 by the Ruler of Sharjah)</u>		Limited by agreement or median line <u>(Declaration by the Ministry of Foreign Affairs concerning the Exclusive Economic Zone and its delimitation of 25 August 1980)</u>
UNITED KINGDOM TERR.	DEP. 3 mi		
YEMEN (Arab Rep.).	12 mi <u>(Republican Decree N° 15 of 1967)</u>		
YEMEN (People's Dem. Rep.)	12 mi <u>(Act N° 45 of 1977, Art. 4)</u>		200 mi <u>(Act N° 45 of 1977, Art. 13)</u>

TABLE B

NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
AUSTRALIA	<p>"Australian Boat" means a boat the operations of which are based on a place in Australia or an external Territory and that is wholly owned by a natural person who is a resident of, or by a company incorporated in, Australia or an external Territory, being a boat that - (a) was built in Australia or an external Territory, (b) has been lawfully imported into Australia, otherwise than for a limited period, or into an external Territory; or (c) has been sold, or otherwise disposed of, in Australia or an external Territory after having been forfeited or distrained under this or any other Act or under a law of a State or Territory; Where a boat has been lawfully imported into Australia for a limited period and the Minister is satisfied that the extent of participation by citizens or residents of Australia, either directly or through the holding of shares in a company or otherwise indirectly, in the control of the operations of the boat in proclaimed waters during that period, and the nature of those operations, will be such as to justify him in so doing, he may, in his discretion, by instrument published in the Gazette, declare that, during that period, the boat is to be deemed to be an Australian boat for the purpose of this Act and, while such an instrument is in force in respect of a boat, the boat shall be deemed to be an Australian boat for the purposes of this Act. (<u>Fisheries Act 1952, S. 4</u>)</p>
BAHREIN	NO INFORMATION
BANGLADESH	<p>Local fishing vessel defined as any fishing vessel (i) wholly owned by one or more persons who are citizens of Bangladesh; or (ii) wholly owned by any company, society or other association of persons established under the law of Bangladesh of which at least 51% of the shares are held by citizens of Bangladesh and includes any fishing vessels registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements; or (iii) wholly owned by the Government or by a statutory corporation established under a law of Bangladesh. (<u>Marine Fisheries Ordinance 1.983 S. 2</u>)</p>

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
BURMA	NO INFORMATION
COMOROS	Local fishing vessel defined as one wholly owned by Comorian citizens, by a juridical person formed under Comorian law of which at least half of the shares are owned by Comorian citizens or juridical persons, or by the State. (<u>Act N° 82-015, Art. 1</u>)
DJIBOUTI	NO INFORMATION
EGYPT	NO INFORMATION
ETHIOPIA	Local vessels must be wholly owned by (a) Ethiopian subjects, or (b) bodies corporate established under Ethiopian law and having principal place of business in Ethiopia, or (c) foreigners domiciled and having principal place of business in Ethiopia. (<u>Maritime Code, Proclamation N° 164, 1960 Art. 4</u>)
FRENCH DEPARTMENTS AND DEPENDENT TERRITORIES	<p>Local fishing vessel defined as vessel at least half owned by French nationals or wholly owned by companies whose head office is situated in the territory of France or in a state with an agreement allowing French companies to operate there, and meeting the following conditions:</p> <ul style="list-style-type: none"> (a) for public companies, the Chairman of the Board, and the majority of the members of the Board, the Directors General and the auditors must be French; (b) for partnerships, the managers and the majority of the members of the Supervisory Board must be French; (c) for limited liability companies, collective name companies, the managers must be French and half the capital must be held by French nationals. French nationality may also be given to vessel on bareboat charter where French charterer assumes full control and management etc. of vessel and flag state law allows relinquishing of foreign flag. (<u>Act N° 67-5 of 3 January 1967 Art. 3 as amended by Act N° 75/300 of 29 april 1978, Art. 1</u>)

TABLE B

NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
INDIA	<p>Indian vessel means: (I) a vessel owned by Government or by a Central, Provincial or State statutory corporation or (II) a vessel which is owned wholly by persons to each of whom any of the following descriptions applies: -</p> <ol style="list-style-type: none">(1) a citizen of India;(2) a company in which not less than 60 per cent of the share capital is held by citizens of India;(3) a registered cooperative society every member whereof is a citizen of India or where any other cooperative society is a member thereof, every individual who is member of such other cooperative society is a citizen of India; and which is registered under the Merchant Shipping Act, 1958, or under any other Central Act or any Provincial or State Act. <p><u>(Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981)</u></p>
INDONESIA	<p>"Foreigners", "foreign entities" and "foreign Governments" listed as entities subject to foreign fishing provisions. <u>[Law N 5 of 1983 on the Indonesian Exclusive Economic Zone, Art. 5(3)]</u></p>
IRAN	<p>Local fishing vessel = owned by nationals or by an Iranian corporation in which at least 51% of the shares are held by nationals (<u>Maritime Code 1964, Art. 1</u>)</p>
IRAQ	<p>No nationality requirements for fisheries purposes.</p>
ISRAEL	<p>No nationality requirements for fisheries purposes.</p>
JORDAN	<p>No nationality requirements for fisheries purposes.</p>

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
KENYA	Local fishing vessel defined as fishing vessel owned by nationals or companies incorporated under the laws of Kenya and having principal place of business in Kenya. (<u>Merchant Shipping Act CAP 389 S. 3</u>)
KUWAIT	Local vessel defined as any fishing vessel owned by a resident of Kuwait, without prejudice to provision of Law on Marine Commerce. (<u>Decree Promulgating Law N 46 of 1980 on Conservation of Fisheries Resources Art. 3</u>)
MADAGASCAR	Local fishing vessel = owned by nationals (at least 50%) or owned by companies meeting following criteria: (a) registered in Madagascar; (b) Chairman of the Board and majority of Directors must be nationals; (c) at least 50% of the share capital must be held by nationals. (<u>Code of Merchant Shipping, N° 66-007 of 1966, Art. 2.2.03</u>)
MALAYSIA	Local fishing vessel defined as vessel not registered outside Malaysia, which is wholly owned by natural persons who are citizens of Malaysia; or by a statutory corporation established under the laws of Malaysia; or by the Government of Malaysia or a State of Malaysia; or by a body corporate or incorporate established in Malaysia and wholly owned by persons described above or by body corporate or incorporate wholly owned by persons described above (<u>Fisheries Act 1985 S. 2</u>)
MALDIVES	NO INFORMATION

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
MAURITIUS	Fishing by citizens or by approved companies substantially owned and controlled by citizens. Licence application form to reveal shareholding. [<u>Maritime Zones Act, S. 7(5)</u>]; (<u>Maritime Zones (Fishing Licences) Regulations 1978</u>]
MOZAMBIQUE	NO INFORMATION
OMAN	Authorization required to use vessels owned wholly or partially by foreigners. (<u>Ministerial Decree N 3/82 on the Executive Regulations for the Law on Marine Fisheries and Conservation of Living Marine Resources, Art. 24</u>)
PAKISTAN	<u>Local fishing vessel</u> owned by nationals or companies incorporated under the local law.
QATAR	Authorization required to use vessels owned wholly or partially by foreigners. (<u>Executive Regulations of Law N° 4 on the Exploitation and Conservation of Living Aquatic Resources in the State of Qatar, Art. 40</u>)
SAUDI ARABIA	Foreign vessels operating for local company exempted from foreign licensing requirements. (<u>Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 9</u>)

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
SEYCHELLES	<p><u>local fishing vessel</u>=</p> <ul style="list-style-type: none">- wholly owned by citizens or by a statutory corporation established under the laws of Seychelles;- wholly owned by any company of which at least 51% of the shares are held by citizens of Seychelles. (<u>Control of Foreign Fishing Vessels Decree, 1979, S.2</u>) [<u>local fishing vessel</u>]- wholly owned by citizens or public bodies;- wholly owned by company of which all shares are held by citizens or public bodies;- if approved by Minister, wholly owned by Seychelloise company of which at least 51% of the shares are held by citizens or public bodies. <p>(<u>Fisheries Act, 1986, S. 2 (not yet in force)</u>)</p>
SOMALIA	<p><u>Local fishing vessel</u>: wholly owned by Somali company, citizens or statutory corporation. (<u>Fisheries Joint Venture Guidelines, 1985, S. 2</u>)</p>
SRI LANKA	<p>Local fishing vessel = registered under Merchant Shipping Act and wholly owned by</p> <ul style="list-style-type: none">- citizens of Sri Lanka; or- Government or any public corporation established by or under law of Sri Lanka; or- any company, society or other association of persons incorporated or established under local law in which a majority of voting shares held by citizens. <p>(<u>Fisheries (Regulation of Foreign Fishing Boats) Act, 1979, as amended 1982.S. 28</u>)</p>
SUDAN	NO INFORMATION
TANZANIA	<p>Local fishing vessel defined as fishing vessel owned by local nationals or a company registered and having principal place of business in Tanzania or the Government. [<u>Fisheries (General) Regulations, 1973, as amended, S. 2</u>]</p>

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
THAILAND	local fishing vessel = vessel owned by Thai nationals; or ordinary partnership with all partners Thai; or limited partnership with all general partners Thai and at least 70% capital owned by Thais; or limited company with majority of directors Thai and at least 70% of capital owned by Thais. (<u>Act governing the Right to fish in Thai waters, 1939 S. 5</u>)
UNITED ARAB EMIRATES	NO INFORMATION
UNITED KINGDOM DEPENDENT TERRITORIES	NO INFORMATION
YEMEN ARAB REPUBLIC	Foreign fishing boat: owned at least 51% by foreign nationals (<u>Fisheries Law N° 20 of 1978, Art. 1</u>)
YEMEN DEMOCRATIC REPUBLIC	NO INFORMATION

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS	
AUSTRALIA	<u>Fees in Australian Dollars:</u> Master fisherman's licence Fishing vessel licence	\$ 20	\$13	- subject to conditions enclosed on licence, prescribed or in the case of a managed fishery, specified in the management plan.
	(a) under 15 m.	\$ 40	\$26	<u>[Fisheries Act 1952, as amended, S. 9(5)]</u>
	(b) 15 m. to under 20 m.	\$ 50	\$33	- licence limited to one year except for managed fishery. (<u>Id.</u>)
	(c) 20 m. and over	\$ 60	\$39	- conditions may relate to class and quantity of fishing rate of catch, ethods and equipment for catching and procesing. <u>[Id. S. 9(5B)]</u>
	Carrier/processing vessel			
	(a) carrier only	& 80	\$52	- transferable by permission. [Id. S.9(7)]
	(b) carrier and processor	\$ 100	\$65	- licence may extend to state waters managed jointly. <u>[Id. S. 12P]</u>
	Transfer of vessel licence (Fisheries Regulation, Schedule 1)	\$ 1	\$ 0.65	- assigned number to be displayed on vessel in figures 300 mm. high. <u>[Fisheries Regulations, Reg. 11]</u>
			i CO	
BAHREIN	15 Dinars, renewal 10 Dinars <u>(Decree N° 17 of 1981, Art. 5)</u>	\$39.48 \$26.32	Vessel required to be registered (Art. 4) Licence refused if use of vessel would be harmful to fisheries (Art. 10). No licence required for small vessels without inboard engines, or carried about larger vessels or used for commercial or excursion vessels - such vessels prohibited from trawling (Art. 3). Licence valid 1 1/2 years (Art. 7). Licence may be cancelled if ownership transferred to non-citizen without permission, if registration cancelled, if vessels altered without notification (Art. 11).	

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
BAHREIN (Cont'd)			Damage to other gear prohibited - reporting required (Art. 14). <u>[Decree Promulgating Law N° 5 of 1981 on Fishing Regulations]</u>
BANGLADESH	<u>According to carrying capacity in tons</u>		
	- up to 250	taka 700	\$ 24
	250 – 350	" 1000	\$ 34
	350 – 450	" 2000	\$68
	450 – 600	" 5000	\$170
	over 600	" 10000	\$340
	<u>[Marine Fisheries Rules, 1983, R. 6]</u>		- Limited to 1 year. <u>[Marine Fisheries Ordinance 1983, S. 10]</u> - Vessel must be registered. [Id. S. 17] and have certificate of inspection (Id. S. 18) and if new must have at least 150 tonnes carrying capacity. <u>[Marine Fisheries Rules, 1983, R. 12]</u> - Licence may be refused, suspended or cancelled - for the proper management of fisheries or otherwise in the best interests of marine fishing industry; - contravention by vessel or unfitness of applicant or licensee. <u>[Ordinance, S. 19]</u> - Licence only valid for activities and subject to conditions stated in licence, including place, tone, species and by-catch fishing methods; - written daily records, submitted monthly; - assigned marks to be displayed, clearly visible from air and sea. <u>[Rules, R. 7]</u>
BURMA			NO INFORMATION

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$		OTHER CONDITIONS
COMOROS		NO INFORMATION		
DJIBOUTI	No information			Licence from Minister of Agriculture required except for non-commercial fishing. [Loi N° 52/AN/78 du 9 Janvier 1979, Art. 16-17] Licence required for amateur fishing. [Decret N° 85/103 portant sur la protection de la faune et des fonds sous-marins, Art. 7]
EGYPT	A. <u>Mediterranean</u>			- Required of all vessels [Act on Fishing Aquatic Life and the Regulation of Fish Farms, promulgated by Act N 124 of 1983, Art. 23]
	1. trawlers			- Motorized vessel must be approved technically (Art. 30)
	- first 25 HP	E.£ 20	\$15	- Annual licence (Art. 27)
	- each additional HP	E.£0.200	\$ 0.15	- Non-transferable (Art. 28) but
	2. other motorized vessels			- replacement of vessel permitted in case of force majeure (Art. 32)
	- first 25 HP	E.£ 10	\$ 7.50	- Licensee may change category by paying difference in fee (Art. 46)
	- each additional HP	E.£ 0.200	\$1.15	- Licence must be shown on request (Art.33)
	B. Gulf of Suez			- Licensed vessel may not anchor in an area use methods, carry gear or discharge obstructions to fishing in areas, for which it is not licensed (Arts. 8, 9, 16)
	1. trawlers			- Licence may be suspended 6 months if
	- first 25 HP	E.£ 20	\$15	
	- each additional HP	E.£ 0.750	\$ 0.56	
	2. other motorized vessels			
	- first 25 HP	E.£ 15	\$12	
	- each additional HP	E.£ 0.500	\$ 0.38	
	C. Red Sea			
	- motorized vessel first 25 HP	E.£ 10	\$7.50	
	each additional HP	E.£ 0.100	\$0.13	

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSEL

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
EGYPT (Cont'd)	D. <u>Non-motorized vessels</u> Class 1 E.£ 8 \$ 6 Class 2 E.£ 4. \$ 3 Class 3 E.£ 2 \$ 1.50		vessel used out of the area or for fishing by a method other than that for which it s licensed (<u>Art. 24</u>).
	[<u>Act on Fishing Aquatic Life and the Regulation of Fish Faune, promulgated by Act N 124 of 1983, Art. 42</u>]		
ETHIOPIA	NO INFORMATION		
FRENCH DEPARTMENTS AND DEPENDENT TERRITORIES	NO INFORMATION		
INDIA	State matter - No Information		
INDONESIA	No information		Permit required except for subsistence fisherman (<u>Law N° 9 of 1985 on Fisheries, Article 10</u>). Vessel must fly Indonesian flag (<u>Id. Art. 12</u>).
IRAN	No information		Licence required, issued by Shilat Jonoub Iran.

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
IRAN (Cont'd)				<u>[Temporary Regulations for Catching Fish, Shrimp and other Sea Animals in Persian Gulf, Oman Sea and all Rivers of Southern Part of Iran, 2 December 1973, Art. 3].</u> Sign and number of each vessel to be written on side (<u>Id. Art. 5</u>). Vessels require refrigerating and fish to be immediately refrigerated and kept refrigerated until delivered to retailer; licence suspended or cancelled for non-compliance (<u>Id. Art. 7</u>).
IRAO	<u>Vessel licence fees</u>			- Vessel licence only granted if vessel in suitable conditions and has required navigation licence.
	Non-motorized		ID 1 \$ 3.25	- Vessel to be numbered.
	Outboard-powered		ID 2\$6.50	- Licence to be kept aboard and presented on demand.
	Inboard-powered to 100 HP		ID 10\$ 32.00	[<u>Law N° 48 of 1976, Art. 11</u>]
	(unspecified amount for additional HP) [<u>Law N 48 of 1976 for regulating and exploitating of aquatic life and its protection, Art. 21</u>]			Licence issued by or for State Fisheries Company (<u>Id. Art. 21</u>) Non-transferable (<u>Id. Art. 22</u>)
ISRAEL	No information			Licence required for commercial fishing, usually limited by method and area. [<u>Fisheries Ordinance N° 6 of 1937</u>]
JORDAN	Each person or company Landing and transhipment:	100 fils	\$295	Commercial fishing requires authorization of Minister.

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
JORDAN (Cont'd)	- fish and sponges	5 fils/3 kg.	\$ 15	<u>[Agrarian Law N° 20 of 1973, Art. 182]</u>
	- gutted fish	6 fils/3 kg.	\$ 18	
	- gutted/headed fish	7 fils/3 kg.	\$ 21	
	- sliced dried fish	10 fils/3 kg.	\$ 30	
	- shell fish and turtles	3 fils/3 kg.	\$ 9	
	<u>[Law N° 25 for the Organization of Fishing, 1943, Art. 4-5]</u>			
KENYA	3 shillings		\$ 0.19	Commercial craft required to be registered registered craft required to be marked; registration may be denied in the interests of the conservation of fish. <u>[The Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, Cap. 378 subsid.]</u>
	<u>[The Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, Cap. 378 subsid.]</u>			
KUWAIT	Vessels up to 100 HP	K.D. 5	\$ 18	Fishing techniques, gear, vessel specifications and crew to be specified. <u>[Law N° 46 of 1980 on Conservation of Fisheries Resources, Art. 4]</u>
	Vessels over 100 HP	K.D. 10	\$ 35	
	<u>[Ministerial Decree N° 17 of 1980 on Licences of Kuwaiti Fishing Vessels]</u>			
	Issue of new licences temporarily suspended. <u>[Decree N° 2 of 1983 on non-issuance of new licences to the fishing vessels operating in the territorial waters of Kuwait]</u>			
MADAGASCAR	No information			- Separate licences for trawlers up to 25HP and above 25 HP. <u>[Decret N° 71-238 du 18 mai 1971 regle-mentant l'exercice de la peche par chalu-tage dans la mer territoriale, Art. 1]</u>

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$		OTHER CONDITIONS
MADAGA CAR (Cont'd)				- Application for above 25 HP requires technical report on vessel and gear including mesh size and handling and preservation facilities
MALAYSIA	<u>Trawl net</u>			Vessel should be marked as prescribed. [<u>Fisheries Act 1985, S. 10</u>]
	- used with inboard engine	<u>annual fee</u>	<u>deposit</u>	Licence subject to cancellation if operations not commenced within 3 months. (<u>Id. S. 12</u>)
	60 HP or more	50	400 \$ 19 / 153	
	40 HP less than 60 HP	40	100 \$ 12 / 38	
	25 HP less than 40 HP	30	100 \$ 12 / 38	
	10 HP less than 25 HP	20	50 \$ 8 / 19	
	less than 10 HP or outboard	5	none \$ 2	Vessel must be seaworthy and comply with inspection and navigation requirements. (<u>Id. S. 13</u>)
	<u>[Fisheries (Maritime) Regulations 1967 (as amended to 1974), First, Second Schedule]</u>			Licence valid 1 year, non-transferable (<u>Id. S. 14</u>)
				Trawlers limited to beyond 3 miles (less than 25 grt. and 60 HP) to beyond 7 miles (less than 25 grt. and 60 HP or above) to beyond 12 miles (100 grt. and 200 HP or above).
MALDIVES				Permission of inhabitants or person in charge of island or of Atoll Office <u>required for fishing other</u>

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[FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
MALDIVES (Cont'd)			<u>[Law N° 1/74 relating to Fishing in the Lagoons of Maldives, as amended. Art. 1, 6, 7]</u> Permission of Atoll Chief required for fishing enclosure in a lagoon (<u>Id. Art. 5</u>).
MAURITIUS	<u>Mauritius</u>		Licence required for possession of net except carlet or landing net. <u>[Fisheries Act, S. 12]</u>
	Canard net Rs. 25/mg.	\$ 2	
	Cast net Rs. 15/gtv.	\$ 1	
	Gill net Rs. 25/gtv.	\$ 2	Licences limited by type of net and area
	Large net Rs. 50/gtv.	\$ 4	<u>[Id. S. 3(6)]</u>
	Sardin net Rs. 50 May-August	\$ 4	
	Rs. 25 after 31/8	\$ 2	Net licensee must store net in designated place, produce it for inspection, surrender it on expiry of licence or in case of replacement, and may not dispose of it without permission (<u>Id. S. 13-14</u>)
	Shrimp net Rs. 15/gtv.	\$ 1	Fishing vessel required to be registered and marked (<u>Id. S. 23</u>)
	<u>Rodrigues and other islands</u>		Licence from Prime Minister required for fishing in EEZ <u>[Id. S. 6(1)]</u>
	Large net Rs. 17.35/gtv.	\$ 1.4	
	Gill net Rs. 17.35/gtv.	\$ 1.4	
	<u>[Fisheries Regulations 1983, 1st Schedule]</u>		
	Vessel registration (<u>Id. Reg. 9</u>)		
	Rs. 25	\$ 2	
MOZAMBIQUE	Annual fees, payable in 2 instalments		<u>General</u>
	<u>[Diploma Legislativo N° 65/71 de 15 de junho de 1971: Regulamento da Pesca Maritima, Art. 39(3)]</u>		All fishing vessels required to carry licence. <u>[Diploma Legislativo N° 65/71 Art. 7-8]</u> Vessels must fulfill technical conditions (<u>Id. Art. 10-21</u>).
			Licence not transferable (<u>Id. Art. 38</u>).
			Bond of 10% value of vessel required <u>[Id. Art. 38(5)]</u> .

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
MOZAMBIQUE E (Cont'd)			<p>Major repairs, reconstruction and replacement must be authorized [<u>Id. Art. 39(4)</u>].</p> <p>Vessel must devote 10 days a year to fisheries research [<u>Id. Art. 58</u>]. Licence subject to cancellation for failure to utilize, sale of vessel, alteration of company statutes [<u>Id. Art. 40</u>].</p> <p>Transshipment at sea to foreign vessels or vessels licensed for different kind of fishing prohibited [<u>Id. Art. 46</u>]. Handling requirements [<u>Id. Art. 50-52</u>]. <u>Shrimp</u></p> <p>Shrimp licences limited to 100, distributed by area.</p> <p>[<u>Diploma Legislativo N° 50/71 de 29 de maio de 1971 aprovando o regulamento da pesca do camarao, Art. 2</u>]</p> <p>Vessels must meet technical standards [<u>Id. Art. 6-13</u>].</p> <p>Shrimp licences issued by port captains [<u>Id. Art. 17</u>].</p> <p>Major repairs, reconstruction and replacement must be authorized [<u>Id. Art. 17(3)</u>].</p> <p>Not transferable S. 19(1)-(2). Bond of 10% value of vessel required [<u>Id. Art. 19(4)</u>].</p> <p>Vessel must devote 20 days per year to fisheries research [<u>Id. Art. 21</u>]. Transshipment at sea to foreign vessels or vessels licensed for different kind of fishing prohibited [<u>Id. Art. 22</u>].</p>
	Annual fee, for shrimp, payable in two instalments		
	[<u>Diploma Legislativo N° 51/71 de 29 de maio de 1971 aprovando o regulamento da pesca do camarao, as amended, Art. 17(2)</u>]		

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
MOZAMBIQUE (Cont'd)				Licences subject to cancellation for repeated violations, failure to utilize, sale of vessel, alteration of company statutes [<u>Id. Art. 24</u>].
OMAN	Unmotorized boat	O.R. 1	\$ 2.60	Vessel licence required in possession [<u>Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Conservation of Living Aquatic Resources, Art.7-8, Ministerial Decree N 3/82, Art. 2</u>] Licence not transferable [<u>Sultanic Decree N° 53/81, Art. 8</u>] Licence valid one year [<u>Ministerial Decree N° 3/82, Art. 7</u>]. Special licence required for shallow water [<u>Sultanic Decree N 53/81, Art. 16</u>]
	Motorized boat to 50 HP	O.R. 1	\$ 2.60	
	additional HP	O.R. 0,100	\$ 0.26	
	maximum fee	O.R. 200	\$ 520.00	
	Transfer of ownership	O.R. 5	\$ 13.00	
	<u>[Ministerial Decree N° 3/82 on the Executive Regulation for the Law on Marine Fisheries and Conservation of Living Aquatic Resources, Art. 11]</u>			
PAKISTAN	<u>EEZ Licence fees</u>			Licence required in EEZ [<u>Exclusive Fishery Zone (Regulation of Fishing) Act, Act N XXXII of 1975, S. 3</u>] and for certain species [<u>West Pakistan Fisheries Ordinance N XXX of 1961, S. 9, Sched. 1</u>]. Vessels and gear must be registered [<u>Exclusive Fishing Zone (Regulation of Fishing) Rules, 1976, R. 4</u>] EEZ licence subject to cancellation for breach of conditions (<u>Id. R. 7</u>) EEZ licence not transferable (<u>Id. R. 10</u>) EEZ licensee forbidden to catch berried or small lobster, and required to handle shrimp as specified (<u>Id. R. 14-15</u>)
	Mechanized vessel	Rs. 100/yr.	\$ 6	
	Sailing vessel	Rs. 50/yr.	\$ 3	
	<u>Registration fees</u>			
	Mechanized vessel	Rs. 50	\$ 3	
	Gear	Rs. 10	\$ 0.60	
	Non-mechanized vessel	Rs. 20	\$ 1.20	
	Gear	Rs. 20	\$1.20	
	<u>[Exclusive Fishing Zone Rules, 1976, Sched.] (Regulation of Fishing) Rules, 1976, Sched.]</u>			

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
QATAR	Vessel licence	Q.R. 100	\$ 27	Licence required
	Annual renewal	Q.R. 10	\$ 3	<u>[Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 7, Executive Regulation N° 2 of 1985, Art. 7]</u>
	Change of owner	Q.R. 50	\$ 14	Licence must be in possession, is nontransferable
	<u>[Executive Regulations N° 2 of 1985 for the Law on the Exploitation and Conservation of Living Aquatic Resources, Art. 13]</u>			<u>[Law N° 4 of 1983, Art. 10]</u>
	Vessel standards <u>[Law N° 4 of 1983, Art. 12; Executive Regulation N° 2 of 1985, Art. 15]</u> Fishing vessel licence must be surrendered if vessel transformed to other purpose <u>[Law N° 4 of 1983, Art. 11; Executive Regulation N° 2 of 1985, Art. 14]</u>			Valid one year <u>[Executive Regulation N° 2 of 1985, Art. 7]</u> Vessel must be marked <u>(Id. Art. 9)</u> Special licence required for shallow waters. <u>[Law N° 4 of 1983, Art. 18; Executive Regulation N° 2 of 1985, Art. 21]</u>
SAUDI ARABIA				Licence required for any fishing vessel <u>[Regulations on Fisheries, part III (Licences and permits) Reg. 2]</u> Owner must practise fishing (Id.) Only one artisanal boat and one modern boat exceeding 12 metres per person <u>[Id. part I (Artisanal fishermen's boats) Reg. 10; Id. part II (Modern fishing boats)]</u>

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
SEYCHELLES	<u>Net licence</u> (semi-annual S.R. 0.50 – 50 [<u>Fisheries Regulations, 1942, Cap. 134</u> <u>subsid. Reg.</u>])	\$ \$	Licence required for nets [<u>Fisheries Act, Cap. 134, S. 5</u>] Vessel licence required except for vessels exempted [<u>Fisheries Act, 1986, S. 9 (not yet in force); Licences Act, 1986, S. 16, Sched. 2 (not yet in force)</u>]
SOMALIA			Licence required except for fishing without use of marine transport [<u>Law N° 23 of 30 November 1985, Art 7 (2)</u>] Vessel must be marked [<u>Id. Art. 7 (6)</u>] Catch reports required (<u>Id. Art. 8</u>)
SRI LANKA	Vessels up to 15 feet Rs. 2 Vessels over 15 to 30 feet Rs .5 Unmechanized vessels over 30 feet Rs.10 Mechanized vessel Rs.25 (<u>Regulations, Cap. 212, subsid., Sched. 2</u>)	\$ 0.07 \$ 0.18 \$ 0.35 \$ 0.90	Use of unregistered fishing boats prohibited (<u>Regulations, Cap. 212, subsid., Reg. 1</u>) Fitness required for registration (<u>Id. Reg. 3</u>) Registered vessel to be marked (<u>Id. Reg. 6</u>) Licence required to catch spiny lobster from vessel [<u>Spiny Lobster and Prawn (Shrimp) Regulations, 1973, Reg. 10</u>]
SUDAN	Vessel Licence £ 10/yr. [<u>Marine Fisheries Act, 1937, Schedule 2, as amended</u>]	\$ 4	Vessel licence required [<u>Marine Fisheries Act, 1937, S. 3, as amended</u>] Licensed vessels to be marked [<u>Marine Fisheries Regulations, Reg. 2</u>]

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
TANZANIA	Vessel registration fee	T.S. 5	\$ 0.11	All vessels except dug-out canoes must be registered
	<u>[Fisheries (General) Regulations: 1973, Reg. 6(1A)]</u>	T.S. 30	\$ 0.65	
	<u>Vessel licence fee</u>	T.S. 50	\$ 1.08	
	Non-powered to 10 m.	T.S. 100	\$ 2.17	<u>[Fisheries (General) Regulations, 1973, Reg. 3]</u>
	Powered to 10 m.	T.S. 500	\$ 10.80	
	Over 10 to 15 m.	T.S. 40	\$ 0.87	Registered vessel must be marked <u>[Id. Reg. 6(4)]</u>
	Over 15 to 20 m.	T.S. 500	\$ 10.80	
	Over 20 m.	T.S. 50	\$ 1.08	All vessels must be licensed <u>[Id. Reg. 11(2), Sched. 3(a)]</u> Vessel seaworthiness standards <u>[Id. Reg. 12]</u>
	Pleasure vessel	T.S. 50	\$ 1.08	
	<u>Fishing fee</u>	T.S. 50	\$ 1.08	Commercial vessel licence annual, non-transferable <u>[Id. Reg. 17]</u>
	(a) aquarium fish	T.S. 50	\$ 1.08	
	(b) bêch-deumer	T.S. 500	\$ 10.80	
	(c) shells	T.S. 500	\$ 10.80	
	(d) seaweed	T.S. 500	\$ 10.80	
	(e) turtles	T.S. 5	\$ 0.11	
	(f) Dugong	T.S. 50	\$ 1.08	
	(g) other fish by vessel type:	T.S. 80	\$ 1.74	
non-powered to 10 m.	T.S. 150	\$ 3.26		
powered to 10 m.	T.S. 300	\$ 6.52		
over 10 to 15 m.				
over 15 to 20 m.				
over 20 m.				
	<u>[Id. Reg. 11, 13, sched. 3]</u>			
THAILAND	Pee-loh or Katra boat <u>[Fisheries Act, B.E. 2490, Sched. 1]</u>	Baht 10	\$ 0.38s	Licence required in possession <u>[Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482, S. 8, Fisheries Act, S. 35]</u>

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

LICENCE FEES, ROYALTIES AND OTHER PAYMENTS

COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
UNITED EMIRATES	ARAB	NO INFORMATION	
UNITED KINGDOM DEPENDENT TERRITORIES		NO INFORMATION	
YEMEN REPUBLIC	ARAB	No fee stated	Licence required [<u>Fisheries Law N° 20 of 1978, Art. 3</u>] Certificate of vessel fitness required [<u>Id. Art. 3-4</u>]
YEMEN DEMOCRATIC REPUBLIC	PEOPLE'S	Not specified	Fishing licence required [<u>Law N° 24 of 1979 concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection, Art. 10</u>]

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
AUSTRALIA	<ul style="list-style-type: none"> - licence to engage in fisheries= A\$ 20 - licence for fishing boat *= A\$ 35 per metre overall length - additional fees for authority to carry fish taken by another boat - A\$ 80, or to process = A\$ 100 - Fees for authority to carry or process fish taken by another boat where no licence to fish Carrying = A\$80 + A\$35 per metre Processing = A\$100 + A\$35 " <p><u>(Fisheries Regulations Sched. 1 & Torres Strait Fisheries Regulations, Sched. 1)</u></p>	<ul style="list-style-type: none"> U.S.\$ 13 U.S.\$ 23 U.S.\$ 52 or U.S.\$ 65 U.S.\$ 52+ U.S.\$ 23 U.S.\$ 65+ U.S.\$ 23 	<ul style="list-style-type: none"> - Licences may be issued only where a bilateral agreement is in force, or for feasibility fishing operations or under commercial joint ventures. <p>Source: [<u>Australian Fishing Zone (AFZ) Information Bulletin N° 1, January 1980</u>]</p>
BAHREIN	<p>Fees to be determined by Minister of Commerce and Agriculture with approval of Council of Ministers (<u>Decree Promulgating Law N° 5 of 1981 on Fishing Regulation, Art. 9</u>)</p>		
BANGLADESH	<p>Carrying capacity of vessel:</p> <ul style="list-style-type: none"> up to 250 tons = T. 750 over 250 t. to 350 t. = T. 1 000 over 350 t. to 450 t. = T. 2 000 over 450 t. to 600 t. = T.5 000 over 600 t. = T.10 000 <p><u>(Marine Fisheries Rules, 1983 R. 6)</u></p>	<ul style="list-style-type: none"> US\$ 25 US\$ 33 US\$ 66 US\$ 167 US\$ 334 	

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
BURMA	NO INFORMATION		
COMOROS	Licence fee fixed by order of Minister for Fisheries. (<u>Act N° 82-015 of 6 May 1982, Art. 6</u>)		
DJIBOUTI	Commercial fishing operations in territorial seas and EEZ must be authorized by Minister of Agriculture. Licence fees not specified. (<u>Law no. 52/AN/78, 9 January 1979, Art. 16</u>)		
EGYPT	No licences issued to foreign vessels. (<u>Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farming, Art. 25</u>)		Egyptian scientific or public fisheries body may use foreign vessel with permission of Minister and security organs (<u>Act on Fishing, 1983, Art. 25; Regulation N 667 of 1961, Reg. 15</u>)
ETHIOPIA	Fishing by foreign vessels may be permitted for limited periods ending in 1956. (<u>Maritime Proclamation N° 137 of 1953, S. 9</u>)		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

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LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
FRANCE DEPARTMENTS (Réunion)			Fishing in EEZ subject to common fishery policy of European Economic Community. (<u>Decret N° 78-148, 3 fevrier 1978, portant création d'une zone économique au large des côtes du département de la Réunion, Art. 2; Council Regulation N° 170/83 of 25 January 1983; Council Regulation N° 171/83 of 25 January 1983, Art. 1</u>) Non-EEC vessel licensing subject to EEC regulations and to international [J agreements made by EEC. <u>[Décret du 9 Janvier 1852 sur l'exercice de la pêche maritime (modifié), Art. 9]</u>
FRENCH TERRITORIES	DEP. No provision for fee. <u>(Décret N° 78-963, 19 septembre 1978, fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des territoires d'outre-mer et de la collectivité territoriale de Mayotte; Arrêté interministeriel, 1 decembre 1978 fixant, etc.)</u>		Foreign fishing prohibited except under international agreement. <u>[Décret du 9 Janvier 1852 sur l'exercice de la pêche maritime (modifié), Art. 9]</u> Licence for fishing in EEZ subject to international agreements and national law. <u>[Décret N° 78-146 de 3 fevrier 1978, Art. 2 Décret N 78-149 du 3 fevrier 1978, Art. 2]</u>

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
INDIA	-squid jigging = Rs 1 000 per tonne of fish allowed.	US\$ 79 US\$ 158	Special permit for use of foreign vessel by Indian citizen, company or co-operative [<u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S.5</u>] on condition that he purchases vessel within specified time [<u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, R. 8(c), Sched. II</u>]
	-fishing by trawling = Rs 2 000 per tonne of fish allowed.	US\$ 118	
	-fishing by long-line and gill net = Rs 1 500 per tonne of fish allowed	US\$ 79 US\$ 39	
	-fishing for tuna by long-lining/purse seining/ pole and line fishing	US\$ 16 US\$ 39	
	=Rs 1 000 per tonne of fish allowed	US\$ 791/yr.	
	-transporting of fish = Rs 500 per tonne of fish carrying capacity of vessel for each voyage.		
	-for any other purpose = Rs 200 per G.R.T. of craft for each voyage.		
	In all cases, applications to be accompanied by a non-refundable fee of Rs 500.		
	[<u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 Schedule I</u>]		
	Use of foreign vessel by local operator Rs. 10 000/yr. (<u>Id. rule 8</u>)		
INDONESIA	1. <u>Registration(fishing permit) fee = US\$3 per GRT</u> 2. <u>Fishing fee per year:</u> <u>For Longliners</u> =US\$69 per cubic metre of fish hold capacity <u>Pole/line vessels</u> = US\$82 per " " " " <u>Purseseiners</u> = US\$85 per " " " "	Guidelines for joint ventures specified. -Undertakings not to compete with small-scale or traditional artisanal fisheries; -investor to be bona fide company; -investment to lead to foreign exchange	

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
INDONESIA Cont'd	<p><u>Gillnetters</u> and other gear excluding trawls. = US\$44 per cubic metre of fish hold capacity Fee for changes to permit = US\$100 (<u>Decree N° 477/Kpts/IK.120/6/1985, Art. 2</u>) Fees for joint venture vessels range from US\$500 to US\$1000 per US\$500-US\$1000 vessel, plus <u>royalties</u> on exported fish:</p> <p><u>Shrimp</u>: =2% of check price <u>Tuna</u>: = 1.5% of FOB price <u>Skipjack</u> =1.5% of FOB price <u>Pearl</u> = 1.5% of FOB price <u>Other species</u> = 1% of FOB price</p>		<p>earnings; -Share ratio for Indonesian partner to start at 20% rising to at least 40% in 5 years and 51% within 10 yrs</p>
IRAN	No information		<p>Agreement flag state or company required. <u>[Temporary Regulations ... Southern Parts of Iran, 2 December 1973, Art. 8]</u></p>
IRAQ	See Table C (National Fees)		
ISRAEL	No information		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
JORDAN	See Table C (National Fees)		
KENYA	<ul style="list-style-type: none"> - Unspecified at the discretion of the Director of Fisheries; - Licences issued in respect of fishermen not vessels. <p>[Fish Industry Act 1968 S.8; Fish Protection (Fishing by Non-Kenya Citizens) Rules, L.N. 60/1964]</p>		
KUWAIT	<p>Fees to be specified in access agreement. (Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources Art. 2)</p>		<p>Fishing only authorized under licence issued by Minister in accordance with an agreement specifying the conditions and fees to be paid.</p> <p>(Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources Art. 2)</p>
MADAGASCAR	No information		<p>Access to fishing grounds within territorial waters only under bilateral agreements.</p> <p>(Code of Merchant Shipping, N° 66-007 of 1966, Art. 5.2.01)</p>

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

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LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv	
<u>MALAYSIA</u>	Permits subject to payment of such sum of money as the Director General may specify. Director-General may also require payment of sum of money by way of security for activities of vessel. <u>(Fisheries Act 1985 S. 19)</u> <u>Licence fees for foreign owned fishing boats and fishing boats not wholly owned by Malaysians:</u> (Fees per gear per annum) <u>-Trawl nets used with engined boats</u> 250 GT and above = R. 6,000 150-250 GT = R. 3,000 100-150 GT = R. 2,250 70-100 GT = R. 1,500 <u>Fish purse seine and Anchovy purse seine nets used with engined boats</u> 250 GT and above = R. 9,000 150-250 GT = R. 6,000 100-150 GT = R. 4,500 70-100 GT - R. 3,500 <u>(Fisheries (Maritime)(Amendment) Regulations 1982)</u>		International fishery agreement with flag state and fishing permit both required <u>(Fisheries Act 1985 S. 15)</u>
		US\$ 2,299 US\$ 1,149 US\$ 862 US\$ 575 US\$ 3,448 US\$ 2,299 US\$ 1,724 US\$ 1,341	

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework Requirements concerning agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
MALDIVES	- Fishing licences issued subject to a predetermined fee, amount and modality of payment to be established by Ministry of Trade and Industries. - Licence to deposit security in foreign currency equivalent of R. 150 per tonne, for every tonne of the gross tonnage of the vessels or bank guarantee. Security refunded at the end of licence period if no outstanding financial claim against the party or its employees.	US\$ 21	1
MAURITIUS	200 rupees per G.R.T. per annum (Government Notice N° 23 of 1978 as amended by G.N. N° 344 of 1981)	US\$ 15	
MOZAMBIQUE	Conditions of authorization for foreign fishing vessels to be set by Minister of Industry and Energy (Law N° 8/78 of 22 April 1978, Art. 3)		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

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LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
OMAN	Minister to issue regulations prescribing fees for fishing licences. (Sultanic Decree No 53/81 promulgating the Law n Marine Fisheries and Conservation of Living Aquatic Resources, Art. 4) Fee may be charged for Omani use of foreign vessels. (Ministerial Decree N° 3/82 on the Executive Regulations for the Law on Marine Fisheries and Conservation of Living Marine Resources, Art. 24) No foreign fishing fees established. See Table C (National Fees).		
PAKISTAN	- registration fee = fishing craft RS 50 fishing gear RS 10 to 50 - licence fees - RS 100 per year per vessel - permit fee = RS 50 per vessel - identity card = RS 5 per card [Exclusive Fishery Zone (Regulation of Fishing) Rules 1976 Schedule] Joint venture guidelines: Government Royalty = 10% of value of catch in foreign exchange. Local party to receive 27%	US\$ 3 US\$ 0.60 to 3 US\$ 6 US\$ 3 US\$ 0.29	Joint venture guidelines: -Bank guarantee of Rs 200 000 -Vessel GRT 300-500 only; -Area of operation beyond 35 miles from coast only; -Catch to be exported in frozen form through Pakistan port; -Tax holidays; -Provisions specified regarding responsibilities of local and foreign party.

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv	
QATAR	Minister to issue regulations prescribing fees for fishing licences (Law N° 4 of 1983 on Exploitation and Conservation of Living Aquatic Resources in Qatar, Art 5) Fee may be charged for Qatari use of foreign vessel (Executive Regulations of Law N° 4 on the Exploitation and Conservation of Living Aquatic Resources in the State of Qatar, Art. 40) No foreign fishing fee established. (See Table C, National Fees)		
SAUDI ARABIA	No Information		Foreign vessels operating for local company exempted from foreign licensing requirements. (Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 9)
SEYCHELLES	The fees for licences shall be the subject of negotiation between the Government and the owner of the foreign fishing vessel. (Foreign Fishing Vessels (Amendment) Regulations, 1983 Reg. 2)		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

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LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	US\$ Equiv	
SOMALIA	<u>Joint venture fees</u>		-
	1	50% Somali participation	US\$ 10,000/yr.
	2	Other	US\$ 12,000/6mo.
	(Fisheries Joint Venture Guidelines, 1985, S.21)		-
	<u>Joint venture vessel fees</u>		Joint venture defined as
		Coastal vessel to 10 m.	US\$ 100/mo.
		Coastal vessel to 18 m.	US\$ 1,600/mo.
		Tuna vessel	US\$ 160/mo.
		Trawler under 100 GRT	US\$ 240/mo.
		Trawler over 100 to 250 GRT	US\$ 320/mo.
		Trawler over 250 to 500 GRT	US\$ 720/mo.
		Trawler over 500 to 1000 GRT	US\$ 1,000/mo.
		Trawler over 1000 GRT	US\$.720/mo/pr.
		Pair trawlers under 400 GRT (Id. S. 22)	US\$ 80/yr.
	<u>Foreign vessel fees</u>		"cooperation exercise between Somali and foreign waters set up for a specific fisheries business (and) limited time, temporarily pooling resources and skills, with risk bearing and taking by both parties"
	Each unit of horsepower		(Fisheries Joint Venture Guidelines, 1985, S. 2)
	Royalty on catch (per tonne):		
	- fish	US\$ 49.	
	- deep-sea lobster	US\$ 420.	
	- cuttlefish/squid	US\$ 77.	
	- large shrimp	US\$ 315.	
	-small shrimp	US\$.140	
(Ministerial Decree, 25 September 1986)			

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments.		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	US\$ Equiv	
SRI LANKA	less than 100 GRT:	-	Only joint ventures may operate foreign fishing vessels in zone 24-36 miles from shore. (Foreign Fishing Boats Regulations 1981 R. 6)
	= US\$5 per GRT per month		
	100 and less than 500 GRT:	US\$5 GRT/month	
	= US\$4 per GRT per month		
	500 and over :	US\$4 GRT/month	
	= US\$3 per GRT per month	US\$3 GRT/month	
	(Foreign Fishing Boat Regulations 1981 -Second Schedule.)		
SUDAN	Vessel licence:	US\$ 4	
	= £ 10 per vessel per annum		
	-Vessel may be required to make payment in form of share of catch.		
	Each case considered separately		
	(Marine Fisheries Ordinance Sched. 2, 1960 and country reply)		
TANZANIA	Vessel fees (annual)		
	-to 10 m. (non powered) T.S. 200	US\$ 4.35	
	-to 10 m. (powered) T.S. 1,000	US\$ 21.74	
	-over 10 to 15 m. T.S. 2,000	US\$ 43.48	
	-over 15 to 20 m. T.S. 6,000	US\$ 130.43	
	-over 20 m. T.S. 10,000	US\$ 217.39	
	-any length pleasure vessel. T.S. 1,200	US\$ 26.08	
	[Fisheries (General) Regulations 1973, as amended up to 1982, Sched. 3, part (a) product fees (annual)]		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency.	U.S.\$ Equiv	
THAILAND	NO FOREIGN FISHING AT PRESENT		No licence may be issued to foreign vessels except under an agreement with the flag state. (Act governing the Right to fish in Thai fishery waters, 1939 S. 7).
UNITED ARAB EMIRATES	No information		
UNITED KINGDOM DEP. TERRITORIES	No information		
YEMEN ARAB REPUBLIC	No information		Foreign fishing may be authorized under licence or international agreement. (Fisheries Law N° 20 of 1978, Art. 12)
YEMEN DEMOCRATIC REPUBLIC	No information		Foreign fishing may be authorized by a special agreement with the Republic or permit from the competent authorities. (Act N° 45 of 1977 Art. 20) Yemeni share in any joint venture must be at least 51%.

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
AUSTRALIA	<ul style="list-style-type: none"> - The conditions that may be specified in a licence include conditions relating to: <ul style="list-style-type: none"> - the class or classes of fish (taken, processed or carried); - the quantity of fish to be taken; - the rate at which fish may be taken; - the methods or equipment used to take, process or carry fish; - The Minister or the Secretary may, at any time, endorse a licence so as to extend it to authorize the boat to be brought into a specified port and the landing at that port of fish carried on board. - Observers may be designated by the Minister or the Secretary <u>[Fisheries Act 1952, S. 9 (3A), (5A)]</u> - Licensed vessel to display international call sign in prescribed manner so as to be visible from aircraft and surface vessels. <u>(Fisheries Regulations, Reg. 12D)</u> - Name of vessel to be displayed on both sides of bow and on stern in contrasting colours. <u>(Id. Reg. 12E)</u> - Officer may inspect licensed foreign fishing boat, gear and catches <u>(Id. Reg. 12F)</u> - Master not to obstruct inspecting officers and to produce registration papers, licences, records relating to fishing in Australian fishing zone together with written translation into English if required. <u>(Id. Reg. 12F, 12J)</u> - Master to embark and land observers at times and places specified and provide access to all parts of boat required and provide information reasonably requested. Observers to be provided with food and accomodation 	<p>The Governor General may make regulations,</p> <ul style="list-style-type: none"> - providing for the reporting of the positions of foreign boats licensed within the fishing zone; - providing for the furnishing of information relating to the use in the fishing zone of foreign boats. <u>(Fisheries Act 1952, S. 17)</u> - Master of licensed foreign fishing boat shall report position within 12 hours of each of the times specified in the licence by radio to the Australian Coastal Surveillance Centre through an Australian coast radio station operated by the Overseas Telecommunications Commission <u>(Fisheries Regulations, Reg. 12C)</u> - Master of licensed foreign fishing boat to maintain logbook in published form on daily basis (information to be recorded by end of following day). - Completed folios of logbook to be furnished as soon as practicable to officer or the Department in accordance with requirements set out in logbook. <u>[Fisheries Regulations, Reg. 18]</u> - Foreign vessels operating under licence under the Torres Strait Fisheries Act may be required to maintain fishing log-books in prescribed form during prescribed periods. Where so required details of fishing etc. to be entered before end of day following that of operations. <u>(Torres Strait Fisheries Regulations 1985, Reg. 7)</u>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
AUSTRALIA Cont'd	<p>appropriate for junior officer and to be permitted to use facilities or operate equipment as required. <u>(Id. Reg. 12)</u></p> <ul style="list-style-type: none">- Master to transmit radio messages required by observer and deliver radio messages sent to observer promptly <u>(Id. Reg. 12)</u> <p>Foreign vessels operating under licence under the Torres Strait Fisheries Act in areas of Australian jurisdiction to bear distinguishing number assigned to it, consisting of boats international call-sign followed by the letter T <u>(Torres Strait Fisheries Regulations 1985, Reg. 7)</u></p> <p><u>FOR TRANSIT BY UNLICENSED FISHING VESSELS</u></p> <ul style="list-style-type: none">- Nets must be stowed and secured;- transit through waters must be by shortest practicable route;- where vessel transiting to or from Australian port or authorized fishing area or between areas, approval of authorities required. <u>[Fisheries Act, S. 13AB (3)]</u>- Approval to be sought from Senior Co-ordinator, Australian Coastal Surveillance Centre (ACSC);- Approval to be sought by radio message or telx/telegram with prescribed code letters and specifying international radio call-sign, point and time of entry or other details of voyage <u>[Fisheries Regulations, Reg. 12B]</u> <p><u>Note:</u></p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
AUSTRALIA A Cont'd	<ul style="list-style-type: none"> - In accordance with the decision of the South Pacific Forum in August 1982 and as from 1 September 1983, no member of the Forum Fisheries Agency will licence a foreign vessel to fish for tuna in their fishing zone unless it is listed in good standing on the regional register maintained by the Forum Fisheries Agency. <p><u>(Source: AFZ Information Bulletin Canberra May-July 1983)</u></p>	
BAHRAIN	<ul style="list-style-type: none"> - Proprietor of vessel or person responsible for use not to cause damage to fish barriers of fishing gear. <p><u>[Decree Promulgating Law N° 5 of 1981 on Fishing Regulations, Art. 13(a)]</u></p> <ul style="list-style-type: none"> - Minister empowered to make regulations requiring fishing vessels to display identification numbers <p><u>[Id. Art. 15(f)]</u></p>	<ul style="list-style-type: none"> - Proprietor or person in charge of vessel to furnish Fisheries Resources Department with information on vessel. <p><u>[Decree Promulgating Law N° 5 of 1981 on Fishing Regulations, Art. 13(b)]</u></p> <ul style="list-style-type: none"> - Minister may make regulations for fisheries data <p><u>[Id. Art. 15(h)]</u></p>
BANGLADESH H	<ul style="list-style-type: none"> - Certain areas within the economic zone reserved for Bangladesh fishermen. <p><u>[Territorial Waters and Maritime Zones Rules, 1977, S. 6]</u></p> <ul style="list-style-type: none"> - licence issued only by competent authority, subject to such conditions, limitations and restrictions as licensing authority may specify. <p><u>[Id. S. 5]</u></p> <ul style="list-style-type: none"> - Licences not transferrable - Licences valid only for species, fishing gear, method and location specified in licence - Fishing vessels not to interfere with navigation aids, shipping etc. in shipping lanes; - Licences subject to conditions prescribed by rules or endorsed on licence by Director; <p><u>[Marine Fisheries Ordinance, 1983, S. 11, 13, 15 & 16]</u></p>	<ul style="list-style-type: none"> - Licence holder to keep detailed information on catches and sales in prescribed form and submit copy to Director <p><u>[Marine Fisheries Ordinance, 1983 S. 14]</u></p> <ul style="list-style-type: none"> - Written records to be maintained on daily basis of fishing effort and catch in form specified by Director; - Records to be transmitted to Director monthly or at request of Director or authorized officer; - Master or local representative to notify estimated time and location of entry into Bangladesh waters at least 24hrs. in advance giving fishing plan and arrival date in Chittagong or Khulna for initial inspection;

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
BANGLADESH (Cont'd)	<ul style="list-style-type: none"> - Information to be given on licence application specified - Licences valid only for activities, period, area, conditions, species, quantities, methods and gear as specified - Relevant laws and rules on fish conservation and management to be complied with; - By-catch not to exceed specified percentage; - Vessel to display assigned identification mark to be clearly visible from air and sea; - Owner to appoint and maintain local representative resident in Bangladesh, authorized to accept legal and financial responsibility on behalf owner in respect of fishing operations and accept service of notice, summons or other document in legal proceedings related to those operations - Owner to execute bond to guarantee performance of licence obligations if required by Director; - Compulsory inspection in Chittagong or Khulna on entry and in place specified by Director before departure zone; - Transhipments of fish only in Chittagong or Khulna under control of authorized officer unless otherwise authorized - Master to bring vessel to port for inspection if required - Vessel to fly national flag and Bangladesh courtesy flag while in Bangladesh waters; - Master to accept observers designated by Director and provide food and accomodation equivalent to officer, cooperate in performance duties, and allow access to radiotelephone facilities; - Master to comply with directions of authorized officers, stop vessel on request and allow boarding and inspection; 	<ul style="list-style-type: none"> - Master, if required by licence, to make radio reports weekly to Director giving name and licence number, position, quantity of fish of each species caught in Bangladesh waters, caught since last report and transferred, to other vessels since last report or inspection; - Master or local representative to notify estimated time and location of departure from Bangladesh waters at least 48 hours in advance giving expected date of arrival in Chittagong or Khulna for final inspection, and species, quantity, condition of fish on board; - Vessel to maintain records and make reports in English - Vessel to use IMO International Code of Signals. <p>[<u>Marine Fisheries Rules, 1983</u>]</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
BANGLADESH (Cont'd)	<ul style="list-style-type: none"> -Vessel to carry communications and position fixing equipment as specified; -Vessel not authorized to fish to stow gear in prescribed manner; - Licensed vessels to employ at least 3 Bangladesh crew trained in Marine Fisheries Training Academy, Chittagong; - Minimum mesh sizes, permitted fishing areas for specified methods of fishing, prohibited fishing methods specified. (<u>Marine Fisheries Rules, 1983</u>) 	
BURMA	<p>Permission of the Council of Ministers required. <u>[Territorial Sea and Maritime Zones Law, 1977, S. 20]</u></p>	
COMOROS	<p>Fishing by foreign vessels prohibited in territorial sea. <u>(Act N 82-015 of 11 May 1982, Art. 2)</u> Fishing in EEZ requires licence. <u>[Id. Art. 3]</u> <u>Licence conditions may include</u> area, seasons, species, quotas, fishing methods and gear, requirements concerning the processing, transport, transshipping and landing of catch, port inspection, requirements concerning statistical and vessel position reports, research and training programmes, obligation to carry licence on board, vessel identification marks, compliance with instructions, observers, transponders and other required equipment. <u>[Id. Art. 5]</u></p>	<p><u>Licence conditions may include</u> requirement to report statistical information to competent authorities, including in particular, information on catch and effort and position of vessel. <u>[Act N 82-015 of 11 May 1982, Art. 5]</u></p>
DJIBOUTI	<p>Fishing operations in territorial sea and EEZ must be authorized by Minister of Agriculture. Licence conditions not specified. <u>[Law N° 52/AN/78, 9 January 1979, Art. 16]</u></p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
EGYPT	Foreign fishing vessels may not fish or be present in the territorial waters; fishing licences shall not be issued to foreign vessels in Egyptian waters. [Act N° 12A of 1983, Art. 25]	
ETHIOPIA	Issue of foreign licences limited to 1956 [Maritime Proclamation N° 137 of 1953, Art. 9]	
FRANCE DEPARTMENTS & DEPENDENT TERRITORIES	<p><u>General:</u> Where EEC regulations so require or do not apply, decree shall determine: - regulation of ancillary operations - prohibition of sale and transport of prohibited catch [Decret du 9 Janvier 1852 sur l'exercice de la peche maritime (modifié), Art. 3] - Place and conditions of landing of catch [Id. Art. A]</p> <p><u>Reunion:</u> Without prejudice to EEC Treaty and regulations, fishing in maritime waters under national jurisdiction by vessels from non-EEC members prohibited. Licence may be issued in conformity with EEC Treaty and regulations and with international agreement concluded by EEC. [Id. Art. 9; Decret N° 78-148 of 3 February 1978, Art. 2]</p>	<p><u>Dependent Territories:</u> - maintenance of fishing log book on board - master to radio entry and departure of vessel, catch and position - log entries after each fishing operation to record quantity of catch by species, date and time of beginning and end of each operation, position of catch, fishing method. - On entry, exit, port call and every 7 days, radio report of position, catch on board, catch since last report and their positions, trans-shipments. [Arrêté interministeriel du 1er decembre 1978, annexe II]</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND LOGBOOK AND REPORTING OTHER CONDITIONS	AND REQUIREMENTS
FRANCE DEPARTMENTS & DEPENDENT TERRITORIES (Cont'd)	<p><u>Dependent Territories:</u> Fishing activities by foreign vessels permitted pursuant to international agreement with flag States and according to conditions stipulated therein.</p> <p><u>[Décret du 9 Janvier 1852 sur l'exercice de la pêche maritime (modifié), Art. 9; Décret N° 78-146 du 3 fevrier 1978, Art. 2]</u></p> <p>Number of vessels fishing in EEZ and volume of catch to be determined by Decree</p> <p><u>[Decree N° 78-963 of 19 September 1978, Art. 2]</u></p> <ul style="list-style-type: none"> - Obligation to carry licence on board -Vessel's name to be displayed on wheelhouse -Vessel's number to be displayed on the upper part the superstructure so as to be visible from aircraft <p><u>[Id. Art. 5]</u></p>	
INDIA	<ul style="list-style-type: none"> - Licence application details specified <u>[Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, R. 3]</u> - Licences issued for any of following activities; commercial fishing, transshipping fish or supplies, processing fish, transporting fish from grounds, landing fish, purchasing bait, supplies, fuel etc. <u>[Id. R. 3]</u> - Licence for foreign vessel valid for period specified <u>[Id. R. 4]</u> - Licensee to pay fees at time of delivery of licence <u>[Id. R.5]</u> - Vessel to engage only in activities authorized by licence 	<p>Master of vessel to give 24 hours prior notice to the authorised officer of entry into zone, location of entry, approximate schedule of activities to be conducted.</p> <p>Notification to be given of time and location of commencement of fishing, time and location of any temporary departure from the fishing grounds for the purpose of embarking or disembarking observer or for call at an Indian port or any other temporary departure from the fishing grounds, time and position of return to the fishing grounds following temporary departure; time and position at which vessel leaves the zone and</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDIA (Cont'd)	<ul style="list-style-type: none"> - Activities to be carried out only within authorized areas and during authorized periods <u>[Id.]</u> - Foreign members of crew to be employed only after clearance by Central Government <u>[Id.]</u> - Vessel to fish only for authorized stocks and authorized quantities; no fishing for catches listed as prohibited. - Crew not to discard substantial quantities caught in excess of authorized quantities, but retain on board, record and surrender as directed by authorized officer <u>[Id.]</u> - Crew not to fish except with fishing equipment and gear authorized in licence <u>[Id.]</u> - Transporting of fish allowed only as specified in licence - Vessel to have on board equipment and fishing gear, including communications equipment described in licence as "required equipment" <u>[Id.]</u> - Where not authorized to fish, vessel to stow gear <u>[Id.]</u> - Where vessel required to carry out programmes of sampling observation, research, master to comply with instructions. - Master to take observers on board if required <u>[Id.]</u> - Master to take all reasonable precautions for safety of observers boarding or leaving ship <u>[Id.]</u> - Observers to be provided with food and accommodation if on board for more than 4 hours <u>[Id.]</u> - Master to arrange communication facilities for observer and provide other assistance, including access to position fixing equipment <u>[Id.]</u> - Master of vessel to proceed to port or place at sea for inspection if required <u>[Id.]</u> - Master to comply with directions given by authorized officer; international code of signals to be used <u>[Id.]</u> <p>Vessel to fly flag of flag state <u>[Id.]</u></p>	<p>ceases fishing.</p> <p>Written records to be maintained on daily basis of fishing effort, catch, species size and weight, transshipment and processing.</p> <p>- Data to be kept on quantity of fish caught in excess of permitted quantity.</p> <p>Written records to be kept of any other information that may be prescribed</p> <p><u>[Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982,R.5]</u></p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDIA (cont'd)	<ul style="list-style-type: none">- Identifying letters and numbers to be displayed in place clearly visible from air and sea in white markings on black at least 1 metre in height for vessels over 20 metres or otherwise half metre in height to be maintained legible- Licensee when so required to make arrangements for training of Indian crew and personnel on board vessel [Id.]- Additional conditions may be specified in licence.[Id.]- Licence to be displayed on board [Id., R. 9]- Vessel not to cause damage to Indian fishing vessels, gear, etc, wilfully or through gross negligence [Id., R. 10]- Vessel not to commence fishing operations before cleared by Coast Guard [Id., R.11]- Vessel not to fish in territorial waters unless permitted- Vessel not to carry explosives, poisonous substances, etc- Vessel not to destroy or abandon gear to avoid detection- Application to include name and address of person resident in India who is authorized to represent licensee for purpose of providing liaison with Government [Id., R. 3] <p><u>CONTROLS OVER TRANSIT BY UNLICENSED VESSELS</u></p> <ul style="list-style-type: none">- Fishing gear of unlicensed vessels to be kept stowed in prescribed manner when transitting zone. <p><u>[Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act 1981, (S. 7)]</u></p> <p>Where any foreign vessel found in maritime zone and fish-gear not properly stowed, or fish is found on board, it shall be presumed unless the contrary is proved, that the vessel was used for fishing within the zone [Id. S. 22]</p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDIA (Cont'd)	<p>- Method of stowage of gear includes stowage below deck of all gear, or otherwise moved from where normally and rend not readily available for fishing, disconnecting of nets, lines, trawlboards, etc. from towing lines</p> <p>[Maritime Zones etc., Rules, R. 14]</p>	
INDONESIA	<p>Permit valid one year, non-transferable, must be in possession</p> <p>[Government Regulation N° 15 of 1984, Art. 12-13, Decree N° 475 of 1985, Art. 4-6, conditions (a), (b)] Vessel requires identification card, [Decree N 475, Art. 8], and sailing permit and security clearance to cross EEZ, [Decree N° 476, Art. 3]</p> <p>Vessel must have Indonesian agent [Government Regulation N° 15 of 1984, Art. 15; Decree N° 475, Art. 7]</p> <p>Vessel must board inspectors [Government Regulation N° 15 of 1984, Art. 14(2)]; Decree N" 475, Art. 9; Decree N° 476, Art. 5]</p> <p>Vessel must accommodate inspectors, provide daily allowance and leave them in a port</p> <p>[Decree N° 476, Art. 2(e), 7]</p> <p>Vessel may only carry gear specified in permit and must stow gear while transiting</p> <p>[Decree N° 475, conditions (e), (h)]</p> <p>Vessel may be required to call in port before, during and after fishing</p> <p>[Goverbment Regulation N° 15 of 1984, Art. 14(1): Deree N° 475, condition (g); Decree N° 476 Art. 2 (b)</p> <p>Fishing by foreign vessels prohibited except under contract or agreement already signed.</p>	<p>Vessel must report to designated officials before, during and after fishing</p> <p>[Government Regulation N° 15 of 1984, Art. 14(1); Decree N° 475, Art. 9]</p> <p>Vessel must report at least 24 hours before entering EEZ, position at least every 24 hours and position and catch data at least 72 hours before leaving EEZ [Decree N° 475, conditions (f), (i), (j); Decree N° 476, Art. 2]</p> <p>Report forms must be filled out and filed [Decree N° 475, condition (h)]</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDONESIA (Cont'd)	<p>Requirements concerning refrigeration equipment and handling of fish.</p> <p>Mesh size and species size limitations for shrimp and finfish (Arts. 14-26) closed seasons and areas (Arts. 27-31) (Temporary regulations for catching fish, shrimp and other sea animals, of 2 December 1973)</p>	
TRAQ	NO INFORMATION	
ISRAEL	NO INFORMATION	
JORDAN	<p>Fishing forbidden without an authorization. Details of granting authorizations to be dealt with by decision of the Minister.</p> <p>(Code of Agriculture, Law N° 20 of 1973, Art 182; 184)</p>	
KENYA	<p>Unspecified at the discretion of the Director of Fisheries. (Fish Protection (Fishing by non-Kenya Citizens) Rules L.N. 360/1964)</p>	
KUWAIT	<p>Licence from Directorate of Fisheries Resources required No conditions specified</p> <p>(Ministerial Decree No 19/1980 on Foreign Fishing Vessels)</p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
MADAGASCAR	<p>Same general requirements and system of licensing as national fishing.</p> <p>Restriction on number of trawlers authorized to operate in the same area.</p> <p>For large vessels, licenses are issued on the advice of a technical commission.</p> <p>For smaller vessels: quota for the total number of licences to be issued.</p> <p>Controls over fishing vessels and gear. (Decree N° 71-238 of 18 May 1971)</p>	<p>Monthly reports to be made of catch and effort (if not, licence may be suspended for 6 months)</p> <p>(Decree N° 71-238 of 18 May 1971 Art. 9-10)</p>
MALAYSIA	<p>Every international fishery agreement (access agreement) to include undertaking by government of contracting party to comply or ensure compliance by its fishing vessels with provisions of Fisheries Act. (Fisheries Act, 1985, S. 17) Application for foreign fishing vessel permit to be made to Director General through Malaysian agent who is to undertake legal and financial responsibility for activities to be carried out by vessel. (Id. S.19) Director General may require payment of security (bond) which may be utilized to defray fine or claim resulting from activities of vessel. (Id.)</p> <p>Conditions that may be imposed by Director General include authorized areas and periods; species, age, weight, quantity of fish to be retained on board, landed or transhipped; methods of fishing; types, numbers etc. of gear and mode of stowage; transfer, transhipment, landing and processing of fish; entry into ports for inspection or other purposes; statistical and reporting requirements (catch and position); conduct of research, sampling etc.; training and employment of Malaysians; keeping and displaying</p>	<p>Permit conditions that may be imposed by Director , General include statistical and reporting requirements (catch and position); maintenance of catch and sales records.</p> <p>(Fisheries Act, 1985, S. 19)</p> <p>CONTROLS OVER TRANSIT BY UNLICENSED VESSELS</p> <p>Master of foreign fishing vessel entering Malaysian fisheries waters for purpose of exercising right of innocent passage to notify entry by radio to an authorized officer giving name, flag state, location, route and destination of vessel, types and amount of fish on board and circumstances under which entering Malaysian fisheries waters. (Fisheries Act, 1985, S. 16)</p> <p>-Any fish or fishing gear found on board a foreign fishing vessel in Malaysian fishery waters is presumed to have been caught or used in those waters without a permit. Radio call before entry into waters notifying that vessel exercising right of innocent passage, notifying route and quantity of fish on board, and showing proof that fish held in sealed hold, gear</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLAINCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
MALAYSIA Cont'd	<p>Of permit on board; permanent marking of vessel; compliance with directions of Government craft; placing of observers; installation of transponders and navigational equipment; construction of shore-facilities; carriage of communications equipment, charts, etc.; protection of local fisheries and compensation for loss or damage; landing of all or part of catch in Malaysia; composition and nationality of crew; inspection of vessel and seaworthiness; fees royalties and other payments; maintenance of log and sales records; other matters as considered necessary (Id.)</p> <p><u>CONTROLS OVER TRANSIT BY UNLICENSED VESSELS</u></p> <p>Foreign fishing vessel may enter Malaysian fisheries waters for purpose of exercising right of innocent passage in course of voyage to destination outside waters; passage includes stopping and anchoring only if vessel is in distress, for purpose of obtaining emergency medical assistance or to render assistance to persons, ships etc in danger or distress. Master entering Malaysian waters for such purposes to notify entry by radio. <u>(Fisheries Act, 1985, S.16)</u></p> <p>While in Malaysian waters, vessel to observe stowage of gear regulations, and return outside waters as soon as purpose of entry fulfilled. (Id.)</p> <p>Trawl licences not issued to any wholly or partially foreign owned fishing boat which is less than 70 tons. They must in waters beyond 30 miles from coast. The use of beam trawl net is prohibited.</p> <p><u>[Regulation 4 (4), Term and Conditions of Licence for Trawl Fishing, 1982]</u></p>	<p>Properly stowed and vessel traveling through waters by shortest practicable route, sufficient to constitute defence. <u>(Id., s. 56)</u></p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
MALDIVES ISLANDS	<ul style="list-style-type: none"> - Licence issued for specific areas and for one year - Volume of permitted catch in EEZ for every year to be Trade within pre-established maximum and minimum limits (15.000/3.000 metric tons) - Licences issued only for pole and line fishery, long-line fishery and trawling; bait fisheries reserved for traditional fishermen - Number of vessels to be used by each party to be determined by Ministry of Trade and Industries. - Government may station officials on board of vessels at the operator's expense. - Deposit of Rs. 150/GRT or bank guarantee required - Government may require fisheries training for Maldivian i nationals free of charge. <p><u>(Regulations for Issuing the Licence to Fish in the EEZ)</u></p>	<ul style="list-style-type: none"> - Statistical data to be supplied to the Ministry of Trade and Industries. <p><u>(Regulations for Issuing the Licences to Fish in the EEZ)</u></p>
MAURTITUS	<p>Licence conditions may include specifications regarding target species, size, weight of fish, etc; the vessel, the fishing gear and fishing methods and the areas and amounts to be fished, closed seasons, and requiring local landing and processing of catch and training and employment of local nationals.</p> <p><u>(Maritime Zones (Fishing Licences) Regulations 1978, Reg. 5)</u></p>	
MOZAMBIQUE	<ul style="list-style-type: none"> - Minister of Industry and Energy empowered to establish conditions for licensed fishing operatiuons (Law N° 8/78 of 22 April 1978, Art. 3) - Every foreign vessel authorized to fish in jurisdictional waters must comply with the regulations laid down for fish by national vessels. <u>(Id. Art. 4)</u> 	<p>Daily catch return must be maintained and file every two weeks.</p> <p><u>(Diploma Legislativo N° 65/71 of 15 Junes 1971, Art. 57)</u></p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
OMAN	<p>Minister to issue regulations prescribing, <u>inter alia</u>, conditions and terms of licences (Sultanic Decree N 53/81 promulgating the <u>Law on Marine Fisheries and Conservation of Living Aquatic Resources Art. 4</u>)</p> <p>Foreign fishing boats entering harbour not to sell fish without licence from competent authority. (Id. Art. 24) Fishing boats to affix serial number plates on both sides of vessel (<u>Ministerial Decree N 3/82 on the Executive Regulations for the Marine Fisheries and Protection of Living Resources Law, Art. 25</u>)</p>	<p>Owners of fishing boats to maintain on board a fishing operations logbook. (<u>Ministerial Decree N 3/82 on the Executive Regulations for the Marine Fisheries and Protection of Living Resources Law, Art. 29</u>)</p> <p>Fishing professionals to provide competent authority with required data and statistics (<u>Id. Art. 33</u>)</p>
PAKISHAN	<p>Vessels and gear must be registered [<u>Exclusive Fishing Zone (Regulation of Fishing) Rules, 1976, R. 43</u>]</p> <p>EEZ licence subject to cancellation for breach of conditions. (<u>Id. R. 7</u>)</p> <p>EEZ licence not transferable (<u>Id. R. 10</u>)</p>	<p>Information on catch to be given monthly and as required by licensing or fisheries officer</p> <p>[<u>Exclusive Fishery Zone (Regulation of Fishing) Rules, R. 12</u>]</p>
QATAR	<p>Minister to issue regulations prescribing terms and conditions of licences [<u>Law N° 4 of 1983 on Exploitation and Conservation of Living Aquatic Resources in Qatar, Art. 5</u>]</p> <p>- Licence for foreign fishing operations to indicate duration of licence, locations and seasons of fishing, species and quantities of living aquatic resources to be caught, fishing techniques and gear to be employed. (<u>Id. Art. 14</u>),</p>	<p>- Any person engaged in fishing or marketing living aquatic resources or related industries to submit data specified by the competent authority. [<u>Law N 4 of 1983 on Exploitation and Conservation of Living Aquatic Resources in Qatar, Art. 6</u>]</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
QATAR Cont'd	<ul style="list-style-type: none"> - Foreign vessels entering harbour not to sell fish without first obtaining required licence. (<u>Id. Art. 25</u>) - Vessel licences valid 1 year and renewable (<u>Executive Regulations N° 2 of 1985 of the Law on xploitation and Conservation of Living Aquatic Resources in Qatar, Art. 7</u>) - Name and number of vessel to be well displayed on vessel and same name and number clearly written in Arabic on both sides of vessel (<u>Id., Art. 9</u>) - Vessel to have navigational lights during night fishing plus necessary safety and salvage equipment (<u>Id., Art. 15</u>) 	
SAUDI ARABIA	<p>Fishing in territorial waters by foreign fishing vessels not allowed without permit issued by Minister of Agriculture and Water with the approval of the Prime Minister. Permit to specify species and periods for fishing. Foreign fishing vessels operating for national companies exempt from permit requirement. (<u>Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 9</u>)</p> <p>Saudi nationals may be put aboard for training. (<u>Id. Art. 7</u>)</p>	<p>Companies and institutions engaged in fishing, extracting, processing or marketing living aquatic products to maintain books to record production according to weight, species, and quantities exported or marketed in Saudi Arabia, and furnish Ministry of Agriculture and Water and Ministry of Commerce with copies of these records.</p> <p>(<u>Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 10</u>)</p>
SEYCHELLES	<ul style="list-style-type: none"> - Gear to be stowed when in area where not authorized to fish; - Vessel to fly flag of country where registered; - Master to comply with instructions of authorized officers; - Vessels to have on board required communication and position fixing equipment; 	<ul style="list-style-type: none"> - Master or agent to notify Minister of estimated time and location of entry into zone and give approximate fishing plan, date of arrival in port for inspection unless exempted, and fish on board (species, quantity, condition). - written record to be maintained on daily basis of fishing effort and catch in prescribed form;

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
SEYCHELLES (Cont'd)	<ul style="list-style-type: none"> - Records and communications to be maintained or made in English or French languages. International Code of signals to be used; - Vessel owner to maintain local agents or representatives undertaking legal and financial responsibility for the proposed operations; - Vessel owner or agent may be required to post bond to guarantee performance of obligations; - Vessel to bear specified identification marks; - Vessel may be required to accept observers on board and provide facilities; - Compulsory inspection in Port Victoria on entry and before departure from zone unless exempted; - Restriction concerning species, areas to be fished, gears, methods of fishing, etc. - By-catch not to exceed specified percentage; - Transhipment only in Port Victoria, under supervision unless otherwise authorized <p>(Foreign Fishing Vessel Regulations 1979, Reg. 6)</p>	<ul style="list-style-type: none"> - written records to be sent to Minister monthly, or at request of fisheries officer, and not later than 30 days after expiry licence; - radio reports of position <u>every 3rd day</u>, and reports of fish held on board or caught or transhipped <u>weekly</u>; - notification of entry into Port Victoria at least 24 hours in advance; - notification of time and location of departure at least 48 hours in advance. <p><u>(Foreign Fishing Vessel Regulations 1979, Reg. 6)</u></p> <p><u>CONTROLS OVER TRANSIT BY UNLICENSED FISHING VESSELS</u></p> <ul style="list-style-type: none"> - Fishing gear to be stowed in prescribed manner. [<u>Control of Foreign Fishing Vessels Decree, 1979, S. 13</u>] [<u>Fisheries Act, 1986, S. 8 (not yet in force)</u>] - Any fish found on board any foreign fishing vessel within the exclusive economic zone shall be presumed until the contrary is proved to have been taken within the exclusive economic zone by such vessel. [<u>Control of Foreign Fishing Vessels Decree, 1979, S. 15(1)3</u>] - A radio call made by a foreign fishing vessel before entering the exclusive economic zone and notifying its proposed route and the quantity of fish on board shall suffice to rebut the presumption. [<u>Id. S. 15(2)</u>] - Form of message prescribed [<u>Foreign Fishing Vessels (Radio Calls), Regs. 1979</u>]

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
SOMALIA	<p>Vessel must be marked [<u>Law N° 23 of 30 November 1985, Art. 7 (6)</u>] <u>Joint venture licence</u> Vessels 18 m. and longer cannot fish within 5 miles of shore [<u>Fisheries Joint Venture Guidelines, 1985, S. 7</u>] Catch must be landed in Somalia or inspected prior to export (<u>Id. S. 9</u>) Licence may be subject to conditions concerning area, period, kind of fishing, nature of catch, reporting, marking inspection, training (<u>Id. S. 10</u>) Proof of foreign partners financial and technical capacity and bank guarantee to cover share of investment required. (<u>Id. S. 11</u>) Valid one year, non-transferable, must be aboard vessel (<u>Id. SS. 17-18</u>) Observers may be assigned at joint venture expense (<u>Id. S. 19</u>)</p>	<p>All licences Licensee must submit catch reports (<u>Law N° 23 of 30 November 1985, Art. 8</u>) <u>Joint venture licence</u> Reporting requirements may be prescribed or endorsed on licence <u>[Fisheries Joint Venture Guidelines, 1985, S. 10]</u></p>
SRI LANKA	<p>- Licence conditions to be prescribed may include: - requirements concerning appointment of local representatives or agents; - maintenance of bonds; - maintenance of log books and other records of position, catch and effort; - requirements concerning statistical returns; - marking of boat and installation of transponders, etc. - facilities for trainees; - employment of local citizens; - placing of observers on board; - compliance with instructions of authorized officers. <u>(Fisheries (Regulation of Foreign Fishing Boats) Act 1979, S. 26)</u></p>	<p>Licence conditions may include requirements concerning maintenance of fishing records and reports as to position, catch and effort of foreign fishing boats. <u>(Fisheries (Regulation of Foreign Fishing Boats) Act 1979, S. 26)</u> - master or local representative to notify Director of estimated time and location of entry into and departure from Sri lankan waters at least 24 hours in advance, giving fishing plan (on entry only) and catch on board (<u>The Foreign Fishing Boats Regulations 1981, R.8</u>) - Master to maintain written records of catch, effort and transshipments and processing on daily basis. (<u>Id.</u>) - Records to be transmitted to Director on request or not later than 30 days after expiry of permit. (<u>Id.</u>)</p>

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
SRI LANKA Cont'd	<ul style="list-style-type: none"> - Foreign fishing vessels to stow gear if prohibited from fishing (<u>Foreign Fishing Boats Regulations 1981, R. 2</u>) - Area up to 24 miles from coast reserved for local fishermen; area from 24 to 35 miles reserved for local fishermen and approved joint ventures. (<u>Id. R. 6</u>) - No joint ventures to be approved if of type or in area already adequately developed by local fishermen or if would conflict with local operations. (<u>Id. R. 7</u>) - Owner or charterer to appoint and maintain local legal representative, authorized to accept legal and financial responsibility on behalf of owner/charterer for fishing operations. (<u>Id. R. 8</u>) - Port inspection required unless exempted on entry and departure from zone. (<u>Id.</u>) - Master to bring boat to port for inspection when required - Boat to stow gear when in area not authorized to fish. (<u>Id.</u>) - Boat to fly flag and display assigned number. (<u>Id.</u>) - Master to permit boarding of observers and provide suit able food, accomodation and facilities including communications facilities. (<u>Id.</u>) 	<ul style="list-style-type: none"> - Position reports to be made and catch statistics given as specified in permit or required by Director. (<u>ID.</u>) - Records reports notifications to be in English. (<u>Id.</u>)
SUDAN	<ul style="list-style-type: none"> - Vessels to be marked. (<u>The Marine Fisheries Regulations 1960, Reg. 2</u>) - Foreign vessels must land their catch in Port Sudan only country reply) - Priority in marketing of fish to meeting local demand (<u>Id.</u>) - Observers, deposits may be required (<u>Id.</u>) 	

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
TANZANIA	<ul style="list-style-type: none"> - Vessels must be registered. (<u>The Fisheries (General) Regulations, 1973, Reg. 3</u>) - Vessels to bear visible identification marks (<u>Id. Reg. 6</u>) - Licence annual, non-transferable (<u>Id. Reg. 17</u>) 	
THAILAND	NO FOREIGN FISHING IN PRACTICE AT PRESENT	
UNITED ARAB EMIRATES	<ul style="list-style-type: none"> - Vessels must be duly licensed by competent authorities. - Licence to include details regarding compensation due in return for licence, species for which fishing permitted, fishing methods to be used, area covered by licence and permitted quota of catch. - Licences only to be issued in respect of "surplus living resources" in Zone (<u>Declaration on the Exclusive Economic Zone and its Delimitation</u>) 	
UNITED KINGDOM DEPARTMENT TERRITORIES	NO INFORMATION	
YEMEN ARAB REPUBLIC	NO INFORMATION	
YEMEN PEOPLE'S DEMOCRATIC REPUBLIC	Minister to regulate issue of permits and other conditions (<u>Law No 24 of 1979 Concerning the Organization of the Catches of Marine Resources and their Exploitation and Protection Art. 10-11</u>)	

TBALE E
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
AUSTRALIA	<p>The Minister shall have regard to the objectives of:</p> <ul style="list-style-type: none"> - ensuring through proper conservation and management measures, that the living resources of the AFZ are not endangered by over-exploitation; - achieving the optimum utilization of those living resources, but in doing so shall ensure that measures adopted shall not be inconsistent with the preservation, conservation and protection of all species of whales. <p>(Fisheries Act 1952, S. 5B)</p> <p>Joint Authorities established for South-Eastern Fisheries, Northern Australian Fisheries, Northern Territory Fisheries and Western Australian Fisheries, consisting of Commonwealth Minister together with appropriate State Ministers responsible for fisheries.</p> <p>Arrangements may be made by Commonwealth with States providing that appropriate Joint Authority to have management of particular fishery and managed in accordance with law of Commonwealth or law of the State concerned.</p>		<p>The Minister may prohibit, either at all times or during a period specified in a notice, the taking, from proclaimed waters or in an area of the Continental Shelf, of a specified kind of fish or of sedentary organisms:</p> <ul style="list-style-type: none"> - prohibit the taking, from an area of proclaimed waters or of the Continental Shelf, of fish or of any sedentary organisms of a specified kind that: - are less than a specified size; - are not greater than a size so specified (for fish only); - have a dimension less than a dimension so specified; or - have a part with a dimension less than a dimension so specified in relation to that part; - prohibit the taking of fish or of sedentary organisms of a specified method or equipment; - prohibit a quantity of equipment of a specified kind for fishing that is a quantity in excess of a specified quantity; <p>(Fisheries Act 1952, S. 8 and Continental Shelf (Living Natural Resources) Act 1968)</p> <p>(Numerous notices promulgated)</p>

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
AUSTRALIA (Cont'd)	Where arrangement in force whereby fishery managed by Joint Authority under Commonwealth law, Joint Authority to have functions of keeping constantly under consideration the condition of the fishery, formulating policies and plans for the good management of the fishery, exercising the powers conferred on it by the Fisheries Act and cooperating and consulting with other authorities including Joint Authorities in matters of common concert Joint Authority to have powers otherwise exercisable by the Minister to regulate the fishery. (<u>Fisheries Act, 1952 Part IVA -Cooperation with States and the Northern Territory in Management of Fisheries</u>)		Minimum mesh sizes adopted for trawl, Danish seine nets and minimum specifications for lobster pots. (<u>Fisheries Notices 42, 44, 46, 75, 96</u>) Minimum species sizes adopted for various finfish and rock lobster. (<u>Fisheries Notice N° 5, 40, 45, 69</u>) Fishing for turtles prohibited. (<u>Fisheries Notice N° 48</u>)
BAHRATN	The Minister of Commerce and Agriculture shall issue regulations for the enforcement of the Law, especially to ... regulate any other matters concerning the conservation of the fish stock. (<u>Law N° 5 of 1981, Art. 15</u>)	<u>General licensing system:</u> The Fisheries Resources Department may refuse to grant fishing licences to the proprietor of vessels or barriers if the use of vessels could be dangerous or harmful to fisheries resources or the use of fish	<u>General</u> - <u>Prohibited fishing method:</u> unlawful to catch fish using explosives or poisonous or lethal substances or any other devices or gear harmful to the fisheries resources (<u>Law N° 5 of 1981, Art. 14</u>) - The Minister of Commerce and

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
BAHRAIN (Cont'd)		barriers has a negative effect on other barriers located in the same area or on the fisheries resources on the whole. The Fisheries Department may refuse to renew licences, abrogate or withdraw them for reasons concerning the fishing interests. (Law N° 5 of 1981, Art. 10)	Agriculture shall specify the types of nets used for fishing and the minimum measurements of meshes. (Id. Art. 15(c))
BANGLADESH	The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries. (Marine Fisheries Ordinance, 1983, S. 5)	Having regard to the requirement of fisheries management and development plans, the Government may specify types, classes and number of fishery vessels that can be deployed in the Bangladesh fisheries waters. (Marine Fisheries Ordinance, 1983 S. 7) Permits may include general conditions relating to limitation of catch and effort (Id. S. 16 (2)) and specify conditions for foreign fishing vessels especially protection of local fisheries (S.16(3))	<u>General-Prohibited methods of fishing</u> The use or attempts to use any explosive, poison or other noxious substances for fishing prohibited. (Marine Fisheries Ordinance, S. 26) <u>Marine reserves</u> Fishing, dredging or construction of any structures in marine reserves without permission is prohibited. (Id. S. 29) <u>Mesh size</u> - For shrimp trawl net with low opening: minimum mesh size = 45 mm at the cod end

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	TABLE F FISHERIES MANAGEMENT SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
BANGLADESH (Cont'd)		<p>The Director, by order in writing may refuse to issue or suspend, cancel or refuse to renew any licence for foreign fishing vessel if it is necessary to do so in order to allow for the proper management conservation and development of any particular fishery in accordance with any fisheries management conservation and development plan. <u>(Id. S. 24 (1))</u></p>	<ul style="list-style-type: none"> - For fish trawl net: mesh size = 60 mm. at the cod end - For large mesh drift net: minimum mesh size = 200 mm. - For small mesh drift net: minimum mesh size = 100 mm. - For sea bag net: minimum mesh size = 30 mm. at the cod end. <p><u>(Marine Fisheries Rules, 1983, R. 14)</u></p> <p><u>Area restrictions:</u> The Government may declare zone in which only non-mechanized local fishing vessels or mechanized local fishing vessels of certain specified tonnage may engage in fishing or in which fishing operations by other fishing vessels may be restricted. <u>(Marine Fisheries Ordinance, 1983, S.3(2))</u></p> <p>Waters to 40-meter depth earmarked for set bag nets, hooks and lines, drift nets Waters over 40-meter depth earmarked for trawlers. <u>(Marine Fisheries Rules, 1983, R. 15)</u></p> <p><u>Prohibited methods of fishing</u></p> <ul style="list-style-type: none"> - use of explosive, poison or other noxious substances - electrocuting any marine species. <u>(Id. R. 16)</u>

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
BURMA	NO INFORMATION		
COMOROS	<p>TAC determined by decrees (<u>Loi N° 82-005 of 28 July 1982 relative a la delimitation des zones maritimes, Art. 9 (a)</u>)</p> <p>I Comoros does not have the capacity to harvest entire allowable catch, access to surplus may be given to other states. (<u>Id. Art. 9(c)</u>)</p> <p>Measures of management in order to avoid overexploitation of biological resources. (<u>Id. Art. 9(b)</u>)</p>	<p>Foreign fishing prohibited in comorian territorial waters (<u>Loi N° 82-015 of 13 August 1982 relative à l'activité des navires de pêche étrangers, Art. 2</u>)</p> <p>Foreign fishing licences include conditions relating to limitation of catch and effort (<u>Id. Art. 5</u>)</p> <p>The Ministry of Fisheries may suspend or cancel a licence any time where it is necessary to do so for the proper management of fisheries. (<u>Id. Art. 7(b)</u>)</p>	<p>The Minister of Fisheries shall make regulations to delimit:</p> <ul style="list-style-type: none"> - reserved areas for local fishermen and local fishing boats within EEZ (<u>Loi N° 82-015, Art. 21(g)</u>) - reserved areas in order to restore and conserve populations of marine species (<u>Id. Art. 21(h)</u>)
DJIBOUTI			<p>Submarine hunting prohibited (<u>Décret N° 85-103/PRE of 28 October 1985 portant sur la protection de la faune et des fonds sous-marins, Art.1</u>)</p> <p>Hunting of marine mammals, turtles and their eggs prohibited. (<u>Id. Art. 3</u>)</p> <p>Prohibition of all fishing activities in the Musha park (fish, shells and coral) (<u>Id. Art. 4</u>)</p>

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
DJIBOUTI (Cont'd)			Prohibition of gathering coral and shells in Maskali South Reserve (<u>Id. Art. 5</u>) Capture and gathering of coral fish and of shells temporarily prohibited (<u>Id. Art. 8</u>)
EGYPT		A fishing licence shall not be issued in respect of a number of vessels greater than that specified in the implementing regulation for each method of fishing. <u>(Act N° 124 of 1983 on Fishing Aquatic Life and the Regulation of Fish Farms, Art. 23)</u> Licence conditions shall contain provisions relating to the limitation of catch or effort (<u>Id. Art. 31</u>) The Minister of Agriculture shall issue the regulation to determine the number and types of licences to be issued for each area (<u>Id. Art. 65</u>) Licences not transferable without authorization of General Organization for Development of Fishery Resources (<u>Id. Art. 28</u>)	Fishing shall not be undertaken in areas in which fishing is prohibited, with prohibited implements or during closed seasons. <u>(Act N° 124 of 1983 on Fishing Aquatic Life and the Regulation of Fish Farms, Art. 7)</u> Catch, sale or possession of under-sized fish prohibited. <u>(Id. Art. 10)</u> Fishing with poisonous, stunning, explosive or harmful substances prohibited <u>(Id. Art. 13)</u> Special permit for collection of fry. (<u>Id. Art. 19</u>) The Minister of Agriculture shall issue the implementing regulation to determine: - the motor power for each vessel or its class and the apparatus and fishing methods permitted to be used in any area; - the substances harmful to the environment or the propagation of fish or of other aquatic life;

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
EGYPT (Cont'd)			<ul style="list-style-type: none"> - the minimum sizes and lengths of fish or other aquatic life which may be hunted, sold or possessed ...; - the areas in which fishing or the use of certain types of apparatus, gears or methods is prohibited; - the aquatic species prohibited for catch. <p><u>(Id. Art. 65)</u> Foreign bottom trawlers and lamparo netters may not be licensed for maritime waters or the Gulf of Suez. <u>(Ministerial Order N° 667 of 1961 on Fisheries, Art. 15)</u> Specified areas closed to fishing by some or all methods. <u>(Id. Art. 16-17)</u> <u>Mesh size</u> - Surrounding nets are limited to a maximum stretched mesh size of 12.5 mm. - beach seines = 30 mm. <u>(Director of Coastguard Decree N° 11, 1962)</u> <u>Closed seasons</u> No fishing for shellfish between 1 May and 30 September, for sponges between 1 November and 30 April. (Ministerial Decree N° 1079, 1965)</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
ETHIOPOA		Fishing within the territorial waters reserved exclusively to nationals after 1956. <u>(Maritime Proclamation N° 137 of 193, Art. 9)</u>	
FRANCE DEPARTME NTS TERRITORI ES	Where EEC regulations so require (Reunion) or do not apply, decree shall determine management easures including the total allowable catch. <u>(Décret of 9 January 1952 (revised) sur l'exercice de la pêche maritime, Art. 3)</u>	A decree determines the number of foreign fishing boats in EEZ of French overseas territories and Mayotte, and the fishing quotas, if any. <u>(Décret N° 78-963 of 19 September 1978, Art. 2)</u> Licences must include provisions relating to limitation of catch and effort. <u>(Id. Art. 3, 4 and 5)</u>	Decrees may be issued to: - protect certain species in certain areas; - determine the size or the weight of fish to be caught; - determine the mesh size and other gear restriction; - limit the by-catch. <u>(Décret of 9 January 1952 (revised) sur l'exercice de la pêche maritime, Art. 3)</u> Hunting of marine mammals prohibited during a period of ten years within the EEZ of French Indian Ocean Islands and Mayotte. <u>(Arrêté préfectoral N° 32 DG/01-TAAF du 14 Septembre 1981 portant interdiction de la chasse aux cétaces dans les zones économiques exclusives françaises des îles éparses et de Mayotte)</u>

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
INDIA		<p>Every licence or permit must be subject to several conditions of limitation of catch and effort:</p> <ul style="list-style-type: none"> - fishing is possible only for the fishing activities authorized by licence <u>R. 5(c)</u>; - for the stocks or groups of stocks described in the licence <u>R. 5 (h)</u>; - the age or size of fish to be caught <u>R. 5 (h), ii.</u> <p>Foreign fishing licence subject to conditions including limits on quantities allowed to be caught or transported. <u>[The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules 1982, R. 5(h)(iii), 5(i)(i)]</u></p>	<p>Foreign fishing licence subject to conditions including restrictions in areas, gear, species, age and size of fish. <u>[The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules 1982, R. (c), (d), (h)]</u></p> <p>Fishing for protected species prohibited. <u>[Id. R. 5(h)(ii), 9(i)(i)]</u></p> <p>Chartered foreign vessel forbidden to fish for shrimp in coastal waters. <u>[Id. R. 8(i)(ii)]</u></p> <p>Foreign vessel forbidden to fish in territorial waters without special permission. <u>(Id. R. 12)</u></p> <p>Carrying or using explosive, poisonous or noxious substance or electrical apparatus with intent to use for fishing prohibited. <u>(Id. R. 13)</u></p> <p>Fishing with explosives or poisons prohibited. <u>[Indian Fisheries Act, 1897 (amended), S. 4, 5]</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
INDONESIA	<p>Fisheries are strictly regulated in order to protect the resources and the environment and to achieve the greatest benefit for the Indonesian people. (<u>Law N° 9 of 1985 on Fisheries, Art. 3</u>)</p> <p>Resources of the EEZ shall be utilized for development of Indonesian fisheries. (<u>Government Regulation N 15 of 1984, Art. 2</u>)</p> <p>Minister to make regulations including the total allowable catch. (<u>Law N° 9 of 1985 on Fisheries, Art. 4</u>)</p> <p>Minister shall set total allowable catch for each species in the EEZ. (<u>Government Regulation N 15 of 1984, Art. 4</u>)</p>	<p>Minister to make regulations setting the total allowable catch. (<u>Law N 9 of 1985 on Fisheries, Art. 4</u>)</p> <p>Minister shall set the total allowable catch for each species in the EEZ. (<u>Government Regulation N 15 of 1984, Art. 4</u>)</p> <p>Total allowable catch for EEZ intons:</p> <ul style="list-style-type: none"> - Bonito 1,115,731 - Tuna 75,915 - Shipjack 88,884 - Demerial 582,731 <p>(<u>Decree of Minister of Agriculture N° 73a/Kpts/IK.250.6/1985</u>)</p> <p>Minister shall set the number and gear of vessel in consideration of the total allowable catch. (<u>Government Regulation N° 15 of 1984, Art. 5; Decree of Minister of Agriculture N° 473a/Kpts/IK.250.6/1985</u>)</p>	<p>General prohibition on harm to environment or fishery resources by fishing or other means. (<u>Law N° 9 of 1985 on Fisheries, Art. 6-7</u>)</p> <p>Prohibition on fishing in EEZ with explosives, poison, electricity and other dangerous means. [<u>Government Regulation N° 15 of 1984 Art. 6 in relation to foreign vessels: Decree of the Minister of Agriculture N° 475/Kpts/IK.120/7/1985</u>]</p> <p>Use of different types of gear and vessels regulated by zones according to distance from shore. (<u>Decree of the Minister of Agriculture N° 607/Kpts/Um/9/1976 on Fishing Lanes</u>)</p> <p>Trawlers only allowed to operate in delimited areas. (<u>Decree of the Minister of Agriculture N° 607/Kpts/Um/9/1976</u>)</p> <p>Minimum mesh size of purse-seines for mackerel, flying fish, carangidae, sardinella and similar pelagic fish: 2 inch wings, 1 inch bag. (<u>Decree of the Minister of Agriculture N° 123/Kpts/Um/3/1975</u>)</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN		<p>Total authorized tonnage of industrial trawlers in Persian Gulf = 7,000 GRT [<u>Temporary Regulations for the Activities of Fishing Vessels (Traditional and Industrial) in the Persian Gulf and Oman Sea, as revised June 1984, Art. A.1.2]</u></p> <p>Total authorized tonnage of industrial trawlers in Oman Sea - 1,000-2,000 GRT (<u>Id. Art. B.1.1</u>)</p> <p>Additional tonnage in Oman Sea authorized for pelagic and mesopelagic resources. (<u>Id. Art. B.1.6</u>)</p> <p>Maximum trawler size - 200 GRT (<u>Id. Art. A.1.1, B.1.2</u>)</p> <p>Number of shrimp trawlers stabilized at 1984 level. (<u>Id. Art. A.2.1</u>)</p>	<p><u>General</u></p> <p>Catch of fish and shrimp and other sea life, with explosives, chemicals or poisonous materials is prohibited. (<u>Temporary Regulations for Catching Fish, Shrimp and Other Sea Animals in Persian Gulf, Oman Sea and all Rivers of Southern Parts of Iran, 1973, Art. 32</u>)</p> <p>Gear restrictions</p> <p>1. for industrial fishing vessels - mesh size</p> <ul style="list-style-type: none"> - trawl wings and belly = 95 to 100 mm. - trawl cod end = 75-80 mm. - trawl apron = 100 mm. <p>(<u>Temporary Regulations, 1984, Art. A.1.3, B.1.3</u>)</p> <ul style="list-style-type: none"> - <u>Fishing area</u> for bottom trawlers: <ul style="list-style-type: none"> - beyond the 12-mile limit of territorial waters at the water depths more than 20 fathoms. (<u>Id. Art. A.1.4, B.1.4</u>) - <u>Fishing seasons</u> activities of bottom trawlers prohibited in the Persian Gulf from mid April to the beginning of June (<u>Id. Art. A.1.5</u>) and from 5 pm to 5 am (<u>Id. Art. A.3.7</u>)

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN (Cont'd)			<p>2. <u>for shrimp catch by industrial fishing sector</u> (Persian Gulf and Oman Sea)</p> <ul style="list-style-type: none"> - <u>mesh size</u> <ul style="list-style-type: none"> - trawl wings and belly - 50 mm. - trawl cod end = 43 mm - trawl apron 75 to 100 mm. (Id. Art. A.2.4) - <u>area restrictions catch</u> authorized beyond the limit of 6 miles from coastlines with standard nets (Id. Art. A.2.3) - <u>fishing seasons</u> <ul style="list-style-type: none"> - Bushehr area = from mid August to mid February; - Hermoryan area = from the beginning of October to mid February (Id. Art. A.2.2) <p>3. <u>for artisanal fishing</u></p> <ul style="list-style-type: none"> - artisanal fishermen using traditional gears can fish throughout the year within the 12-mile limit of territorial waters (with some local restrictions) (Id. Art. A.3.1 - 2. B.3.1) - using of fixed-pound net in the Hormozgan Province is: <ul style="list-style-type: none"> - prohibited from April to September (Id. Art. A.3.3)

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN (Cont'd)			<ul style="list-style-type: none"> - authorized with mesh size of 70 mm. from October to March (<u>Id. Art. A.3.4</u>) - traditional bottom trawlers can fish in the Persian Gulf between 3 and 6 miles from the shore at water depths more than 10 metres and in the Oman Sea with following mesh sizes: <ul style="list-style-type: none"> - trawl wings and belly : 75 mm - trawl cod end: 60 mm - trawl apron: 60 to 70 mm (<u>Id. Art. A.3.6, B.3.2</u>) - traditional gillnetting permitted in Persian Gulf from 5 pm to 5 am (<u>Id. Art. A.3.7</u>) 4. <u>shrimp catch by traditional sector - mesh size</u> <ul style="list-style-type: none"> - net belly and wings: 45 mm (<u>Id. Art. A.4.1, B.3.3</u>) - net cod end: 40 mm (Persian Gulf and Oman Sea) (<u>Id. Art. A.4.1, B.3.3</u>) <ul style="list-style-type: none"> - net apron - Persian Gulf: 50 to 70 mm (<u>Id. Art. A.4.1</u>) - Oman Sea: 75 to 100 mm (<u>Id. Art. B.3.3.</u>)

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN (Cont'd)			<ul style="list-style-type: none"> - authorized size for catch of fish and shrim (minimum length) <ul style="list-style-type: none"> - sardine: 13 cm. - havoor: 67 cm. - zardeh: 62 cm. - masghati: 58 cm. - shrimp: from 10 to 14 cm. <p><u>(Temporary Regulations, 1973, Art. 24-26)</u></p>
IRAQ	<p>The State Fisheries company shall undertake measures of protection and management. <u>(Law N° 48 of 1976 for regulating and exploitation of aquatic life and its protection, Art. 2)</u></p>	<p>The Company may limit the number of the licences in public waters area. <u>(Law N° 48 of 1976, Art. 12(2))</u></p>	<p>Use of poisons, explosive, chemical materials and electrical energy is prohibited. <u>(Law N° 48 of 1976, Art. 1(1))</u></p> <p>Use of fishing means and gear which may harm the eggs and fry is prohibited <u>(Id. Art. 1(2))</u></p> <p>The Company determines:</p> <ul style="list-style-type: none"> - closed seasons - prohibited areas - the type of fishing gear and its measurement - the minimum size of fish to be caught <p><u>(Id. Art. 2(1))</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
ISRAEL	The appropriate authorities may allocate production quotas. <u>(Fisheries Ordinance N° 6, 1937)</u>		<p><u>General</u> Fishing by means of explosives or poisonous substances is prohibited in all areas.</p> <p><u>Size limitation</u> (minimum length)</p> <ul style="list-style-type: none"> - for small species (sardines, red mullets): 11 cm. - for medium-size species: 16 cm. - for larger fish (groupers, snappers): 20 cm. <p><u>Minimum mesh size (stretched)</u></p> <ul style="list-style-type: none"> - marine fisheries <ul style="list-style-type: none"> - trawls: 48 mm - purse seines: 20 mm - inland fisheries <ul style="list-style-type: none"> - beach seines: 70 mm - gill nets and trammel nets: 72 mm <p><u>Closed areas and closed seasons</u> regulations may be issued to prevent overfishing in the light of scientific evidence provided by appropriate research institutions. <u>(Fisheries Ordinance N° 6, 1937)</u></p>
JORDAN			<p><u>General</u></p> <ul style="list-style-type: none"> - Use of explosives, harmful or poisonous materials is prohibited. <p><u>[Code of Agriculture, 1973, Art. 183 (a)]</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
JORDAN (Cont'd)			<ul style="list-style-type: none"> - It is forbidden to damage or remove the coral rocks of the territorial waters. <p><u>[Id. Art. 183(b)]</u> The Minister issues decisions on:</p> <ul style="list-style-type: none"> - limiting fishing areas; - prohibition of fishing methods and techniques affecting conservation and reproduction of fish; - fixing the areas and seasons where fishing may be forbidden or be allowed only for specific kinds of fish; - fixing sizes of fish that may be caught; - determination of the size of the mouth and mesh of nets; <p><u>(Id. Art. 184)</u></p>
KENYA	<p>The Minister may make regulations for the reorganization, development and regulation of the fish industry and for the protection of fish and the prevention of over-fishing ...</p> <p><u>[Fish Industry Act 1968 (amended), S. 7]</u></p>		<p>The Minister may make regulations:</p> <ul style="list-style-type: none"> - for regulating the manner in which any fish shall be caught; - for determining the times and sea sons at which the catching of fish shall begin and cease; - for prescribing the form and construction of fishing nets, fishing gear and other equipment used in fishing. <p><u>[Fish Industry Act, 1968 (amended), S.7]</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
KENYA (Cont'd)			Pearls or mother-of-pearl shells or <u>shellfish</u> Catching is authorized where they have attained maturity and are a diameter of 4.5 inches or more [<u>Crown Fisheries Act, S.3</u>]
KUWAIT	The competent Minister may form a consultative committee under the chairmanship and membership of governmental and non-governmental bodies concerned with aquatic resources to express their view on the policy aiming at the conservation of those resources and regulating fishing matters, coordination between government bodies and other operating in this field and proposing pertinent legislation and examining other matters raised by the competent Minister. <u>(Decree promulgating Law N 46 of 1980 on Conservation of Fisheries Resources, Art. 9)</u>	The competent Minister shall specify the quantities of fish and other living resources to be caught at certain seasons. [<u>Decree promulgating Law N° 46 of 1980, Art. 8(12)</u>] The issuing of new licences in respect of fibre glass fishing vessels operating in Kuwaiti waters is suspended [<u>Decree No 26 of 1985</u>]	General The competent Minister shall make regulations on vessels, gear, forbidden substances, sizes of fish and meshes, closure of fishing, by species, gear and area. [<u>Decree promulgating Law N° 46 of 1980, Art. 8</u>] Use of explosives, poisonous or intoxicating substances, barbed fishing equipment, electric means, harpoon guns or hooks, is prohibited. [<u>Ministerial Decree N° 22 of 1980 on prohibition of specific materials in Kuwaiti Territorial Waters</u>] <u>Gear restrictions</u> - Mesh size 1. Shrimp fishing nets - traditional net: 30 mm - gill net: 40 mm. <u>(Ministerial Decree N° 23 of 1980 on minimum measurements of meshes of shrimp fishing nets)</u>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
KUWAIT (Cont'd)			<p>2. Fish</p> <ul style="list-style-type: none"> - crawling net: 50 mm - non movable net: 90 mm - movable net: 100 mm to Alzeibeidi fish - movable net: 80 mm to Aljabour fish - movable net: 40 mm to Almeed fish <p><u>(Decree N° 7 of 1983 on minimum measurements of meshes to be used in fishing by fishing vessels in the territorial waters of Kuwait)</u></p> <p>3. Use of surrounding nets (Habla method) is prohibited</p> <p><u>(Decree N° 8 of 1983 on prohibition of fishing by "Habla method") - Limitation of fish size (minimum length)</u></p> <ul style="list-style-type: none"> - meed: 14 cm. - zubaigy: 20 cm. - noeby: 27 cm. - chaam: 30 cm. - khopat: 35 cm. - nagror: 40 cm. - hamour: 45 cm. <p><u>(Decree N° 9 of 1983 on the minimum sizes of fishes to be caught in the territorial waters of Kuwait)</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
KUWAIT (Cont'd)			<ul style="list-style-type: none"> - <u>Area restrictions</u> Fishing is prohibited within 3 miles from coasts for the Kuwaiti vessels. (Decree N° 11 of 1983 on <u>prohibition of fishing within 3 miles from the coasts of Kuwait</u>) - Fishing by big and more efficient fishing vessels in the territorial waters is prohibited. (Decree N° 5 of 1984) - Trawling in the territorial waters is prohibited (Decree N° 24 of 1985) - Closed seasons shrimp catching is prohibited during certain periods of the year (1 March through end July 1986) (Decree N° 5 of 1986)
MADAGASCAR	<p>In order to assure a rational development of maritime fisheries in territorial waters, trawling is regulated by decision of the competent Minister after advice of a technical commission. [Décret N° 71-238 of 18 May 1971 réglementant l'exercice de la pêche par chalutage dans la mer territoriale (modifié), Art. 1-2]</p>	<p><u>Regulation of trawling</u> Licence required. [Décret N° 71-238 of 18 May 1971, Art. 1] Licence for trawlers over 25 HP issued by the competent Minister after advice of a Commission. (Id. Art. 2) The Commission establishes the number of licences. (Id. Art. 5)</p>	<p><u>Gear restrictions</u></p> <ul style="list-style-type: none"> - Mesh size - fixed net: 25 mm. - trolling net: 25 mm. - trawl nets: 35 mm. - cast nets and seiners: 25 mm. (Décret of 5 June 1922 relative à la pêche, Art. 8, 10) - Orders regulate the fishing gears used for trawling after advice of

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MADAGASCAR (Cont'd)		<p>Licence may be suspended by the competent Minister if it is not used during 6 months. (Id. Art. 8)</p> <p>In order to protect certain fishing areas, the Commission may propose to the competent Minister to limit the number of trawlers in an area. (Id. Art. 12)</p>	<p>the Commission. (Décret N° 71-238 of 18 May 1971, Art. 12)</p> <ul style="list-style-type: none"> - Size fish fish (minimum length): 10 cm. measured from eye to the beginning of the tail. - oysters: 4 cm (diameter) (Décret of 5 June 1922, Art. 19) - lobster: more than 20 cm. (Arrêté of 14 January 1921 réglementant la pêche ... des langoustes) <p>Catching of eggs and fry prohibited. (Décret of 5 June 1922, Art. 16)</p> <p>General</p> <ul style="list-style-type: none"> - shrimp fishing by trawl may be authorized within a 2-mile limit from the coast. (Décret N° 71-238 of 18 May 1971, Art. 11) - Administrative authority orders determine fishing areas, closed seasons, gear restrictions. (Loi N° 66-007 of 7 July 1966 portant Code Maritime, Art. 5.1.02).

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALAYSIA	<p>Director General of Fisheries to prepare and keep under review fisheries plans based on the best scientific information available and designed to ensure optimum utilization of fishery resources, consistent with the avoidance of overfishing, and in accordance with the overall national plans and programmes. All development within fisheries industry to conform with the management and conservation policies described in the fisheries plan. (Fisheries Act 1985, S. 6)</p>	<p><u>General Licensing System</u></p> <ul style="list-style-type: none"> - Licence required for vessels engaging in fishing. (Fisheries Act 1985, S.8) - Where a fisheries plan requires that no licence or permit be issued in respect of a new fishing vessel for a specific type of fisheries unless such new vessel is to replace a fishing vessel already issued with such licence or permit for such type of fisheries, the Director General of Fisheries is not to issue a licence or permit in respect of the new fishing vessel until the existing vessel is disposed of in accordance with his directions. (Id. S. 9) - The Director General of Fisheries may refuse to issue or re new or may cancel or suspend any licence where it is necessary to do so for the proper management of any particular fishery, in accordance with the applicable fisheries plan and with any directions issued by the Director General of Fisheries in the implementation of that plan. Appeal may be made to the Minister 14 days after the date 	<p><u>General</u></p> <p>The competent Minister may make regulations specifically or generally for the proper conservation, development and management of maritime and estuarine fishing and fisheries and in respect of related industries, for the proper conservation, development and management and regulation of turtles beyond the jurisdiction of any State in Malaysia. (Fisheries Act, 1985, S. 61)</p> <p><u>Marine Parks and Reserves</u></p> <ul style="list-style-type: none"> - The competent Minister may establish any area or part of any area of the fisheries waters as a marine park or reserve and make regulations for its management. (Id. S. 41, 45) <p><u>General Restrictions</u></p> <ul style="list-style-type: none"> - Trawling - Beam trawl prohibited - Minimum mesh size of trawl net 38 mm. - Area restrictions (except in specified areas): <ul style="list-style-type: none"> - trawler of 100 GRT and 200 HP restricted to beyond 12 miles; - trawler of 25 GRT and 60 HP restricted to beyond 7 miles;

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALAYSIA (Cont'd)		<p>of such refusal, suspension or cancellation. After hearing the appeal, the Minister may make a final order thereon. Such order is to take into account any scheme for the limitation of fishing effort contained in fisheries plan. (Id. S. 13)</p> <p>- Horsepower, size or tonnage of a licensed fishing vessel or fishing appliance which is licensed to operate are not to be modified or changed without the written permission of the Director General of Fisheries. The Director General of Fisheries to refuse permission for a licensed fishing vessel or fishing appliance to be modified or changed unless it is necessary to do so for the proper management of any particular fishery. Licences or permits in respect of a fishing vessel, fishing stocks, fishing appliance, fish-aggregation device or marine culture systems are not transferable. (Id. S. 14)</p>	<p>- any powered trawler restricted to beyond 3 miles.</p> <p>- Trawling limited to period stated in licence;</p> <p>- Use of trawler less than 25 GRT or 60 HP limited to 6 a.m. to 6 p.m.</p> <p>[Fisheries (Maritime) Regulations, 1967 (as amended) Fifth Schedule]</p> <p>- Purse seining</p> <p>- Area restrictions on motorized vessels</p> <p>- less than 40 GRT beyond 5 miles</p> <p>- 40 GRT beyond 12 miles</p> <p>- all or partly foreign-owned beyond 30 miles</p> <p>- Purse-seining limited to period stated in licence.</p> <p>[Fisheries (Maritime) Regulations, 1967 (as amended) Sixth Schedule]</p> <p>- Moro Ami Nets used with engined boats to be used only in waters off the islands of the coast of any of the States of West Malaysia specified in the conditions of the licence.</p> <p>[Fisheries (Maritime) Regulations, 1967 (as amended) Seventh Schedule]</p> <p>- Push-net prohibited.</p> <p>[Fisheries (Prohibition of Methods of</p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALAYSIA (Cont'd)		<ul style="list-style-type: none">- The Director General of Fisheries may determine the number of licences to be issued in any year in respect of fishing stocks and fishing appliances. <u>[Fisheries (Maritime) Regulations, 1967 (as amended), Reg.7]</u> <u>Foreign Fishing Vessels</u>- Permit required for engaging in fishing. <u>(Fisheries Act 1985, S. 15)</u>- In considering an application for a permit, the Director General of Fisheries is to take account <u>inter-alia</u> of the needs of Malaysian fishermen and of the provisions of the fisheries plan. <u>(Id. S. 18)</u>- Permits may include different provisions relating to the limitation of catch and effort. <u>(Id. S. 19)</u>- The Director General of Fisheries may cancel or suspend any permit where necessary or expedient for the proper management of fisheries. In both cases, the decision may not be reviewed or called into question. <u>(Id. S. 21, 22, 23)</u>	<u>Fishing) Regulations, 1971]</u> - Taking of cockles licensed and regulated. <u>[Fisheries (Cockle Conservation and Culture) Regulations, 1964]</u>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALDIVES	Total weight of the permitted catch within the exclusive economic zone is determined annually by the Ministry of Fisheries. [<u>Regulations for Issuing the Licence to Fish in the EEZ of the Republic of Maldives, R. 3</u>]	Annual catch permitted may vary from 3,000 to 15,000 tonnes per licensed operator. (<u>Regulations for Issuing the Licence to Fish in the EEZ, Reg.3</u>) Number of vessels determined on basis of permitted catch. (<u>Id. Reg. 7</u>)	<ul style="list-style-type: none"> - Foreign fishing limited to pole-and- line, longline and trolling. (<u>Regulations for Issuing the Licence to Fish in the EEZ, Reg. 5</u>) - Foreign fishing only authorized beyond 75 miles, in one or more sub-areas (<u>Id. Reg. 2</u>) - Bait-fishing reserved for traditional vessels. (<u>Id. Reg. 6</u>) - Prohibited to troll around floating objects or a school being fished by others fishing by picking up floating objects. (Law N° 21/78 of 24 April 1978) - Prohibited to fish with dynamite and generally with underwater guns. (<u>Law N° 23/78 of 24 April 1978</u>) - Catching of tortoises, turtles and lobsters regulated. (<u>Law N° 24/78 of 24 April 1978</u>) - Special regulations for atolls and Malé. (<u>Law N° 1/74, as amended; Law N° 22/78 of 24 April 1978</u>)

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MAURITIUS	<p>The Fishery Advisory Board shall</p> <ul style="list-style-type: none"> - advise the Minister on all matters of general policy relating to fisheries; - inquire and report to the Minister, on such specific matters relating to fisheries as the Minister may refer to it. <p><u>(Fisheries Act, 1980, S. 35-36)</u></p>	<p>Net licence required. <u>(Fisheries Act, 1980, S. 12)</u></p> <p>Licence not transferable. <u>[Id. S. 3(4)]</u></p> <p>Number of large nets, canard nets and gill net licences limited by geographical area. <u>[Id. S. 3(6)]</u></p>	<p><u>General</u></p> <ul style="list-style-type: none"> - No fishing with artificial light (with some exceptions) <u>(Fisheries Act, 1980, S. 18)</u> - The use of explosives is prohibited. <u>(Id. S. 21)</u> - Designation of fish landing stations. <u>(Id. S. 7)</u> - Underwater fishing is prohibited (with some exceptions) <u>(Id. S. 22)</u> <p><u>Gear restrictions</u></p> <ul style="list-style-type: none"> - Fishing is authorized only with certain nets (attached list) <u>(Id. S. 11)</u> <ul style="list-style-type: none"> - Mesh size: - canard net: 9 cm. - cast net: 9 cm. - gill net: 11 cm. - large net: 9 cm. - basket trap: 4 cm. <u>(Id. S. 2)</u> - Close periods - No fishing with a large net or canard net between sunset and sunrise. <u>[Id. S. 16(1)]</u> - No fishing with a large net or a gill net from 1 October to the last day of February. <u>[Id. S. 16(2)(a)]</u>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MAURITIUS (Cont'd)			<ul style="list-style-type: none"> - No fishing with a canard net from 1 May to 31 July and from 1 October to the last day of February. [<u>Id. S. 16(2)(b)</u>] - No fishing gill net on Rodrigues. (<u>G.N. 83 of 1983</u>) <p><u>Fish size (minimum length)</u></p> <ul style="list-style-type: none"> - barbets, battardets, cordonniers and rougets': 20 cm. - carpes and crabs (carlet): 15 cm. - capitaines, dame berries, gueules pavées, licornes and mullets: 30cm. - oysters and mussels: 5 cm. - rock lobster: 10 cm. from the eye stalks to the end of thorax. <p>(<u>Fisheries Regulations 1983, Fifth Schedule</u>)</p> <p><u>Reserved areas</u> Fishing is prohibited in reserved areas (S. 19) (<u>Fisheries Regulations 1980, S. 11</u>) Reserved areas prescribed. (<u>Fisheries Regulations 1983, Fifth Schedule; Fisheries (Reserved Areas) (Rodrigues) Regulations, 1984</u>)</p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MOZAMBIQUE		The number of motorized shrimp vessels is limited to 100, not exceeding 25 m. length. [<u>Diploma Legislativo N° 50/71 of 29 May 1971, Art. 2 (1)</u>].	The competent authority may prohibit or limit fishing definitively or temporarily in certain areas for conservation and management reasons. [<u>Diploma Legislativo N° 50/71 of 29 May 1971 regulating shrimp fishing, Art. 1 (2)</u>]. <u>Gear restrictions</u> <ul style="list-style-type: none">- vessels:<ul style="list-style-type: none">. for coastal fishing = not more than 32 meters length and not more than 500 horse power. (<u>Diploma Legislativo N° 65/71 of 15 June 1971 regulating maritime fishing, Art. 20</u>).. for shrimping = not more than 25 meters length.. for inshore shrimping = not more than 12 meters length. (<u>Diploma Legislativo N° 50/71 of 29 May 1971, Art. 5</u>).- mesh size between knots (fish)<ul style="list-style-type: none">. beach seine = 19 mm. danish seine = 19 mm. trawl net = 30 mm (<u>Diploma Legislativo N° 65/71 of 15 June 1971, Art. 25</u>).

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MOZAMBIQUE (Cont'd)			<ul style="list-style-type: none"> - mesh size between knots (shrimp) <ul style="list-style-type: none"> . beach seine = 16 mm . danish seine = 16 mm . trawl net = 19 mm <p><u>(Diploma Legislativo N° 50/71 of 29 May 1971, Art. 15).</u></p>
OMAN	<p>* The Council for living marine resources management:</p> <ul style="list-style-type: none"> - propose policies which ensure the conservation, development and rational utilization of living resources and to supervise its implementation - propose programs for regulation of fishing - coordinate the activities of government and non government bodies concerned with living marine resources in order to guarantee the viability of aquatic resources and their rational utilization. - propose legislation <u>(Sultanic Decree N° 53/81 of 30 May 1981 promulgating the law on marine fisheries and conservation of living aquatic resources, Art. 3).</u> 	<p>* Licence to specify quantity of catch <u>(Sultanic Decree N° 53/81 of 30 May 1981, Art. 7).</u></p> <ul style="list-style-type: none"> - The competent authority shall determine the number of licences granted to fishing boats or fishermen. <u>(Id. Art. 11).</u> 	<p>* <u>General</u> Without specific permission it shall be unlawful to:</p> <ul style="list-style-type: none"> - erect or build any barrier - utilize techniques of mass extermination of living resources such as explosives, poisonous substance, chemical materials, electrical means ... - utilize techniques methods and gear harmful to eggs and sprat of living marine resources <p><u>(Sultanic Decree N° 53/81 of 30 May 1981, Art. 16).</u></p> <p>* All fishermen shall have to throw back into the water any living small fish. <u>(Ministerial Decree N° 3/82 of 26 January 1982 on the Executive Regulations for the Marine Fisheries and protection of living marine resources</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
OMAN (Cont'd)	<p>* The Minister may consult his counterparts in other concerned countries on a joint plan for the exploitation and management of living marine resources in common areas (<u>Id. Art. 30</u>).</p> <p>Minister shall issue regulations for rational management and development of fisheries (<u>Id. Art. 4</u>).</p>		<p><u>law, Art. 12</u>).</p> <p>* - Fishing of living aquatic resources shall be prohibited during the period of spawning and fertilization of eggs.</p> <p>- catching turtles is prohibited during the period prescribed by the authorized agency. (<u>Id. Art. 13</u>).</p> <p>* The authorized Agency shall determine:</p> <ul style="list-style-type: none"> - areas of seasonally prohibited fishing - closed seasons and prohibited fishing species - catch quotas - prohibited fishing gear and equipment <p>[<u>Id. Art. 14 (a), (b), (d), (i)</u>].</p> <p>* Underwater fishing without licence is prohibited (<u>Id. Art. 15</u>).</p> <p>* Automatic fishing gear and seines shall not be used at depths of less than 40 meters (<u>Id. Art. 16</u>).</p> <ul style="list-style-type: none"> - drifting gillnets (Kayal) shall not

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
OMAN (Cont'd)			<p>be used at depths of less than 90 meters (<u>Id. Art. 17</u>)</p> <p>- fishing prohibited in prescribed zones (<u>Id. Art. 18-19</u>).</p>
PAKISTAN			<p><u>EEZ</u></p> <p>- using dynamite, explosive substance poison, lime or noxious material for fishing is prohibited.</p> <p>[<u>Exclusive Fishery Zone (Regulation of fishing) Act, 1975, S. 5</u>].</p> <p>- the Federal Government may, by notification make rules to determine:</p> <p>. the specifications of nets (<u>Id. S. 16</u>).</p> <p>. the size and quantity of fish to be caught (<u>Id.</u>).</p> <p>. closed seasons and prohibited areas (<u>Id. S. 6</u>).</p> <p><u>Territorial and internal waters</u></p> <p>* <u>Size of fish</u> <u>closed seasons</u></p> <p>-trout 9 inches 10 Oct./9 March</p> <p>-mahashair 12 inches 1 June/31 Aug.</p> <p>-rahu 12 inches 1 June/31 Aug.</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
PAKISTAN (Cont'd)			<p>- mori 12 inches 1 June/31 Aug. - thaila 12 inches 1 June/31 Aug.</p> <p>(West Pakistan Fisheries Ordinance, 1961, First Schedule).</p> <p>* <u>Lobsters</u> Catching of female lobsters loaded with eggs and lobsters of 15 cm (or under) is prohibited. If caught immediately released back into the sea alive. Measurement of lobsters: from the middle of curve between orbital spines to the tip of telson. <u>[Exclusive Fishery Zone (Regulation of fishing) Rules, 1976, R. 14].</u></p> <p>* <u>Shrimps</u> Catching of shrimp or prawns is prohibited from 1 June to 31 July <u>[Exclusive Fishery Zone (Regulation of fishing) Rules, 1976, Form B, Para. 6 (ii)].</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
QATAR	<p>The Fisheries Department and the Board of Living Aquatic Resources shall:</p> <ul style="list-style-type: none"> - propose a general plan for the conservation, development, processing and rational exploitation of living aquatic resources - propose programs for the regulation of fishing - co-ordinate the activities of government bodies concerned with living aquatic resources - develop and modernize means and methods of fishing - propose legislation on living aquatic resources <p><u>(Law N° 4 of 1983 on the exploitation and conservation of living aquatic resources in Qatar, Art. 3-4).</u></p> <p>The quantity of fish to be caught annually in the territorial waters of Qatar should be limited and distributed according to the four seasons with a view to conserving the fisheries resources and increasing reproduction in future <u>(Executive Regulations N° 2 of 1985 for the Law on the exploitation and conservation of living aquatic resources in the State of Qatar, Art. 26)</u></p>	<ul style="list-style-type: none"> - No fishing vessel and no artisanal fisherman shall fish without a licence issued by the competent authority <u>(Art. 7, 8 and 14).</u> - Licence to specify quantity of catch <u>(Law N° 4 of 1983, Art. 7, 14).</u> - The Fisheries Department shall determine the number of licences granted to fishermen and fishing vessels <u>(Id. Art. 13).</u> 	<ul style="list-style-type: none"> * <u>General</u> - Using methods such as poisons explosives, chemical substances, electrical means is prohibited <u>(Executive Regulations N° 2 of 1985, Art. 28).</u> - The Fisheries Department shall determine: <ul style="list-style-type: none"> - areas where fishing is prohibited during certain seasons - closed seasons - protected species <u>(Id. Art. 19)</u> * <u>Gear restrictions</u> - Prohibition, without permission of the Fisheries Department to: <ul style="list-style-type: none"> . use any kind of underwater fishing harpoon-guns . erect any barrier . use gill nets and other fixed fishing gear in shallow waters <u>(Id. Art. 21).</u> - Fishing trawlers shall not be used at depths under 25 meters <u>(Id. Art. 22).</u> * <u>Fish size</u> - Catching species of fishes under 15

TABLE F

FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
QATAR (Cont'd)	<p>Director of Fisheries may consult his counterparts in other countries on a joint plan for shared fisheries <u>(Law N° 4 of 1983, Art. 28).</u></p>		<p>cm long is prohibited except those specified by the Fisheries Department <u>(Id. Art. 25).</u></p> <ul style="list-style-type: none"> - Fish and shrimps smaller than the size prescribed by law shall be returned to water <u>(Id. Art. 17).</u> * <u>Closed seasons</u> Fishing of living aquatic resources is prohibited during reproduction and spawning seasons <u>(Id. Art. 18).</u> * <u>Mesh Size (minimum)</u> <ul style="list-style-type: none"> - trammel nets = 80 mm (two exterior layers) - seines, floating net, bottom-set nets, fish barriers, drift nets and fyke nets = 40 cm - pelagic trawls = 20 cm - shrimp nets = 15 cm <u>(Id. Art. 27)</u> * <u>Aquatic turtles and marine birds Eggs</u> Fishing aquatic turtles and eggs of marine birds is prohibited without the approval of the Fisheries Department <u>(Id. Art. 50).</u>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SAUDI ARABIA	* The Ministry of Agriculture and water shall regulate and supervise all fishing and diving operations for the exploitation and conservation of living aquatic resources in the territorial waters of the Kingdom and shall endeavour to develop them, provide their rational management and promote their activities <u>(Fishing Regulation, exploitation and conservation of living aquatic resources scheme, Art. 1).</u>	Ownership limited to one artisanal boat (except for present owner) <u>(Regulation on Fisheries in Saudi Arabia Part I, Reg. 10)</u> and one modern boat over 12 m. long <u>(Id. Part II).</u>	* <u>Fishing gear and techniques employed by artisanal fishermen</u> - Trawling is prohibited at depths less than 15 meters <u>(Regulations on Fisheries in Saudi Arabia, Part I, Reg. 1).</u> - Engine may not exceed 250 horse power <u>(Id. Reg. 2).</u> - Use of gill nets whose meshes are less than 2,5 inches is prohibited - except for sardines: 1 inch for the two wings of the net . 0,5 inch for the body of the net - and shrimp: 2,5 inches for the wings of the net . 1 inch for the body <u>(Id. Reg. 8)</u> * <u>Modern Fishing Boat</u> Fishing vessels may not exceed 15 meters in length and 250 horse-power <u>(Id. Part II).</u>

TABLE F

FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SEYCHELLES	<p>* The Seychelles Fishing Authority - promote, organize and develop fishing, fishing industries and fishing resources in Seychelles - assist in the formulation of the national policy (<u>S. 6 Seychelles Fishing Authority (establishment) Act, 1984.</u> [The Seychelles Fishing Authority shall prepare and keep under review plans for the management and development of fisheries, and shall when practical consult with other States for harmonization of Fisheries plans (<u>Fisheries Act, 1986, S. 3</u>) (not yet in force) .]</p>	<p>[Management measures may include schemes for limitation of entry (<u>Fisheries Act, 1986, S. 4</u>) (not yet in force). Fisheries plan shall indicate amount of fishing to be allocated to foreign vessels (<u>Id. S. 3</u>). Total amount of fishing allocated to foreign vessels (<u>Id. S. 3</u>). Total amount of fishing allocated by agreements may not exceed amount permitted by plan [<u>Id. S. 6 (2)</u>]. Licence conditions may include limits on catch (<u>Id. S. 12</u>).]</p>	<p>* <u>General</u> The Minister may determine: - fishing close seasons - areas of the EEZ in which fishing shall be reserved to local fishing vessels and local fishermen (<u>Control of foreign fishing vessels Decree, 1979 as amended, S. 19</u>). Fishing with unauthorized devices (such as explosives or poisonous substances) is prohibited [<u>Fisheries Act, Cap. 134, S. 11 (1)</u>]. Use of nets in fishing reserves is regulated (<u>Id. S. 7</u>). Catching of female crabe de carlet or camaron with adherent eggs is prohibited [<u>Id. S. 13 (1)</u>]. Catching of homard and langouste is prohibited [<u>Id. S. 13.A (1)</u>]. * <u>Fish size</u> For most species, the minimum length is 18 cm - oysters = 5 cm - crabe de carlet = 12 cm</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SEYCHELLES (Cont'd)			<p>- crabe de carlet (blue or green only) = 4 inches in width</p> <p>- camaron = 3,5 inches (<u>Id. Schedule</u>).</p> <p>Catching of marine mammals is prohibited without the permission of the President (<u>Marine mammals sanctuary Decree, 1979, S. 3</u>).</p> <p>Special regulations for marine shells (<u>Conservation of Marine Shells Act, 1981</u>), and turtles (<u>Turtles Act, Cap. 141</u>).</p>
SOMALIA	Ministry to ensure that modern fishing does not harm traditional fishing (<u>Law N° 23 of 30 November 1985, Art. 11</u>)		Forbidden to use or possess articles which are harmful to fish or to sell fish taken thereby (<u>Law N° 23 of 30 November 1985, Art. 5</u>)
SRI LANKA	The National Aquatic Resources Research and Development Agency shall: - provide advisory and consultancy services on scientific, technological and legal matters relating to the exploitation, management and development of aquatic resources.	Foreign licence condition include special provisions to assure the limitation of catch and effort Fisheries (<u>Regulation of foreign fishing boats</u>) Act N° 59 of 1979, S. 8).	* <u>General</u> Fishing with poison, explosives or chemical substances is prohibited (<u>Fisheries Ordinance, Cap. 212, S. 14</u>). The Minister may make regulations to: - prohibit or restrict the taking of

TABLE F
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SRI LANKA (Cont'd)	- co-ordinate the activities of institutions engaged in the exploitation, planning, research, development, control and management of aquatic resources <u>(The National Aquatic Resources Research and Development Agency Act N° 54 of 1981, S. 4).</u>		<p>fish during certain periods or seasons</p> <ul style="list-style-type: none"> - prohibit the use of any specified equipment - regulate the kind of fishing nets or prohibit use of certain fishing nets - prohibit the taking of fish of a smaller size. <u>[Id. S. 33 (i), (j), (1) and (p)].</u> - Prescribe areas reserved for local fishing <u>[Fisheries (Regulation of Foreign Fishing Boats) Act N° 59 of 1979, S. 7 (1)].</u> - Fishing activities are prohibited within 35 miles for foreign boats and 24 miles for joint venture boats <u>(Foreign Fishing Boats Regulations, 1981, Reg. 6).</u> - Fishing of spiny lobster the carapace length of which is less than 8 cm or the tail length of which is less than 11,5 cm <u>[The Spiny Lobster and Prawn (Shrimp) Regulations, 1973, Reg. 2].</u> - Fishing of spiny lobster in the soft shell stage is prohibited <u>[Id. Reg. 4 (1)].</u> - Fishing of spiny lobster carrying external eggs is prohibited <u>[Id. Reg. 6 (1)].</u>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SUDAN	The local Authority may regulate the fishing activities for the safeguarding and development of the Fisheries of Sudan (The Marine Fisheries Ordinance, 1937, S. 9).		<p>* <u>General</u></p> <ul style="list-style-type: none"> - use of explosives for taking fish is prohibited <p><u>(The Marine Fisheries Regulations, Reg. 7).</u></p> <ul style="list-style-type: none"> - The local Authority may: <ul style="list-style-type: none"> - restrict fishing in certain seasons . - prescribe fish size prohibit method of fishing <p><u>(The Marine Fisheries Ordinance 1937, Reg. 9)</u></p> <ul style="list-style-type: none"> - For the better conservation and development of fisheries, the Minister of Animal Resources may declare any part of territorial waters to be a closed area <p><u>(Id. S. 6).</u></p> <ul style="list-style-type: none"> - No fish, less than 8 inches in length measured from nose to apex of caudal fin shall be taken from the sea except certain species <p><u>(Regulations, Reg. 5).</u></p> <ul style="list-style-type: none"> - Cast net mesh size: <ul style="list-style-type: none"> - for sardines 3/4 inches - for all other fish 1,5 inches <p><u>(The Marine Fisheries Regulations, Reg. 6).</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
TANZANIA	The Minister may make regulations which, in his opinion, are necessary or expedient for the purpose of protecting, conserving, developing regulating and controlling the capture of fish <u>[The Fisheries Act, 1970, S. 7 (1)]</u>	The Minister may make regulations limiting or controlling the number and size of fishing vessels <u>[The Fisheries Act, 1970, S. 7 (2) (r)]</u> . - Licence conditions may include provisions limiting catch and <u>[The Fisheries (General) Regula-tions, 1973 as amended, Reg. 18 (2)]</u> .	* <u>General</u> The Minister may make regulations - providing for and regulating the description, specifications and form of nets to be used in fishing and the size of the meshes - providing for the protection of spawning areas - determining and imposing close periods <u>[The Fisheries Act, 1970, S. 7 (2) (e), (h) and (g)]</u> . - The Minister may impose restrictions and declare any area or waters to be a controlled area <u>(Id. S. 5)</u> . - Use of explosives, electrical device or any poisonous or noxious substance is prohibited <u>[The Fisheries (General) Regulations, 1973 as amended, Reg. 25]</u> . - Fishing in marine reserves is prohibited without authorization of the Director <u>[The Fisheries (marine reserves) Regulations, 1975, Reg. 3]</u> .

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
THAILAND			<ul style="list-style-type: none">- Placing poisonous or polluting substances in fishery waters is prohibited <u>(The Fisheries Act, 1947, as amended, S. 19).</u>- Use of explosives in fisheries is prohibited (except for scientific purposes) <u>(Id. S. 20).</u>- The Minister or provincial governor (with the approval of Minister) may regulate:<ul style="list-style-type: none">- the size of mesh and dimension of every kind of fishing implement- the methods of using every kind of equipment- the spawning and breeding seasons- the kind, size and maximum number of aquatic animals the fishing of which is authorized- protected species <u>(Id. S. 32).</u>
UNITED ARAB EMIRATES			Shrimp fishing and taking the fresh catch from the Gulf waters is prohibited from 1 April to the end of June. <u>(Decree of Council of Ministers N° 7/188 of 1982).</u>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
YEMEN ARAB REPUBLIC	An administrative body may coordinate, regulate and develop fishing activities in the Republic <u>(Fisheries Law N° 20 of 1978, Art. 2).</u>		<ul style="list-style-type: none"> - Fishing by use of explosives or other noxious substances is prohibited <u>[Fisheries Law N° 20 of 1978, Art. 6 (1)].</u> - The Minister may declare any area within the fishing limits to be a prohibited area or a conservation zone - Fishing in such area or zone without permit issued by the Minister is prohibited <u>(Id. Art. 7)</u> - Minister may issue necessary regulation <u>(Id. Art. 15).</u>
YEMEN DEMOCRATIC REPUBLIC			<ul style="list-style-type: none"> - Use of destructive fishing methods such as poisons, explosives, noxious substances, electronic energy is prohibited <u>[Law N° 24 of 1979 concerning the organization of the catches of marine resources, their exploitation and protection, Art. 3 (1)]</u> - Use of fishing methods and fishing materials which damage the marine resources and young fish is prohibited <u>[Id. Art. 3 (2)].</u>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
YEMEN DEMOCRATIC REPUBLIC (Cont'd)			<ul style="list-style-type: none">- The Minister will specify be resolution the timings places, methods and gear (<u>Id. Art. 11</u>).- Determination of prohibited fishing methods or materials (<u>Id. Art. 13</u>).- The Minister of Fish Wealth may issue regulations for the implementation of law (<u>Id. Art 23</u>).

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'		VESSEL	GEAR	CATCH
AUSTRALIA	Continental Shelf (Living Natural Resources) Act, 1968 S. 18	Up to A\$1 ,000	US\$ 645	NO	COURT	MAY	ORDER
	Fisheries Act 1952 S. 13	Up to A\$S 1,000	US\$ 645	NO	COURT	MAY	ORDER
BAHRAIN	Decree Promulgating Law N° 5 of 1981 on Fishing Regulation Art. 17	Up to 300 D.	US\$ 789	Up to 2 yrs.	COURT	MAY	ORDER
BANGLADESH	Marine Fisheries Ordinance, 1983	-	-	-	-	-	-
BURMA	NO	INFORMATION		-	-	-	-
COMOROS	-	-	-	-	-	-	-
DJIBOUTI	Law N° 52/AN- 78 of 9 January 1979 on the Territorial sea, Contiguous Zone, Maritime Fisheries and the Exercise of Fishing, Art 19	Unspecified fine (Amount to be fixed by decree)		-	-	-	-

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV . IN US\$'		VESSEL	GEAR	CATCH
EGYPT	Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms Art. 54	Up to £50 plus twice annual fee for period unlicensed	US\$ 37	Up to 3 mos.	COURT	MAY	ORDER
ETHIOPIA	Maritime Proclamation N° 137 of 1953 Art. 98	Unspecified			Regulations may provide for confiscation of fishing vessels - No such regulations made		
FRANCE DEPARTMENTS & DEP. TERRIT.	NO	INFORMATION					
INDIA (Kerala)	Governed by state laws Kerala Marine Fishing Regulations Act 1980 S.17	Up to R.5,000 (for value of fish less than R1 000) US\$ 79 5xvalue of fish (for value of fish more than R1 000) US\$ 79 R. 5,000 US\$ 396 (where no fish involved)	US\$ 396	NO	Adjudicating Officer may order		

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'		VESSEL	GEAR	CATCH
INDONESIA	Law N° 9 of 1985 on Fisheries Art. 25 (Fishing in internal waters and territorial Sea)	Up to R. 50 000 000 Where motor vessel 30 GT or more)	US\$ 30,788	Up to 5 yrs	COURT	MAY	ORDER
		Up to R. 25 000 000 Where motor vessel less than 30 GT)	US\$ 15,394	Up to 2 yrs	COURT	MAY	ORDER
	Law N° 9 of 1985 on Fisheries Art. 30 and Law N° 5 of 1983 on the Indonesian EEZ, Art. 16 (Fishing in EEZ)	Up to R. 225 000 000	US\$ 138,547	NO	COURT	MAY	ORDER
IRAN	NO	INFORMATIO N					
IRAO	Law N° 48 of 1976 for Regulating and exploitation of Aquatic life and its protection, Art. 28	Up to ID 200	US\$ 645	Up to 9 mos.	COURT	MAY	ORDER
ISRAEL	NO	INFORMATIO N					

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
JORDAN	Law No 25 on the Organization of Fishing Art 11 Code of Agriculture, 1973 Art. 186	Up to D.10 D. 10 to 50	US\$ 29 US\$ 29 - 147	Up to 1 mo.		COURT	MAY (Art 14)	ORDER
KENYA	Fish Industry Act, 1968 S. 9 (Fishing in territorial waters) Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules (Registration of boats)	Up to KS 20,000 Up to KS 1,000	US\$ 1,242 US\$ 62	Up to 2 yrs. In default of payment of fine Up to 3 mos.		COURT	MAY (S. 11)	ORDER
KUWAIT	Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources, Art. 12	D. 50 - 500 plus double licence fee	US\$172-1,718	NO		COURT	MAY	ORDER
MADAGASCAR	Maritime Code N° 66-007 5 July 1966 Art. 7.7.02 (unauthorized trawling)	25.000 up to 250.000	US\$ 34 US\$ 336	10 days up to 6 mos.	Double max. fine (Art. 7.7.05)	COURT SHALL ORDER ON SECOND OFFENCE		

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PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
MALAYSIA	Fisheries Act, 1985 S. 25	Up to R.50,000 (Owner/master)	US\$ 19,158	Up to 2 yrs.		COURT SHALL ORDER (S. 52)		
MALDIVES	-							
MAURITIUS	The Fisheries Act, 1980, S. 34	R. 500 up to R. 1,000 US\$ 76	US\$ 38	Up to 12 mos	Double fine 12 mos. up to 3 years	COURT MAY ORDER		
MOZAMBIOUE	-Diploma Legislative N° 65/71 15 June 1971 Art 59 – - Diploma Legislative N° 50/71 29 May 1971 Regulations on Shrimp Fishing, Art. 23	Up to E 50,000 Depending on seriousness of offence	US\$ 1,266	NO		CATCH FORFEITED (Art. 24)		
OMAN	Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Aquatic Resources, Art 28	R. 60	US\$ 156		Double	COURT MAY ORDER (ON THIRD OFFENCE)		
PAKISTAN	Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, S. 9	Up to R. 5,000	US\$ 296			COURT MAY ORDER		

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PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
OATAR	Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 26	Up to R. 2,000	US\$ 551	NO	Double	COURT MAY ORDER (ON THIRD OFFENCE)		
SAUDI ARABIA	Fishing Regulation, Exploitation and Conservation of Living Resources Scheme, Art. 13	Up to R.10,000	US\$ 2,667	Up to 6 mos.				
SEYCHELLES	Fisheries Act, CAP 134 S. 27	Up to R. 500	US\$ 84	Up to 2 mos.		COURT	MAY	ORDER
	[Fisheries Act 1986 S.24] [not yet in force]	R.10,000	US\$ 1,684	NO			COURT MAY ORDER [S. 25]	COURT SHALL ORDER
SOMALIA	NO	INFORMATION						
SRI LANKA	Fishery Ordinance CAP 212 S. 26	Up to R. 500	US\$ 18	Up to 6 mos.		COURT MAY ORDER (S. 30)		
SUDAN	Marine Fisheries Act 1937 S. 10 (Territorial waters)	S£ 50	US\$ 20	Up to 3 mos.		COURT	MAY	ORDER

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND D 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
TANZANIA	Fisheries (General) Regulations, 1973 R. 43	up to TS 10,000	US\$ 217	Up to 2 yrs.	Double fine			
THAILAND	Act Governing the Right to fish in Thai Fishery Waters, B.E 2482 (1939) S. 11	Up to B. 2,000	US\$ 77	Up to 1 yr.				
UNITED ARAB EMIRATES	NO	INFORMATION						
YEMEN (ARAB REPUBLIC)	Fisheries Law N° 20 1978 Art. 10	R. 10,000	US\$ 1,000	Up to 6 mos.		COURT	MAY	ORDER
YEMEN DEM. REPUBLIC	Law No 24 of 1979 Concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection Art. 21	Up to D. 10	US\$ 29	Up to 3 yrs.		COURT	MAY	ORDER

-TABLE H

PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	LOCAL CURRENCY	EQUIV. IN US\$			VESSEL	GEAR	CATCH
AUSTRALIA	Fisheries Act, 1952 S. 13AB, 13B	Not exceeding A\$ 5,000 (summary conviction*)	US\$ 3,226	NO		COURT MAY ORDER (S. 13C)		
		A\$ 250,000 (indictment)	US\$ 161,290					
		Continental Shelf (Living Natural Resources) Act, 1968, S 18	Up to A\$1,000 (Summary)	US\$ 645	upto 6 mos.			
		A\$1,000 up to A\$10,000 On indictment	US\$ 645 US\$ 6,452	upto 1 yr.				
BAHRAIN	Decree Promulgating Law N° 5 of 1981 on Fishing Regulation Art. 17	300 Dinars	US\$ 789	upto 2 yr.		COURT	MAY	ORDER
BANGLADESH	Marine Fisheries Ordinance, 1983	100,000 taka	US\$ 3,341	upto 3 yr.		COURT	MAY	ORDER
BURMA	Territorial Sea and Mari- time Zones Law 1977 S. 21	Unspecified		upto 10 yr.		COURT	MAY	ORDER

TABLE H

PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
COMOROS	Law N° 82-015, 13 August 1982, concerning the activity of foreign fishing vessels in the Comores maritime zones, Art. 14	FCFA 10,000,000 - 80,000,000	US\$ 30,120 to 240,964	NO	Double	COURT MAY ORDER	COURT SHALL ORDER	
DJIBOUTI	Law N° 52/AN/78 of 9 Jan 1979, Art. 19	Fines fixed by decree		NO				
EGYPT	Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms Art. 53	£5,000-10,000	US\$ 3,704 – US\$ 7,407	NO		COURT	MAY	ORDER
ETHIOPIA	Maritime Proclamation N° 137 of 1953 Art. 98	Unspecified				Regulations may provide for confiscation of fishing vessels using means of fishing prohibited by the regulations (No regulations yet made)		
FRANCE DEPARTMENTS & DEP. TERRIT.	Decree of 9 Jan. 1852 on Marine Fishing Operations (as amended) Art. 10	FF. 50,000 – FF. 500,000	US\$ 7,530 75,301	NO	Double Art.11	COURT	MAY	ORDER

TABLE H
PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
INDIA	Maritime Zones of India (Regulation of Fishing by Foreign vessels) Act, 1981, S. 10	R.1,000,000 (EEZ offences)	US\$ 79,114	NO		COURT MAY ORDER (S. 13)		
		R.1,500,000 (Offences in territ. sea)	US\$ 118,670	EEZ offences Up to 3 yrs. (Offences in territ. sea)				
INDONESIA	Law N° 5 of 1983 on the Indonesian EEZ, Art. 16 (Fishing in EEZ)	R. 225,000,000	US\$ 138,567	NO		COURT	MAY	ORDER
		R. 50,000,000 Where motor vessel 30 GT or more)	US\$ 30,788	Up to 5 yrs.		COURT	MAY	ORDER
		R. 25,000,000 Where motor vessel less than 30 GT)	US\$ 15,394	Up to 2 yrs		COURT	MAY	ORDER
IRAN	NO	INFORMATION						
IRAQ	Law N° 48 of 1976 for Regulating and exploitation of Aquatic life and its protection, Art. 28	Up to ID 200	US\$ 645	Up to 9 mos.		COURT MAY ORDER ON SECOND OFFENCE		COURT MAY ORDER
ISRAEL	NO	INFORMATION						

TABLE H

PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
JORDAN	Law N° 25 on the Organization of Fishing Art 11	Up to D.10	US\$ 29	Up to 1 mo.		COURT MAY ORDER (Art 13)		
	Code of Agriculture, 1973	D. 10 to 50 Art. 186	US\$ 29 - 147					
KENYA	Fish Industry Act, 1968 S. 9 (Fishing in territorial waters)	Up to KS 20,000	US\$ 1,242	Up to 2 yrs.		COURT SHALL ORDER (S. 11)		
KUWAIT	Decree Promulgating Law N°46 of 1980 on Conservation of Fisheries Resources, Art. 12	D 50- 500 plus double licence fee	US\$ 172- 1,718	NO		COURT	MAY	ORDER
MADAGASCAR	Maritime Code N° 66-007 5 July 1966 Art. 7.7.07	F. 250,000 up to F. 2,500,000	US\$ 336 to US\$ 3,356	10 days up to 6 mos.	Double max. fine (Art. 7.7.05)	COURT SHALL ORDER (ON SECOND OFFENCE)		
MALAYSIA	Fisheries Act, 1985 S. 25	R. 1,000,000 (Owner/master)	US\$ 383,142	NO		COURT SHALL ORDER (S. 52)		
		R. 100,000 (Crew members)	US\$ 38,314					

TABLE H

PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
MALDIVES	Regulations for issuing the licence to fish in the EEZ of the Republic of Maldives, S. 16	Unspecified fine		-				
MAURITIUS	Maritime Zones Act, 1977 S. 12 (new legislation under consideration)	200,000 rupees	US\$ 15 175	Up to 5 yrs.		COURT	MAY	ORDER
MOZAMBIOUE	Law N° 8/78 of 22 April 1978, Art. 8	Esc. 750,000 – Esc.10,000,000	US\$ 18,987 -253,165	NO		COURT MAY ORDER Fine not paid within 15 days COURT SHALL ORDER For offences in territorial sea and second offences		
OMAN	Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Aquatic Resources, Art 28	R. 60	US\$ 156	NO	Double	COURT MAY ORDER ON THIRD OFFENCE		
PAKISTAN	Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, S. 9	R. 5,000	US\$ 296	NO				COURT MAY ORDER

TABLE H

PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
QATAR	Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 26	2,000 Riyals	US\$ 551	NO	Double	COURT MAY ORDER (ON THIRD OFFENCE)		
SAUDI ARABIA	Fishing Regulation, Exploitation and Conservation of Living Resources Scheme, Art. 13	10,000 Riyals	US\$ 2,667	Up to 6 mos.				
SEYCHELLES	Control of Foreign Fish-Regulating and exploiting Vessels Decree, 1979 S. 12	750,000 Rupees	US\$ 126,263	NO		COURT MAY ORDER COURT MAY ORDER (ON THIRD OFFENCE) (S. 16)	COURT SHALL ORDER	
	[Fisheries Act 1986 S.24] [not yet in force]	10,000 Rupees	US\$ 1,684	NO		COURT MAY ORDER [S. 25]	COURT SHALL ORDER	
SOMALIA	Law on Somali Territorial Sea and Ports, 1972, Art. 5	5 000 Som Shs. to 100 000	US\$ 60 US\$ 1,196	No master liable criminal prosecution 2nd. offence	Double +master liable criminal offence	COURT MAY ORDER ON SECOND OFFENCE)		
SRI LANKA	Fisheries (Regulation of Foreign Fishing Boats) Act, 1979 S. 15	1,500,000 Rs.	US\$ 53,022	NO		COURT SHALL ORDER (S. 18)		

TABLE H

PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND D 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
SUDAN	Marine Fisheries Act, 1937, S. 10	£S. 50	US\$ 20	Up to 3 mos.		COURT	MAY	ORDER
TANZANIA	Fisheries (General) Regulations, 1973, R. 44	TS. 10,000 - TS. 15,000	US\$ 217 US\$ 326	2 - 3 yrs.	S 15,000- 20,000	COURT SHALL ORDER		
THAILAND	Act Governing the Right to Fish in Thai Fishery Waters 1939, BE 2482 S 11	2,000 Baht	US\$ 77	up to 1 yr.		COURT	MAY (S. 10)	ORDER
UNITED ARAB EMIRATES	NO	INFORMATION						
YEMEN (ARAB REPUBLIC)	Fisheries Law N° 20 1978 Art. 10	10,000 Riyals US\$ 1,000		up to 6 mos.		COURT	MAY	ORDER
YEMEN PEOPLES DEM. REP.	Act N° 45 of 1977 concerning the Territorial Sea, Exclusive Economic Zone, Continental Shelf and Other Marine Areas Art. 21	10,000 Dinars US\$ 29,155		Up to 3 yrs		COURT	MAY	ORDER

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
AUSTRALIA	Fisheries Act, 1952 S. 8 and 13	AS 1 000	US\$ 645	NO		COURT	MAY (S. 13C)	ORDER
		Where use of foreign boat						
		AS 5,000 (Summary)	US\$ 3,226					
		AS 50 000 (Indictment)	US\$ 32,258					
		AS 2,000 to AS 10,000 (Crew members)	US\$ 1,290 US\$ 6,4520					
BAHRAIN	Decree Promulgating Law N° 5 of 1981 on Fishing Regulation Art. 17	Unspecified fine		Unspecified term		COURT	MAY (S. 13C)	ORDER
BANGLADESH	Marine Fisheries Ordinance, 1983	-						
	Mesh sizes S. 27	T. 100,000	US\$ 3,341					
	Use of explosives S. 26	T. 100,000	US\$ 3,341					
	Breach of Rules S. 55	T. 50,000	US\$ 1,671					
BURMA	NO	INFORMATION				COURT MAY ORDER [S. 25]		COURT SHALL ORDER

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
COMOROS	Law N° 82-015, 13 August 1982, concerning the act - ivity of foreign fishing vessels in the Comores maritime zones, Art. 14 (Foreign vessels - Contra vention licence conditions	FCFA 10,000,000 80,000,000	US\$ 30,120 US\$ 240,964	NO	Double		COURT MAY ORDER	
DJIBOUTI	Decree N° 80-062/PR/MCTT 25 May 1980 on the Protection of fauna and the sea bottom. Art. 12	F. 300,000 to F. 2,000,000	US\$ 1,695 US\$ 11,299	NO	Fine + prison 3mo -1 year		COURT MAY ORDER	
EGYPT	Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms Art. 55	£50 - £100	US\$ 37 - 74	3-6 mo	Double		COURT MAY ORDER (ON SECOND OFFENCE)	
ETHIOPIA	Maritime Proclamation N° 137 of 1953, Art. 98	Unspecified					Regulations may provide for confiscation of fishing vessels using means of fishing prohibited by the regulations (No regulations yet made)	

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
INDONESIA	Law N° 9 of 1985 on Fisheries Art. 27 (Fishing in internal waters and territorial Sea)	Up to R. 25 000 000	US\$ 15,394	NO		COURT	MAY	ORDER
	Law N° 9 of 1985 on Fisheries Art. 30 and Law N° 5 of 1983 on the Indonesian EEZ, Art. 16 (Fishing in EEZ)	Up to R. 225 000 000	US\$ 138,547			COURT	MAY	ORDER
IRAN	NO	INFORMATION						
IRAQ	Law N° 48 of 1976 for Regulating and exploitation of Aquatic life and its protection, Art. 28	Up to ID 200	US\$ 645	Up to 9 mos.		COURT MAY ORDER ON SECOND OFFENCE		COURT MAY ORDER
ISRAEL	NO	INFORMATION						
ORDAN	Law N° 25 on the Organization of Fishing Art 11	Up to D.10	US\$ 29	Up to 1 mo.		COURT	MAY (Art 14)	ORDER
	Code of Agriculture, 1973 Art. 186	D. 10 to 50	US\$ 29 - 147					

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
KENYA	Fish Industry Act, 1968 S. 8	Up to KS 10,000	US\$ 621	Up to 1 yr				COURT MAY ORDER (S. 11)
KUWAIT	Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources, Art. 12	D. 50 - 500 plus double licence fee	US\$172-1,718	NO		COURT	MAY	ORDER
MADAGASCAR	Maritime Code N° 66-007 5 July 1966 Art. 7.7.02 " "Art. 7.7.03	25,000 up to 250,000 FCFA trawl offences 25,000 up to 125,000 FCFA other offences	US\$ 34 US\$ 336 US\$ 34 US\$ 168	10 days up to 6 mos. 10 days up to 3 mos	Double max. fine (Art. 7.7.05)	COURT SHALL ORDER ON SECOND OFFENCE		
MALAYSIA	Fisheries Act, 1985 S. 19 (Breach of licence conditions - foreign vessels) Up to R. 5,000 US\$ 1,916 Fisheries (Maritime) Regs 1967	Up to 1 Up to R 100,000 (Owner/master) (Crew members) Up to R. 1,000	US\$ 38,314 US\$ 383	NO Up to 1 year		COURT SHALL ORDER (S. 52)		
MALDIVES	-							

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
MAURITIUS	The Fisheries Act, 1980, S. 34	R. 500 up to R. 1,000	US\$ 38 US\$ 76	Up to 12 mos	Double fine 12 mos. up to 3 years	COURT	MAY	ORDER
MOZAMBIQUE	-Diploma Legislativo N° 65/71 15 June 1971, Regulation on Marine Fisheries Art 59, 60 and 62	Up to E 50,000 According to seriousness of offence. (Closed areas, seasons, gear restrictions) Up to E.30,000 other offences Up to E 50,000 According to seriousness of offence. Esc. 250,000 - 5,000,000 According to seriousness of offence.	US\$ 1,266 US\$ 759 US\$ 1,266	NO				COURT MAY ORDER (Art. 24)
	-Diploma Legislativo N° 50/71 29 May 1971 Regulations on Shrimp Fishing, Art. 23 -Law N 8/78 of 22 April 1978, Art. 10 (Offences by foreign vessels)		US\$6,329 US\$126,582	NO				CATCH FORFEITED COURT MAY ORDER Fine not paid within 15 days

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
OMAN	Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Aquatic Resources, Art 27	Up to R. 30	US\$ 78	NO	Double + suspension/cancellation licence			
PAKISTAN	Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, S. 9 (Exclusive Fishing Zone)	Up to R. 5,000	US\$ 296	NO				COURT MAY ORDER
	West Pakistan Fisheries Ordinance, 1961 S. 17 (Offences in territ. sea up to 1 marine league)	Up to R. 100 Up to R. 500 (for certain offences)	US\$ 6 US\$ 30	Up to 3 mos. (for certain offences)				COURT MAY ORDER (S. 20)
QATAR	Law N° A of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 26	Up to R. 2,000	US\$ 551	NO	Double + suspension/cancellation licence on 3rd offence			COURT MAY ORDER (ON THIRD OFFENCE)

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	LEGISLATIVE AUTHORITY	FINES		IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
		'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
SAUDI ARABIA	Fishing Regulation, Exploitation and Conservation of Living Resources Scheme, Art. 13	Up to R.10,000	US\$ 2,667	Up to 6 mos.				
SFYCHELLES	Fisheries Act, CAP 134 S. 27	Up to R. 250	US\$ 42	Up to 2 mos.				COURT MAY ORDER
	Control of Foreign Fishing Vessels Decree, 1979 S. 12 (Breach licence conditions)	Up to R. 500 for certain offences	US\$ 84					
	[Fisheries Act 1986 S.24] [not yet in force]	Up to R 750,000	US\$ 126,262	NO				COURT MAY ORDER COURT MAY ORDER ON SECOND OFFENCE (S. 16)
		Up to R.10,000	US\$ 1,684	NO				COURT MAY ORDER COURT SHALL ORDER [S. 25]
SOMALIA	[Fishery Law N° 23 of 30 November 1985, Art. 12]	Up to S. Sh. 50,000,000	US\$ 5,981,000	Up to 10 yrs				COURT MAY ORDER (Art. 14)
SRI LANKA	Fishery Ordinance CAP 212 S. 26	Up to R. 500	US\$ 18	Up to 6 mos. for certain offences				COURT MAY ORDER (Art. 18)
	Fisheries (Regulation of Foreign Fishing Boats) Act, 1979 S. 16 (Breach of licence conditions)	Up to R 750,000	US\$ 26,511					

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
SUDAN	Marine Fisheries Regulations, 1960, S. 8	Up to S£ 10	US\$ 4	Up to 3 mos.		COURT	MAY	ORDER
TANZANIA	Fisheries (General) Regulations, 1973 R. 43	up to TS 10,000	US\$ 217	Up to 2 yrs	Double fine and/or 5 yrs			
THAILAND	Fisheries Act, 1947 B.E. 2490 S. 65	B. 5,000 up to B. 100,000	US\$ 193 US\$ 3,854	Up to 1 yr		COURT	MAY (S. 69)	ORDER
UNITED ARAB EMIRATES	NO	INFORMATION						
YEMEN (ARAB REPUBLIC)	Fisheries Law N° 20 1978 Art. 10	Up to R.10,000	US\$ 1,000	Up to 6 mos.		COURT	MAY	ORDER
YEMEN PEOPLES DEM. REP	Law N° 24 of 1979 Concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection Art. 21	Up to D. 10	US\$ 29	Up to 3 yrs		COURT	MAY	ORDER

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NOTE: Texts of Legislation reproduced in Regional Compendium of Fisheries Legislation (Western Pacific Region), FAO Legislative Study No. 35, FAO, Rome 1984

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(e) Western Australia

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1. LIMITS OF NATIONAL JURISDICTION

Territorial Waters Jurisdiction Act, 1878

An Act to regulate the law relating to the Trial of Offences committed on the Sea within a certain distance of the Coast of Her Majesty's Dominions.

Whereas the rightful jurisdiction of Her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of Her Majesty's dominions to such a distance as is necessary for the defence and the security of such dominions;

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

...

2. - Amendment of law as to jurisdiction of the Admiral. - An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, in an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

3. - Restriction on institution of proceedings for punishment of offence. - Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

4. - Provisions as to procedure. - On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

5. - Saving as to jurisdiction. - Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

6. - Saving as to piracy. - This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of any other Act of Parliament, law, or custom relating thereto.

7. - Interpretation. - In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to the; (that is to say,)

"The jurisdiction of the Admiral", as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer;

"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands;

"The territorial waters of Her Majesty's dominions", in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

BAH 3

"Governor", as respects India, means the Governor General ...; (and as respects a British possession which) consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor";

"Offence" as used in this Act means an act neglect or default of such a description as would, if committed within the body of a country in England, be punishable on indictment according to the law of England for the time being in force;

"Ship" includes every description of ship, boat, or other floating craft;

"Foreign ship" means any ship which is not a British ship.

2. BASIC FISHERIES LEGISLATION

Decree Promulgating Law N° 5 of 1981 on Fishing Regulation

Article 1. - In these Articles the following words and terms have the meaning hereby assigned to them:

- (a) Authorized official - Any official delegated by the decision of the Minister of Commerce and Agriculture to inspect fishing vessels and fish barriers, and control violations of the provisions of this Law and make reports on violations committed.
- (b) Fishing vessel - Any vessel or boat registered in the State of Bahrain for catching or selling fish.
- (c) Registration certificate - Registration certificate issued by Vessel Registration Office under the provisions of the present Law.
- (d) Fishing vessel proprietor - Anyone who provides a registered vessel for catching or selling fish for his account whether the vessel pertains to him or under lease, for this purpose, with his approval.
- (e) Fish - Any aquatic living organisms whether it is a fish, oyster, crustacean, sea-turtle, aquatic mammals, marine vegetation or coral deposit.
- (f) Fishing gear - Any equipment of technique employed for fishing.
- (g) Fishing ground - Territorial waters of the State of Bahrain.
- (h) Fishing zone - The aquatic area within the territorial waters where fishing is practiced.
- (i) Licence - Fishing licence issued by the Fisheries Resources Department of the Ministry of Commerce and Agriculture under the provisions of the present Law.

Article 2. - In addition to the registration of vessels at the port of Salman in compliance with the provisions of the Decree promulgating Law N° 14 of 1978 on the registration of vessels and specification of their safety conditions, which stipulate the registration of vessels at port authorities, and the Decree promulgating Law N° 20 of 1979 on the registration and safety conditions of small vessels, fishing vessels should also be registered at the Fisheries Resources Department of the Ministry of Commerce and Agriculture without any fees under the regulations issued by the Minister of Commerce and Agriculture. The registration cited in the previous paragraph does not render unnecessary obtaining the licence mentioned under Article 3 of the present Law.

BAH 5

Article 3. - With the exception of the following crafts (boats and vessels) it shall be unlawful to fish within the fishing ground - whether by fish barriers or vessels - without a licence issued by the Fisheries Resources Department of the Ministry of Commerce and Agriculture:

- (a) small vessels without inboard engines;
- (b) small boats that are part of bigger vessels or ships, and which could be hoisted on board the vessel they belong to;
- (c) other vessels used for commercial or excursion purposes.

It shall be prohibited for these vessels to use fishing trawls set abaft.

Article 4. - Fishing licences shall be issued only to vessels registered, in the State of Bahrain, for fishing. Vessels not registered in Bahrain and not flying its flag may be granted licence by the Minister of Commerce and Agriculture to fish in the fishing zones provided they are registered in their respective countries for the purpose of catching fish.

Article 5. - The Fisheries Resources Department shall keep two registers: one for fishing licences of vessels and the other one for licences for the erection and use of fish barriers. Likewise, relevant forms shall be prepared to obtain or renew these licences. The Minister of Commerce and Agriculture shall issue necessary regulations for keeping the said two registers.

Article 6. - The proprietor of fishing vessels or fish barriers shall apply to the Fisheries Resources Department to obtain a fishing licence using relevant forms. The application for fishing vessel licences should contain the following particulars:

- (a) name of the proprietor, his nationality and address in Bahrain;
- (b) name of the vessel and port registration number;
- (c) the harbour where the vessel usually is stationed;
- (d) other particulars concerning the fishing vessel required by the Fisheries Resources Department.

True copy of the vessel's registration certificate and its lease contract - if it is chartered - shall be attached to the application form. The application for licences for the erection or use of fish barriers should contain the following particulars:

- (a) name of the proprietor of the fish barrier and the name of the person using the barrier (if there is one);
- (b) location and limits of the barrier.

To the application shall be attached a written consent of the proprietor of the location where the barrier is to be erected.

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Article 7. - The licences, issued under the provisions of the present Law, shall be valid for one year and a half for vessels and one year for barriers.

Article 8. - Renewal applications for fishing vessels or fish barriers should be addressed to the Fisheries Resources Department on the relevant forms, and should be forwarded, in the manner described in the previous Article, fifteen days at most before the expiry of the licence, or else the licence shall be null and void.

Article 9. - Fees for issuing fishing licences or their renewal shall be determined by the Minister of Commerce and Agriculture after obtaining the approval of the Council of Ministers. Licences shall not be issued or renewed before paying the established fees.

Article 10. - The Fisheries Resources Department may refuse to grant fishing licences to the proprietor of vessels or barriers if it finds out that the use of vessels could be dangerous or harmful to fisheries resources, or the use of fish barriers has a negative effect on other barriers located in the same area, or on the fisheries resources on the whole. The Fisheries Department may also refuse to renew licences, abrogate or withdraw them for a period it deems fit for reasons concerning the fishing interests. The parties concerned may complain against Fisheries Department's decision on the said matters to the competent court within fifteen days from the date of receiving notification to this effect.

Article 11. - Licences shall be issued in the name of the proprietor of the fishing vessel or fish barrier. They may be abrogated in the following cases:

- (a) if the ownership of the vessel or barrier is transferred from the licensee to a non-Bahraini citizen unless the Fisheries Resources Department had agreed to such a transfer in accordance with the application of the transferee under the provisions of the present Law;
- (b) if the vessel registration is cancelled;
- (c) if the particulars of the vessel or fish barrier have been altered and do not agree with those in the registers unless the proprietor of the vessel or the barrier had notified the Fisheries Department in writing of these changes within thirty days from the date of their occurrence.

Article 12. - When requested the master of the vessel, proprietor of the barrier or the person responsible for its use show the fishing licence to coast guards and other authorized officials.

Article 13. - Proprietor of the vessel, or barrier or the person responsible for their use shall:

- (a) not cause any damage to fish barriers and fishing gear used in fishing zones;

- (b) furnish the Fisheries Resources Department with information on the vessel or barrier.

Article 14. - It shall be absolutely unlawful to catch fish in the fishing area using explosives or poisonous or lethal substances harmful to the fish or public health, or any other devices or gear that are harmful to the fisheries resources. Likewise, it shall be prohibited to do any digging or filling works in the fishing zones that may cause harm to the fisheries resources unless the Fisheries Resources Department agrees to it.

Article 15. - The Minister of Commerce and Agriculture shall issue regulations for the enforcement of the provisions of the present Law, particularly the following:

- (a) prohibit catching fish within any area of the fishing zone;
- (b) prohibit the use of any vessel, barrier, gear or technique that could be harmful to the fisheries resources;
- (c) specify the types of nets used for fishing, and the minimum measurements of meshes;
- (d) lay down rules and procedures for the inspection of the places where fresh or processed fish are preserved, stored or sold, with a view to confiscating such catch as unfit for human consumption and destroying it under the provisions of the Public Health Law;
- (e) exempt any body or party from the provisions of this Law when it is officially charged to carry out researches or experiments on the development of fisheries resources or such matters as their conservation;
- (f) enforce fishing vessels to display identification numbers and signs, and to comply with other requirements such as the form, viability, safety, size and other special specifications for the preservation of the catch;
- (g) regulate any other matters concerning the conservation of the fish stock and preserve it within the fishing ground;
- (h) statistics and data concerning fisheries resources.

Article 16. - Coastal guards and authorized officials may inspect fishing vessels and fishing zones to ascertain the enforcement of the provisions of this Law and its regulations. They may check fishing licences to ascertain any violations of this Law and its regulations and put them in writing. They may accompany the vessel with its onboard fishing gear and catch to the nearest port, or arrest the offender to deliver him to the nearest police station.

Article 17. - (1) Anyone violating the provisions of Article 14 of this Law shall be punishable by imprisonment and a fine or either of the two penalties and the confiscation of his equipment and gear.

(2) Any other violations of the provisions of this Law and its regulations shall be punished by imprisonment up to two years and a fine to the amount of three-hundred Dinars or either of the two penalties. The vessel, catch or fishing gear of the offender may be confiscated and the barrier be dismantled at the expense of the offender.

Article 18. - Any other regulations contradicting this Law shall be abrogated.

Article 19. - The Ministers concerned shall implement the articles of this Law which shall be effective one month after its publication in the Official Gazette.

3. REGULATIONS

- (b) Decree N° 14 of 1981 on Registration of Licences for Erection of Fishing Barriers:
Form for Obtaining and Renewing these Licences and Fees to be collected

Article 1. - A special register shall be kept at the Fisheries Resources Department for the registration of licences for the erection and use of fish barriers.

Article 2. - The application for a licence for the erection and use of fish barriers shall be submitted to the Fisheries Resources Department, Ministry of Commerce and Agriculture, by the proprietor of the barrier on the attached form.

Article 3. - Applications for licences and their renewal shall be registered in a special book under consecutive serial numbers according to their dates of submission. The applicant shall be given a receipt with the following particulars:

- (a) consecutive serial number of the application;
- (b) date of submitting the application;
- (c) name of the applicant.

Article 4. - A separate page shall be assigned to each licence mentioned under Article 1, and the page for registering licences shall contain the following:

- (a) name of the fish barrier, its location and boundary and code number;
- (b) name of the proprietor of the barrier, his passport number and address;
- (c) number and date of the fish barrier licence;
- (d) licence renewal date and its validity;
- (e) number and date of the title deeds;
- (f) name of the person utilizing the fish barrier (if there exists one), his address and passport number.

Article 5. - A fee of one Dinar shall be paid to the account of the Fisheries Resources Department against the granting or the renewal of the licence for erecting and utilizing a fish barrier.

Article 6. - Owners of the present fish barriers shall be granted a grace period of two months from the effective date of this Decree to obtain licences for the erection and utilization of their barriers.

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Article 7. - Any barrier without a licence for its erection or utilization under the provisions of this Decree shall be dismantled.

Article 8. - Any violation of the provisions of this Decree shall be punishable by the penalties specified under Article 17 of the Law N° 5 of 1981 on the Regulation of Fishing.

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Form attached to Decree N° 14 of 1981

Application Form for the Erection of Fish Barriers

Date

Name of the applicant

Passport or identity card N°

Address and telephone N°

Name of the fish barrier

Location of the barrier

Boundary (north)

(east)

(south)

(west)

Name of the original proprietor

Passport or identity card N°

Address and telephone N°

With this application shall be attached the proprietor's written approval and copy of the title deed if the barrier is not registered in the registers of the Fisheries Resources Department.

The boundary should be well defined on the back of this application form.

Applicant's signature

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(d) Decree N° 16 of 1981 on Registration of Fishing Vessels at Fisheries Resources Department

Article 1. - Proprietors of the fishing vessels, subject to the provisions of Law N° 5 of 1981 should apply, prior to obtaining fishing licences, for the registration of the vessels, free of change fees, at the Fisheries Resources Department. Ministry of Commerce and Agriculture.

Article 2. - Proprietors of the fishing vessels referred to under Article 1 of this Decree should have these vessels registered at the Fisheries Resources Department whether or not subject to the provisions of the Law on the registration and safety conditions (Law N° 14 of 1978) and the provisions of the Law N° 20 of 1979 on the registration and safety conditions of small vessels.

Article 3. - The application form (as attached with this Decree) for vessel registration mentioned under Article 1 shall be submitted to the Fisheries Resources Department.

Article 4. - A registration book shall be kept at the Fisheries Resources Department known as "fishing vessel register" whose pages shall be numbered. Each vessel shall be registered on a separate page with all the particulars of the vessel as described on the registration form.

Article 5. - Proprietors of the operating fishing vessels shall be granted a grace period of two months from the effective date of the present Decree to have their vessels registered in conformity with the provisions of this Decree.

Article 6. - Any violation of the provisions of this Decree shall be subject to the penalties under Article 17 of the Law N° 5 of 1981 on the Regulation of Fishing.

Article 7. - This Decree shall be published in the Official Gazette and shall be effective on the first day of corresponding to 1, 1982.

Form Attached with Decree N° 16 of 1981

Application for the Registration of Fishing Vessels

Please enter the fishing vessel on the register of the Fisheries Resources Department in conformity with the particulars mentioned hereunder. Copy of the vessel,s registration certificate issued by the Ports Authority is attached herewith.

Proprietor's signature

Name of the proprietor

Nationality/passport or identity card N°

Address and telephone N°

Name of the vessel

Registration N°

Type and year of make

Place of make

Length of the base

Horse power of the engine

Type of the engine

Name of the harbour where the vessel is usually stationed

Certificate and documents attached with the application

- 1
- 2

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- (e) Decree N° 17 of 1981 on Registration of Fishing Vessels Licences, the Form for Obtaining and Renewing these Licences and Fees to be Collected

Article 1. - A registration book shall be kept at the Fisheries Resources Department as "register of fishing vessel licences".

Article 2. - The proprietor of the vessel shall apply for a fishing vessel licence to the Fisheries Resources Department on the attached form.

Article 3. - Applications for such licences or their renewal shall be registered on a special book under consecutive serial numbers according to their dates of submission.

The applicant shall be given a receipt containing the following particulars:

- (a) serial number of the application;
- (b) submission date of the application;
- (c) name of the applicant.

Article 4. - A separate page shall be assigned to each licence in the register mentioned under Article 1, and it shall contain the following particulars:

- (a) name of the vessel, its registration number as well as its specifications at the Port Authority and Fisheries Resources Department;
- (b) name, address and passport number of the proprietor;
- (c) number and date of the fishing vessel licence;
- (d) the renewal date of the licence and duration;
- (e) name of the person (if there is one) using the vessel and his passport number.

Article 5. - A charge of fifteen Dinars shall be paid to the account of the Fisheries Resources Department for obtaining a fishing vessel licence. A charge of ten Dinars shall be paid for its renewal.

Article 6. - Proprietors of the operating fishing vessels shall be granted a grace period of two months from the effective date of this Decree to obtain a fishing licence under the provisions of this Decree.

Article 7. - Anyone violating the provisions of this Decree shall be subject to the penalties under Article 17 of Law N° 5 of 1981 on the Regulation of Fishing.

Article 8. - This Decree shall be published in the Official Gazette and shall enter into force therewith.

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Form attached to Decree N° 17 of 1981

Application for Fishing Vessels

Date

Name of the proprietor

Full address and telephone N°

Passport or identity card N°

Name of the vessel

Registration number at Ports Authority

Registration number at Fisheries Resources Department

Name of the harbour where the vessel is usually stationed

Applicant's signature

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1. LIMITS OF NATIONAL JURISDICTION

(a) Territorial Waters and Maritime Zones Act, 1974

ACT No. XXVI OF 1974

1. - Short title. - This Act may be called the Territorial Waters and Maritime Zones Act, 1974.

2. - Definitions. - In this Act, unless there is anything repugnant to the subject or context:

- (a) "conservation zone" means a conservation zone established under section 6;
- (b) "contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;
- (c) "continental shelf" means the continental shelf of Bangladesh referred to in section 7;
- (d) "economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;
- (e) "territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

3. - Territorial waters. - (1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh, which shall be the territorial waters of Bangladesh specifying in the notification the baseline

- (a) from which such limits shall be measured; and
- (b) the waters on the landward side of which shall form part of the internal waters of Bangladesh.

(2) Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seawards from the main coast or baseline, territorial waters shall extend to the limits declared by notification under sub-section (1) measured from the low waterline along the coast of such island, rock or composite group.

(3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the bed and subsoil of such waters.

(4) No foreign ship shall, unless it enjoys the right of innocent passage, pass through the territorial waters.

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(5) Foreign ship having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

(6) The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7) No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

(8) The Government may take such steps as may be necessary:

- (a) to prevent the passage through the territorial waters of any foreign ship having no right of innocent passage;
- (b) to prevent and punish the contravention of any law or rule in force in Bangladesh by any foreign ship exercising the right of innocent passage;
- (c) to prevent the passage of any foreign warship without previous permission of Government; and
- (d) to prevent and punish any activity which is prejudicial to the security or interest of the Republic.

Explanation - In this section "warship" includes any surface or sub-surface vessel or craft which is or may be used for the purpose of naval warfare.

4. - Contiguous zone. - (1) The zone of the high seas contiguous to the territorial waters and extending seawards to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation in force in Bangladesh relating to:

- (a) the security of the Republic;
- (b) the immigration and sanitation; and
- (c) customs and other fiscal matters.

5. - Economic zone. - (1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

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(2) All natural resources within the economic zone, both living and non-living, on or under the seabed and subsoil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in sub-section (2) shall be deemed to affect fishing within the economic zone by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

6. - Conservation zone. - The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

7. - Continental shelf. - (1) The continental shelf of Bangladesh comprises:

- (a) the seabed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and
- (b) the seabed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to sub-section (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of, a licence or permission granted by Government explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf:

Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Explanation - Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

8. - Control of pollution. - The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

9. - Power to make rules. - (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide

- (a) for the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;
- (b) for measures to protect, use and exploit the resources of the economic zone;
- (c) for conservation measures to protect the living resources of the sea;
- (d) for measures regulating the exploration and exploitation of resources within the continental shelf;
- (e) for measures designed to prevent and control of marine pollution of the high seas.

(3) In making any rule under this section the Government may provide that a contravention of the rule shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand takas.

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(b) Notification of Foreign Affairs Ministry of April 13, 1974

No. LT-1/3/74. - In exercise of the powers conferred by sub-section (1) of section 3 of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), and in supersession of any previous declaration on the subject, the Government is pleased to declare that the limits of the sea specified in paragraph 2 beyond the land territory and internal waters of Bangladesh shall be the territorial waters of Bangladesh.

2. - The limits of the sea referred to in paragraph 1 shall be twelve nautical miles measured seaward and the baselines set out in paragraph 3 so that each point of the outer limit of the sea to the nearest point inward on the baselines is twelve nautical miles.

3. - The baselines from which territorial waters shall be measured seaward are the straight lines linking successively the baseline points set out below:

Baseline Point	Geographical co-ordinates baseline point	
	Latitude	Longitude
No. 1	21°12' 00"N.	89 °06'45"E.
No. 2	21°12' 00"N.	89 °16'00"E.
No. 3	21°29'00"N.	89°36'00"E.
No. 4	21°21'00"N.	89°55'00"E.
No. 5	21°11'00"N.	90°33'00"E.
No. 6	21°07'30"N.	91°06'00"E.
No. 7	21°10'00"N.	91°56'00"E.
No. 8	20°21'45"N.	92°17'30"E.

No. LT-1/3/74. - In exercise of the powers conferred by sub-section (1) of section 5 of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), the Government is pleased to declare that the Zone of the high seas extending to 200 nautical miles measured from the baselines shall be the economic zone of Bangladesh.

2. BASIC FISHERIES LEGISLATION

(a) Marine Fisheries Ordinance, 1983

PART I - PRELIMINARY

1. - Short title and commencement. - (1) This Ordinance may be called the Marine Fisheries Ordinance, 1983.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. - Definitions. - In this Ordinance, unless there is anything repugnant in the subject or context:

- (a) "Bangladesh fisheries Waters" means the territorial waters and economic zone of Bangladesh as declared by the Government under the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974), and any other marine waters over which has, or claims to have, jurisdiction under law with respect to the management, conservation and development of the marine living resources;
- (b) "Director" means the person appointed as such under section 4;
- (c) "fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle or aquatic mammal, and the young, fry, eggs and spawn thereof;
- (d) "fishery" means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;
- (e) "fishing" means catching, taking or killing fish by any method, and includes attempting to catch, take or kill fish by any method;
- (f) "fishing vessel" means any vessel used for fishing or for processing carriage or storage of fish, and includes any vessel used in support of, or ancillary to, fishing operation but does not include any vessel carrying fish as part of a general cargo unless that vessel is engaged in operations in support of, or ancillary to, fishing operations;
- (g) "foreign fishing vessel" means any fishing vessel other than a local fishing vessel;
- (h) "licence" means a licence issued in accordance with the provisions of this Ordinance or the rules made thereunder;

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- (i) "local fishing vessel" means any fishing vessel
 - (i) wholly owned by one or more persons who are citizens of Bangladesh; or
 - (ii) wholly owned by any company, society or other association of persons established under the law of Bangladesh of which at least 51 percent of the shares are held by citizens of Bangladesh and includes any fishing vessel registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements; or
 - (iii) wholly owned by the Government or by a statutory corporation established under a law of Bangladesh;
- (j) "prescribed" means prescribed by rules made under this Ordinance;
- (k) "skipper", in relation to a fishing vessel, means the person for the time being having command or charge of the vessel.

3. - Provisions regarding non-mechanised local fishing vessels and local fishing vessels with limited horsepower. - (1) The Government may, by notification in the official Gazette, exempt, subject to such conditions, if any, as may be specified therein, any local fishing vessel or class of vessels from the provisions of Part III for such period as may be specified in the notification.

(2) The Government may, by notification in the official Gazette, declare zone in which only non-mechanized local fishing vessels or mechanized local fishing vessels of such tonnage as the Government may, by notification in the official Gazette, determine may engage in fishing operation or in which fishing operations by other fishing vessels may be restricted.

PART II - ADMINISTRATION

4. - Government may appoint Director and other fisheries officers. - The Government may appoint a person to be the Director and such other fisheries officers as may be necessary for the purposes of implementing the provisions of this Ordinance and the rules made thereunder.

5. - Director responsible for management, etc. - The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries and the implementation of the objectives of this Ordinance.

6. - Delegation of powers. - (1) The Government may delegate all of its power under this Ordinance or the rules made thereunder other than making of rules to the Director.

(2) The Director may likewise delegate all or any of his powers under this Ordinance or the rules made thereunder, not being a power delegated to him by the Government under sub-section (1) to fisheries officers appointed by the Government under section 4.

7. - Types, classes and numbers of fishing vessels. - Having regard to the requirement of fisheries management and development plans, the Government may, by notification in the official Gazette, specify types, classes and number of fishing vessels that can be deployed in the Bangladesh fisheries waters:

Provided that the Government may exempt fishing vessels already permitted to operate prior to the coming into force of this Ordinance.

PART III - GENERAL PROVISIONS GOVERNING LICENCES

8. - Director to issue licences. - The Director shall be responsible for issuing licences in respect of all marine fishing in the Bangladesh fisheries waters.

9. - Applications for licences. - (1) Applications for licences or for the renewal thereof shall be made in such form and on payment of such fees as may be prescribed.

(2) The amount of fee may be determined in lump sum or calculated on the basis of size or capacity of the vessel or vessels, if operating as a team, or on any other basis.

10. - Validity of licences. - Any licence issued in accordance with the provisions of this Ordinance or the rules made thereunder shall be valid for a period of not more than one year.

11. Licences not transferable except with written permission. - No licence shall be transferable except with the written permission of the Director endorsed upon such licence.

12. - When licence held by any local fishing vessel ceases to be valid. -Where any local fishing vessel ceases at any time to be a local fishing vessel, any licence issued to such fishing vessel shall cease to be valid forthwith.

13. - Matters for which licence is valid. - Each licence shall be valid only with respect to the species of fish and the type of fishing gear or the method of fishing or the location specified in the licence.

14. - Duty to provide information regarding catches. - The holder of any licence shall keep detailed information of catches as well as sales in such form as may be prescribed and a copy of this information shall be furnished to the Director.

15. - Fishing vessels not to interfere with navigation. - No fishing vessel shall be operated so as to interfere with navigational aids or with shipping in established shipping routes.

16. - Licence to be subject to certain conditions. - (1) Each licence shall be subject to such conditions as may be specified in this Ordinance and in any rules made thereunder, and as may be otherwise endorsed upon such licence by the Director.

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(2) In particular, and without limiting the generality of the foregoing sub-section, the Director may attach all or any of the following terms and conditions to any licence, namely:

- (a) the areas within which, and the period during which, fishing is authorized;
- (b) the species, size, sex, age and quantities of fish that may be caught or taken;
- (c) the methods by which fish may be caught or taken;
- (d) the types, size and amount of fishing gear that may be used by the fishing vessel;
- (e) statistical and other information required to be given by the skipper to the Government, including statistics relating to catch and effort and also reports as to the position of the vessels;
- (f) the keeping on board the fishing vessel the licence issued in respect of it;
- (g) the marking of the fishing vessel and other means for its identification;
- (h) such other matters as the Director may consider necessary or expedient for the management, conservation and development of fisheries resources of Bangladesh.

(3) In addition to the terms and conditions which may be imposed on any licence under sub-section (2), the Director may make applicable to foreign fishing vessels all or any of the following terms and conditions, namely:

- (a) entry by foreign fishing vessels into Bangladesh ports for the inspection of its catch which is subject to customs formalities and for any other purpose;
- (b) the specification of points of entry into, and departure from, the Bangladesh fisheries waters;
- (c) the protection of local fisheries;
- (d) the execution of bonds or other forms of security for the duration of the licence;
- (e) the reporting of the position by the foreign fishing vessel while within, or about to enter, the Bangladesh fisheries waters;
- (f) the directions and instructions given by the authorized officers from the Government ships or aircrafts to the foreign fishing vessel that shall be complied with by the skipper;

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- (g) the installation and maintenance in working order of a transponder or other equipment on the foreign fishing vessel for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;
- (h) the carriage on board the foreign fishing vessels of specified communication equipment specified nautical charts, nautical publications and nautical instruments;
- (i) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of the costs of doing so;
- (j) the training of citizens of Bangladesh in the methods of fishing employed by the foreign fishing vessel and the transfer to Bangladesh of technology relating to fisheries;
- (k) the conduct by the fishing vessel of specified programmes of fisheries research.

PART IV - LOCAL MARINE FISHING OPERATIONS

17. - Local fishing vessels to be registered. - No licence shall be issued in respect of a local fishing vessel that is required to be registered under any law for the time being in force unless the vessel has been registered.

18. - Local fishing vessels to hold valid certificate of inspection. - No licence shall be issued in respect of a local fishing vessel that is required to hold a valid certificate of inspection under any law for the time being in force unless such a certificate is issued in respect of that vessel.

19. - Grounds for refusing to issue licences, etc., to local fishing vessels.- The Director may, by order in writing, refuse to issue a licence in respect of a local fishing vessel, or he may likewise suspend, cancel or refuse to renew any licence that has been issued in respect of a local fishing vessel, where he is satisfied that

- (a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan; or
- (b) it is otherwise in the best interest of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been used in contravention of the provisions of this Ordinance or of any rules made thereunder or of any conditions of the licence; or
- (d) the person applying for or holding the licence is unfit to hold a licence.

PART V - FOREIGN MARINE FISHING OPERATIONS

20. - No entry for foreign fishing vessels in Bangladesh fisheries waters except with licence. - No foreign fishing vessel shall, without a licence,

- (a) enter the Bangladesh fisheries waters except for any purpose set out in section 21; or
- (b) within the Bangladesh fisheries waters:
 - (i) fish or attempt to fish; or
 - (ii) load, unload or tranship any fish; or
 - (iii) load or unload any fuel supplies.

21. - Entry by unlicensed foreign fishing vessels into Bangladesh Fisheries waters. - (1) Subject to the provisions of sub-section (2), a foreign fishing vessel may enter the Bangladesh fisheries waters without a licence for the purpose of

- (a) passage through such waters in the course of a voyage to destination outside such waters;
- (b) averting imminent danger where the vessel is in distress, to the safety of the vessel or of its crew; or
- (c) rendering assistance to persons, ships or aircraft in danger or distress; or
- (d) obtaining emergency medical assistance for a member of the crew; or
- (e) for any other purpose recognized by international law.

(2) Any foreign fishing vessel entering the Bangladesh fisheries waters for any purpose set out in sub-section (1) shall

- (a) observe such rules as may be prescribed; and
- (b) return outside such waters as soon as the prupose for which it entered has been fulfilled.

22. Foreign fishing vessels liable to fine and forfeiture in found in Bangladesh fisheries waters illegally. - (1) Where any foreign vessel enters the Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence, the skipper, owner and charterer, if any, of such vessel shall be guilty of an offence and shall be liable to rigorous imprisonment for a term not exceeding three years and to a fine not exceeding taka one lakh.

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(2) Any foreign vessel entering Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence shall be deemed to be forfeited to the Government.

23. - Foreign fishing vessels to observe navigation, customs laws, etc. - No licence shall relieve any foreign fishing vessel or its skipper or crew of any obligation or requirement imposed by law concerning navigation, customs, taxes, immigration, health, certificate of seaworthiness and safety or other matters.

24. - Grounds for refusing to issue licence, etc., to foreign fishing vessels. - (1) The Director may, by order in writing, refuse to issue a licence in respect of a foreign fishing vessel on any ground that he thinks fit.

(2) The director may, by order in writing, suspend, cancel or refuse to renew any licence that has been issued in respect of a foreign fishing vessel, where he is satisfied that

- (a) it is necessary to do so in order to allow for the proper management conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan;
- (b) it is otherwise in the best interests of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Ordinance or of any rules made thereunder, or of any conditions of the licence.
- (d) the person holding the licence is unfit to hold a licence.

PART VI - APPEAL

25. - Appeal. - (1) Any citizen of Bangladesh aggrieved by an order of refusal by the Director to grant a licence or any person aggrieved by an order of cancellation or suspension of his licence may, within thirty days from the date of receipt of the order of refusal, cancellation or suspension, prefer an appeal against such refusal, cancellation or suspension.

(2) Any person filing an appeal shall be entitled to appoint a representative or legal practitioner of his choice for the purpose of making an appeal.

(3) Where the decision appealed against has been made by the Director, the appeal shall lie to the Government; and where the decision appealed against has been made by a fisheries officer appointed under section 4, the appeal shall lie to the Director.

PART VII - PROHIBITED FISHING METHODS

26. - Use of explosives, etc. - (1) Any person, other than a person authorized in writing by the Director, who in the Bangladesh fisheries waters,

- (a) uses, or attempts to use, any explosive, poison or other noxious substances for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught; or
- (b) carries, or has in his possession or control, any explosive, poison or other noxious substances with the intention of using such explosive, poison or other noxious substance for any of the purposes referred to in clause (a); or
- (c) uses, or attempts to use, any prohibited methods of fishing as may be prescribed, or carries, or has in his possession or control, on board any vessel, any fishing gear prohibited under any rule made under this Ordinance; or
- (d) Knowing, or having reasonable cause to believe, that any fish has been caught or taken in contravention of the provisions of this section or any rules made under this Ordinance, receives, or is found in possession of, such fish without lawful excuse,

shall be guilty of an offence and shall be liable to a fine not exceeding taka one lakh or fifteen times the value of the fish, whichever is greater.

(2) Any explosive, poison or other noxious substance or fishing gear referred to in sub-section (1) found on board any vessel shall be presumed to be intended for the purposes referred to in that sub-section unless the contrary is proved.

27. - Small meshes, etc. - Any person who uses or has in his possession or has on board any vessel within the Bangladesh fisheries waters any fishing net which has a mesh size specified for that type of net or any other nets or fishing gear or fishing appliances that have been prohibited under any rules made under this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding taka one lakh.

PART VIII - MARINE RESERVES

28. - Government may declare marine reserves. - The Government may, by notification in the official Gazette, declare any area of the Bangladesh fisheries waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where it considers that special measures are necessary

- (a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction; or

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- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted; or
- (c) to promote scientific study and research in respect of such areas; or
- (d) to preserve and enhance the natural beauty of such areas.

29. - Fishing, dredging, etc., prohibited in marine reserves. - (1) Any person who, in any marine reserves declared under section 28, without permission granted under this section:

- (a) fishes or attempts to fish; or
- (b) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any other way disturbs, alters or destroys fish or their natural breeding grounds or habitats; or
- (c) constructs or erects any buildings or other structures on or over any land or waters within such reserve,

shall be guilty of an offence and shall be liable to a fine not exceeding taka one lakh.

(2) The Director may give permission to do any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in section 28.

30. - Government may permit scientific research. - The Government may, in writing and subject to such terms and conditions, if any, as may be specified therein, exempt from all or any of the provisions of this Ordinance or the rules made thereunder any vessel or person undertaking research into marine fisheries or other marine living resources in the Bangladesh fisheries waters.

PART IX - POWERS OF AUTHORIZED OFFICERS

31. - Authorized officers. - (1) The officers of the Directorate of Fisheries not below the rank of Assistant Inspector of Marine Fisheries, members of the Bangladesh Navy not below the rank of petty officer, any officer of customs and any other person or class of persons appointed by the Government shall be authorized officers for the purposes of this Ordinance and the rules made thereunder.

(2) The Government shall, by notification in the Official Gazette, publish the name or designation of any person or class of persons appointed under sub-section (1).

32. - An authorized officer may stop, examine, etc., any fishing vessel. - For the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, any authorised officer may, without a warrant,

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- (a) stop and board any fishing vessel within the Bangladesh fisheries waters and make any examination concerning that vessel, its equipments, fishing gear, nets, fishing appliances, crew or fish carried on board that vessel; or
- (b) stop and inspect any vehicle transporting fish; or
- (c) require any person to produce any licence or other document required under this Ordinance or any rules made thereunder for examination and, if necessary, for taking copies thereof.

33. - Authorized officer may enter premises, seize vessels, etc., without warrant. - (1) Any authorized officer, where he has reasonable grounds to believe that an offence has been committed against any provisions of this Ordinance or any rules made thereunder, may, without a warrant,

- (a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that such offence has been committed or fish caught or taken in contravention of such provisions are being stored; or
- (b) take samples of any fish found in any vessel or vehicle inspected under section 32 or any premises searched under clause (a); or
- (c) arrest any person whom he has reason to believe has committed such offence; or
- (d) seize any vessel (including its furniture, appurtenances, stores and cargo), vehicle, fishing gear, nets or other fishing appliances which he has reason to believe has been used in the commission of an offence or in respect of which the offence has been committed; or
- (e) seize any fish which he has reason to believe has been caught in the commission of an offence, or is possessed in contravention of the provisions of this Ordinance or any rules made thereunder; or
- (f) seize any explosive, poison or other noxious substances which he has reason to believe has been used or is possessed in contravention of the provisions of section 26.

(2) A written receipt shall be given for any article or thing seized under sub-section (1) and the grounds for such seizure shall be stated in such receipt.

34. - Power to stop vessels. - Where it becomes necessary for an authorized officer to stop any vessel for the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, it shall be lawful for any vessel or aircraft under the command of an authorized officer to summon such vessel to stop by means of an international signal, code or other recognised means, and

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if it fails to do so, the vessel may be pursued even beyond the Bangladesh fisheries waters and if after a gun is fired as a warning to the vessel to stop, and if it fails to stop after such a warning, it may be fired upon.

35. - Vessel and crew to be taken to nearest port. - Any vessel seized under the provisions of this Ordinance and the crew thereof shall be taken to the nearest port and dealt with in accordance with the provisions of this Ordinance.

36. - Persons arrested without warrant to be taken to police station. - Any person arrested without a warrant for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder shall be taken to a police station forthwith or, as soon as possible, after arriving at a port and shall be dealt with in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

37. - Authorized officer not to enter dwelling houses without warrant. - No authorized officer shall enter premises used solely as a dwelling house for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder except when authorised to do so by a warrant.

38. - Perishables may be sold by Director. - Any fish or other article of a perishable nature seized under the provisions of this Ordinance may, on the direction of the Director, be sold and the proceeds of sale shall be held by the Director and dealt with in accordance with the provisions of this Ordinance.

39. - Authorized officers required to produce identification. - Any authorized officer when acting under the provisions of this Ordinance or any rules made thereunder shall, on demand, produce to any person against whom he is taking action such identification or written authority as may be reasonably sufficient to show that he is an authorized officer for the purposes of this Ordinance.

40. - No action against authorized officer for acts done in good faith. - No action shall be brought against any authorised officer or any person requested by him to assist him in respect of anything done or omitted to be done by such person in good faith in the execution or perporated execution of his powers and duties under this Ordinance and the rules made thereunder.

PART X - OFFENCES AND LEGAL PROCEDURES

41. - Obstruction of authorized officer, etc. - Any person who wilfully obstructs any authorized officer in the exercise of any of the powers conferred on him by or under this Ordinance shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

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42. - Wilful damage of fishing vessels, etc. - Any person who wilfully and unlawfully damages or destroys any fishing vessels, fishing stakes, fishing gear or fishing appliances shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

4.3 - Contravention of conditions of licence. - Any person who contravenes any condition of any licence shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

44. - Destruction to avoid seizure or detection. - Any person who destroys or abandons any fish, fishing gear or fishing appliances, explosives, poison or other noxious substances or any other thing with intent to avoid their seizure or the detection of any offence against the provisions of this Ordinance or any rules made thereunder shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

45. - Failure to mark vessel. - Any person who owns or operates a fishing vessel in the Bangladesh fisheries waters which is not marked in the prescribed manner shall be guilty of an offence and shall be liable to a fine not exceeding taka twenty-five thousand.

46. - Skipper liable for offences committed by persons on board the vessel. - Where an offence against any provisions of this Ordinance or any rules made thereunder has been committed by any person belonging to or on board a fishing vessel, the skipper of such vessel shall also be guilty of such offence and shall be liable to a fine not exceeding taka five thousand.

47. - Compounding of offences. - Any authorized officer may compound any offence against the provisions of this Ordinance or any rules made thereunder for a sum of money not less than one-tenth of the maximum fine provided for such offence provided that in no case shall the sum be less than taka five thousand.

48. - Forfeiture of vessels etc., seized. - (1) Any vessel, fishing gear or fishing appliances, explosives, poison or other noxious substance or apparatus seized under sub-section (1) of section 33 or the proceeds of sale under section 38 shall, subject to the provisions of sub-section (3),

- (a) if a prosecution is to be brought under this Ordinance, be held in such custody as may be prescribed pending the outcome of such prosecution; or
- (b) if no prosecution is to be brought under this Ordinance, be held in the custody as aforesaid for a period of one month at the end of which period they shall be deemed to be forfeited to the Government unless, during such period, any written claim is received from the skipper, owner or charterer, if any, contesting such forfeiture.

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(2) Where any written claim contesting forfeiture is received under clause (b) of subsection (1), either

- (a) the subject matter of the claim shall be released and delivered to the claimant forthwith; or
- (b) the claim shall be referred to the Court for its decision.

(3) Notwithstanding anything contained in this section, the Court may order the release of any fishing vessel, fishing gear or fishing appliances seized under section 33 on receipt of a satisfactory bond or other security from any person claiming such property.

49. - Court may order forfeiture in addition to any other penalty imposed. - Where any person is convicted of an offence against any provision of this Ordinance or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Ordinance or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Ordinance or any rules made thereunder, the Court, in addition to any other penalty imposed,

- (a) may order that any fishing vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances used in the commission of such offence shall be forfeited to the Government or that the licence shall be suspended for such period of time as the Court may think fit or be cancelled; and
- (b) shall order that any fish caught in the commission of such offence or the proceeds of sale of any such fish under section 38 and any explosives, poison or other noxious substances used in the commission of such offence shall be forfeited to the Government.

50. - Vessels, etc., forfeited may be disposed of by the Government. - Any vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances, explosives, poison or other noxious substances, and any fish or proceeds of the sale of fish deemed or ordered to be forfeited to the Government under section 48 or 49 shall be disposed of in such manner as the Government may think fit.

51. - Fish found on board a fishing vessel committing an offence presumed to be caught illegally. - All fish found on board any fishing vessel which has been used in the commission of an offence against any provisions of this Ordinance or any rules made thereunder shall, unless the contrary is proved, be presumed to have been caught illegally in the Bangladesh fisheries waters.

52. - Offences triable as if committed within limits of local jurisdiction. - Any offence against any of the provisions of this Ordinance or any rules made thereunder committed within the Bangladesh fisheries waters by any person shall be guilty of an offence under this Ordinance and shall be triable in any Court of Bangladesh as if such offence had been committed in any place in Bangladesh within the local limits of the jurisdiction of such Court.

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53. - Service of documents. - Where, for the purposes of this Ordinance or any rules made thereunder, any document is to be served on any person, that document may be served

- (a) in any case, by delivering a copy thereof personally to the person to be served; or
- (b) if the document is to be served on the skipper or on a person on board a fishing vessel, by leaving the same for him on board that vessel with the skipper or the person who is, or appears to be, in command or charge of the vessel for the time being; or
- (c) by affixing a copy of the document to any conspicuous part of his residence; or
- (d) sending it by registered post acknowledgement due addressed to his last known place of abode.

54. - Special powers for Magistrates. - Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), and Magistrate of the first class especially empowered by the Government in this behalf may pass a sentence of fine exceeding taka ten thousand for an offence under this Ordinance and the rules made thereunder.

PART XI - RULES

55. - Power to make rules. - (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without limiting the generality of the foregoing power, rules may be made with respect to all or any of the following matters, namely:

- (a) the licensing, regulation and management of any particular marine fishery;
- (b) the determination of the carrying capacity of vessels;
- (c) the type and size of air-conditioning appliances to be fitted in vessels;
- (d) establishing the closed seasons for all areas or species of fish or for designated areas or species;
- (e) the limitations on the amount, size and weight of fish caught and retained or traded;
- (f) determining the minimum mesh sizes;
- (g) determining the prohibited fishing areas for all fish or for certain species of fish, or for certain methods of fishing;

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- (h) determining certain prohibited methods of fishing;
- (i) the amount of fish that may be caught incidentally when fishing for a species for which a licence has been issued;
- (j) regulating or prohibiting the creation, maintenance, working repair and lighting of fishing stakes in the Bangladesh fisheries waters;
- (k) organising and regulating sport fishing in the Bangladesh fisheries waters;
- (l) the conditions to be observed by the fishing vessels while within the Bangladesh fisheries waters and to regulate the conduct of fishing operations generally;
- (m) the nationality and educational qualifications of persons permitted to be employed or carried in fishing vessels;
- (n) providing for the execution of bonds and other forms of security for the fulfilment of any obligations attaching to a licence;
- (o) providing for points of entry, exit and transit through the Bangladesh fisheries waters by any fishing vessel licenced to fish by virtue of the provisions of this Ordinance;
- (p) providing for the appointment by the owner of a foreign fishing vessel of a legal representative in Bangladesh for the purpose of accepting responsibility for any matters arising under the provisions of this Ordinance;
- (q) the stowing of fishing gear by foreign fishing vessels while in transit through the Bangladesh fisheries waters;
- (r) providing for rewards for reporting the presence of unlicenced foreign fishing vessels operating in the Bangladesh fisheries waters;
- (s) the conditions and procedures of application for any licences, certificates or other documents required under this Ordinance or any rules made thereunder, their form and the amount of fees and deposits payable therefor;
- (t) the collection of statistics and to require any person engaged in marine fishing, marketing, processing or marine fish culture, including any fish dealer, to supply such information as may be necessary for the effective management and development of marine fisheries;
- (u) the procedures to be followed in making appeals against a refusal to issue, cancellation, non-renewal or suspension of licences under section 25;

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- (v) setting up of an Advisory Committee for the purpose advising the Government in the administration of this Ordinance;
 - (w) any other matter required or authorized to be prescribed under this Ordinance.
- (3) The rules made under this section may provide that the breach of any of the provisions thereof shall constitute an offence and may provide for penalties by way of fine not exceeding taka fifty thousand.

(b) The Bangladesh Merchant Shipping Ordinance, 1983

PART IX - FISHING AND SAILING VESSELS

Chapter 32 - FISHING VESSELS

386. - Application of Chapter. - This Chapter applies to power driven sea-going fishing vessels only.

387. - Ascertainment of tonnage. - For the purpose of this Chapter, the tonnage of fishing vessels shall be such as may be ascertained, in accordance with the rules made for the ascertainment of tonnage under Part II.

388. - Registration of fishing vessels. - (1) Every fishing vessel to which this Chapter applies shall be registered in accordance with the provisions of this section.

(2) A fishing vessel registered at any time before the commencement of this Chapter at any port in Bangladesh under any law for the time being in force shall, for a period of six months from such commencement or for such further period as may be specified in this behalf by the Government, be deemed to be registered under this Chapter and be recognised as fishing vessel registered in Bangladesh and, if she is not registered under this Chapter within such period, shall be liable to be forfeited to the Government.

(3) The owner of every fishing vessel shall make an application in the prescribed form to the Registrar for the grant to him of a Certificate of Registry in respect of the vessel, and shall cause the tonnage of the vessel to be ascertained in the prescribed manner.

(4) The Registrar may make such inquiry as he thinks fit with respect to the particulars contained in the application, and shall enter in a register, to be called the Fishing Vessels Register, the following particulars in respect of the vessel, namely:

- (a) the name of the vessel, the place where she was built, and the port to which she belongs;
- (b) her tonnage ascertained as aforesaid;
- (c) type of engines;
- (d) the name, occupation and address of the owner;
- (e) the letter and number assigned to the vessel;
- (f) the mortgages, if any, effected by the owner in respect of the vessel;
- (g) such other particulars as may be prescribed.

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(5) After the particulars in respect of the vessel have been entered in the Fishing Vessels Register under sub-section (4), the Registrar shall grant to the applicant a Certificate of Registry in the prescribed form on payment of a fee according to such scale as may be prescribed having regard to the tonnage of the vessel.

(6) A fishing vessel which is required to be registered under this Chapter but is not so registered shall be the Principal Officer, Surveyor or Collector of Customs until the Certificate of Registry is produced.

(7) The owner or master or skipper of every fishing vessel which is required to be registered under this Chapter but has not been so registered shall be liable to pay a fine which may extend to twenty thousand taka.

389. - Effect of registration of fishing vessels. - (1) In all proceedings under this Ordinance against the owner or skipper of, or any person belonging to, any vessel entered in the Fishing Vessels Register, or for the recovery of damages for injury done by such vessel, the Register shall be conclusive evidence that the person entered therein at any date as owner of the vessel was at that date the owner thereof, and that the vessel is a Bangladesh sea-going fishing vessel.

(2) This section shall not prevent any proceedings being instituted against any person not so entered who is beneficially interested in the vessel nor shall it affect the rights of the owners among themselves if there be more than one owner, or the rights of any owner entered in the Register, against any person not so entered who is beneficially interested in the vessel.

(3) Save as aforesaid, entry in the Fishing Vessels Register shall not confer, take away, or affect any title to or interest in any such vessel.

391. - Change of name. - A change of name of a fishing vessel registered under section 388 shall not be effected except in accordance with the rules made for change of name under Part II, and when so effected, shall be entered in the Fishing Vessels Register.

392. - Change of ownership. - (1) No person shall transfer or acquire any fishing vessel registered under this Chapter or any interest therein without the previous approval in writing of the Government or an officer authorised by it in this behalf; and any transaction effected in contravention of this section shall be void.

(2) Every change of ownership shall be reported, jointly by the registered owner and the new owner, to the Registrar in the prescribed form, and the Registrar shall make such inquiry as he thinks fit with respect to the change of ownership, and shall thereupon enter the name of the new owner in the Fishing Vessels Register and endorse the Certificate of Registry accordingly.

(3) Whoever contravenes any of the provisions of this section, shall for each offence, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand taka or with both.

393. - Mortgages of fishing vessels. - (1) Every mortgage of a fishing vessel or of any interest therein effected after the commencement of this Chapter shall be registered with the Registrar.

- (2) Every mortgage of a fishing vessel or any interest therein effected before the commencement of this Chapter shall, if subsisting at such commencement, be registered with the Registrar within three months thereof unless it is earlier discharged.
- (3) The Registrar shall enter every such mortgage in the Fishing Vessels Register in the order in which it is registered with him.
- (4) If there are more mortgages than one recorded in respect of the same fishing vessel or interest therein, the mortgages shall, notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is registered with the Registrar and not according to the date of each mortgage itself:

Provided that nothing contained in this sub-section shall affect the relative priorities as they existed immediately before the commencement of this Chapter as between mortgages of the same vessel or interest therein effected before such commencement which are registered in accordance with the provisions of sub-section (2).

394. - Registration of alterations. - (1) When a fishing vessel is so altered as not to correspond with the particulars relating to her entered in the Certificate of Registry, the owner of such vessels shall make a report of such alteration to the Registrar of the port where the vessel is registered, and the Registrar shall either cause the alteration to be registered, or direct that the vessel be registered anew, in accordance with such rules as may be made in this behalf.

(2) If the owner fails to comply with the provisions of this section, he shall be punishable with fine which may extend to five thousand taka.

395. - Transfer of registry. - The registry of a fishing vessel may be transferred from one port to another in Bangladesh on the application of the owner of the vessel in accordance with such rules as may be made in this behalf.

396. - Entries in Register relating to vessel lost, etc. - (1) If a fishing vessel is lost, destroyed or rendered permanently unfit for service, the owner of such vessel shall, with the least practicable delay, report the fact to the Registrar of the port where the vessel is registered, and also forward to him along with the report the Certificate of Registry in respect of the vessel; and thereupon the Registrar shall make an entry to that effect in the Fishing Vessels Register and upon the making of such entry, the entries in the Register relating to the registration of the vessel shall be considered as closed, except so far as they relate to any unsatisfied mortgage entered therein.

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(2) If the owner fails to comply with any of the provisions of this section, he shall, for each offence, be punishable with fine which may extend to four thousand taka.

397. - Certificate of inspection. - (1) No fishing vessel shall proceed to sea unless a Certificate of Inspection applicable to the intended voyage is in force.

(2) A Certificate of Inspection in respect of a fishing vessel shall specify:

- (a) the name and tonnage of the vessel;
- (b) the name, occupation and address of the owner;
- (c) the name of the skipper and engine driver;
- (d) the type of engine;
- (e) the minimum number of crew that may be carried;
- (f) the limits within which the vessel may be used for purposes of fishing;
- (g) the particulars of life-saving and the appliances, and lights and shapes, and the means of making fog and distress signals carried on board,

and shall contain a statement to the effect that her hull, machinery and equipment are in good condition.

(3) A Certificate of Inspection shall be in force for one year or for such shorter period as may be specified therein.

(4) The Collector of Customs shall not grant a port-clearance until after the production of a Certificate of Inspection in respect of the vessel.

(5) Where at any time after the issue of a Certificate of Inspection in respect of a fishing vessel, the Government has reason to believe that the vessel is not fit to proceed to sea, or that the vessel has undergone material alteration or has met with an accident, it may, after giving the owner an opportunity of making a representation, cancel such certificate.

(6) A fresh Certificate of Inspection shall not be issued until the requirements of section 394 have been satisfied, nor unless the vessel has been inspected and the authority making the inspection is satisfied that the vessel is fit to proceed to sea.

398. - Fraudulent use of Certificate of Registry or Certificate of Inspection, etc. - (1) No person shall use or attempt to use the Certificate of Registry or the Certificate of Inspection granted in respect of a fishing vessel for any purpose other than the lawful navigation of the vessel.

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(2) No person shall use or attempt to use for the navigation of a fishing vessel a certificate of Registry or a Certificate of Inspection not granted in respect of that vessel.

(3) No person who has in his possession or under his control the Certificate of Registry or the Certificate of Inspection of a fishing vessel shall refuse or fail, without reasonable cause, to deliver such certificate on demand to the owner of the vessel.

(4) If any person contravenes any of the provisions of this section, he shall, for each offence, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand taka or with both.

399. - Life-saving appliances, etc. - Every fishing vessel shall be provided with such life-saving and fire appliances as may be required by rules made for the provisions of such appliances under Part VI, and shall be equipped with lights and shapes and the means of a making fog signals in accordance with the Collision Regulations.

400. - Skippers and engine drivers to be duly certificated. - (1) No fishing vessel shall proceed to sea unless the skipper and the engine driver are duly certificated by the Government, nor shall any person not so certificated accept any such employment in respect of any such vessel:

Provided that a fishing vessel not less than seventy five gross registered ton shall carry at least one skipper, one second-hand and two engine drivers who are duly certificated by the Government.

(2) The Government may make rules providing for:

- (a) the manner in which and the conditions upon which such certificates shall be granted;
- (b) the suspension and cancellation of such certificate;
- (c) the inquiries and investigation into the conduct of the holders of such certificates.

(3) Any person who:

- (a) having been engaged as a skipper, second-hand or engine driver goes to sea as such without being duly certificated, or
- (b) employs a person in contravention of sub-section (1), without ascertaining that the person is duly certificated, shall, for each offence, be punishable with fine which may extend to five thousand taka.

401. - Statement relating to crew to be maintained. - (1) Every owner or skipper of a sea-going fishing vessel shall maintain or cause to be maintained in the prescribed form a statement of the crew of the vessel.

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(2) Every change of crew of the vessel shall be entered in the statement maintained under sub-section (1).

(3) A copy of such statement and of every change therein shall be communicated as soon as possible to the Registrar of the port where the vessel is registered.

(4) If the owner or skipper falls to comply with any of the provisions of this section, he shall, for each offence, be punishable with fine which may extend to five thousand taka.

402. - Power to exempt. - The Government may, by notification in the Official Gazette, exempt any type of fishing vessel from the requirements of any of the provisions of this Chapter.

403. - Power to make rules. - (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the form in which application for Certificates of Registry shall be made and the particulars which such applications should contain;
- (b) the form in which Certificates of Registry and Certificates of Inspection may be issued;
- (c) the issue of duplicate copies of Certificates of Registry and Certificates of Inspection when the originals are destroyed, lost, mislaid, mutilated or defaced;
- (d) The manner in which and the time within which reports for the registration of alterations of the Certificate of Registry shall be made, the endorsement of the particulars of alteration on such certificates, the grant of provisional certificates where vessels are directed to be registered anew, the period for which provisional certificates shall be valid and all other matters ancillary to the registration of alterations;
- (e) the form and manner in which applications for the transfer of registry from one port to another in Bangladesh shall be made and the procedure to be followed by the Registrar in connection with such transfer;
- (f) the form and manner in which change of ownership is to be reported and the procedure to be followed in connection with such change;
- (g) the construction, equipment, machinery and other matters relating to the safety of the vessel;

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- (h) the fees which may be levied for the issue or re-issue of Certificates of Registry or Certificates of Inspection and for any other purpose of this Chapter; and
- (i) any other matter which is to be or may be prescribed under this Chapter.

(c) East Bengal Protection and Conservation of Fish Act, 1950

1. - Short title, extent and commencement. - (1) This Act may be called the East Bengal Protection and Conservation of Fish Act, 1950.

(2) It extends to the whole of East Bengal.

(3) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

2. - Definitions. - In this Act, unless there is anything repugnant in the subject or context,

(1) "fish" includes a shell fish and a fish at all stages in its life history.

(2) "Fishery-officer" means any person whom the Provincial Government or any officer empowered by the Provincial Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by such officer:

Provided that no police-officer shall be so empowered;

(3) "fixed engine" means any net, cage, trap or other contrivance for catching fish, fixed in the earth or made stationary in any other way; and

(4) "private water" means a piece of water

(a) which is primarily used for domestic purposes, and

(b) which is the exclusive property of any person, or in which any person has for the time being any exclusive right of fishery whether as owner or lessee, or any other capacity but does not include any river, canal, khal, beel or any piece of water which ordinarily has direct communication with any river, canal, khal or beel.

3. - (1) The Provincial Government may make rules for the purposes hereinafter in this section mentioned.

(2) The Provincial Government may, by notification, apply such rules or any of them to any waters, provided that no such rules shall apply to any private water except with the consent in writing of the owner thereof and of all persons having for the time being any right of fishery therein.

(3) Such rules may

(a) prohibit or regulate all or any of the following matters, that is to say:

(i) the erection and use of fixed engines;

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- (ii) the construction, temporary or permanent, of weirs, dams, bunds, embankments and other structures;
- (b) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow and arrow in inland water or within coastal territorial waters;
- (c) prohibit the destruction of, or any attempt to destroy, fishes by the poisoning of waters or the depletion of fisheries by pollution by trade effluents or otherwise;
- (d) prescribe the seasons during which the killing or catching of fishes of any prescribed species shall be prohibited;
- (e) prescribe a minimum size below which no fish of any prescribed species shall be killed or sold; and
- (f) prohibit all fishing in all waters or in any specified waters for a specified period:

Provided that the Provincial Government may for the purpose of pisciculture permit the catching of fishes in any closed season or in any prohibited water or below the prescribed minimum size and disposal thereof subject to the condition of the licence issued for the purpose.

(4) In making any rule under this section the Provincial Government may provide for:

- (a) the seizure, removal and forfeiture of any fixed engine or any other contrivance erected or used for fishing in contravention of the rules:

Provided that no fishing net shall be seized or forfeited unless the offence has been committed more than once; and

- (b) the forfeiture of any fishes taken by means of any such fixed engine or any other contrivance.

(5) The power to make rules is subject to the condition of previous publication; and the date to be specified under clause (3) of section 24 of the Bengal General Clauses Act, 1899, shall not be less than two months from the date on which the draft of the proposed rules was published.

(6) All such rules shall be published in the Official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

4. - Power to prohibit sale of fish. - The Provincial Government may, by notification, prohibit for a specified period the offering or exposing or possession for sale or barter of fishes below the prescribed size of any prescribed species throughout the Province of East Bengal or any Part thereof.

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5. - Penalties. - (1) The breach of any rule made under section 3 or of any prohibition notified under section 4, shall be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(2) Whoever, having been convicted of an offence under this Act or any rule made thereunder, is again convicted thereunder, shall, on every subsequent conviction, be punishable with fine which may extend to two hundred rupees, or with simple imprisonment which may extend to two months, or with both.

6. - Arrest without warrant for offence under the Act. - (1) Any person, specially empowered by the Provincial Government in this behalf, may arrest without warrant any person committing a breach of any rule under section 3 or any prohibition notified under section 4:

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate or to the nearest police-station according to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, it will be lawful for the officer in charge of a police-station to detain a person produced before him under the preceding sub-section till he is produced before the Magistrate.

(4) All Fishery-officers empowered by the Provincial Government shall have the same powers of search and investigation in respect of an offence under this Act as a police-officer of the rank of Sub-Inspector.

7. - Cognizance of offences. - (1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act, except on the complaint of a fishery-officer or of a police-officer not below the rank of Sub-Inspector or of any other person or class of persons authorised by the Provincial Government in this behalf.

8. - Officers to be deemed public servants. - All persons empowered to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

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9. - Indemnity. - No suit, prosecution or other legal proceeding shall lie against any person empowered to perform any function under this Act for anything which is in good faith done or intended to be done under this Act.

10. - Repeal of Act IV of 1897. - The Indian Fisheries Act, 1897, in its application to East Bengal is hereby repealed (Act IV of 1897).

3. REGULATIONS

(a) Marine Fisheries Rules, 1983

1. - Short title. - These rules may be called the Marine Fisheries Rules, 1983.

2. - Definition. - In these rules, unless there is anything repugnant in the subject or context, "Ordinance" means the Marine Fisheries Ordinance, 1983 (XXXV of 1983).

3. - Application for licence. - An application for licence in respect of either a local or a foreign fishing vessel shall be in writing by the owner of the fishing vessel in respect of which the licence is sought and shall contain the following information, namely:

- (a) the name and description of the fishing vessel, its equipment, and crew complement;
- (b) the home port of the fishing vessel;
- (c) the name of the owner and skipper with full particulars;
- (d) the side number of the fishing vessel, its radio frequencies, call sign and signal letters, if any;
- (e) a description of the proposed fishing operations or related activities including:
 - (i) the species to be fished;
 - (ii) the method of fishing and type and dimensions of gear to be used;
 - (iii) the area or areas to be fished;
 - (iv) the amount of fish to be caught;
 - (v) of time for which the licence is sought;
 - (vi) the place in which the fish is to be landed or processed, and a description of the ultimate destination and use of the fish; and
 - (vii) a description of support operations, and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out;
- (f) a description of any joint venture or other contractual arrangement with foreign or local business interests that have been or are proposed in connection with the fishing operations for which the licence is sought;

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- (g) a brief description of any related fishing operations sought to be undertaken in Bangladesh fisheries waters by other vessels belonging to, or under the control of, the fishing vessel owner;
- (h) such other information as may be required by the Director in clarification or amplification of the information given by the applicant.

4. - Licence applications in respect of foreign fishing vessels. - An application for a licence in respect of fishing to be conducted by a foreign fishing vessel in Bangladesh Fisheries waters, in addition to the information required under rule 3, shall contain the following information, namely:

- (a) the flag state of the fishing vessel;
- (b) the name and address of the authorized local agent appointment by the owner to represent him in all dealings with officials of the Government, and evidence of the extent to which the local agent is authorized to undertake legal and financial obligations on behalf of the owner.

5. - Form of licence. - Every licence required under the Ordinance shall be in the appropriate form set out in the Schedule to these rules.

6. - Fee. - Every application for a licence shall be accompanied by a Treasury Challan showing the payment of the fees mentioned in the table below:

Where the carrying capacity of a fishing vessel	
(a) does not exceed 250 tons	taka 750
(b) exceeds 250 tons but does not exceed 350 tons	taka 1.000
(c) exceeds 350 tons but does not exceed 450 tons	taka 2.000
(d) exceeds 450 tons but does not exceed 600 tons	taka 5.000
(e) exceeds 600 tons	taka 10.000

7. - Conditions applicable to all licences. - Any licence issued under the Ordinance shall be subject to the following conditions, namely:

- (a) the licence shall be valid only for such activities, for such period, for such area or areas and such conditions as are specified in the licence;
- (b) All relevant laws and rules regarding the conservation and management of fisheries in Bangladesh shall be complied with;

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- (c) only such species of fish shall be fished in such quantities, using such methods of fishing and such fishing gear as are authorized in the licence;
- (d) no by-catch shall exceed such percentage as may be specified in the licence;
- (e) the skipper shall cause written records to be maintained on a daily basis of the fishing effort and catch of the fishing vessel in the form specified by the Director;
- (f) the written records required to be maintained under clause (e) shall be transmitted by the skipper to the Director monthly, or at the request of the Director or any other officer authorized under this Ordinance or of any person authorized by him in this behalf or of any authorized officer, at any time during the term of the licence;
- (g) any fishing vessel licensed in accordance with the provisions of the Ordinance and these rules shall display the identification mark assigned to the vessel which shall be clearly visible from the air and from the sea.

8. - Conditions applicable to licences for foreign fishing vessels. - A foreign fishing vessel in respect of which a licence has been issued, in addition to the conditions set out in rule 7, shall be subject to the following conditions, namely:

- (a) the owner of the fishing vessel shall appoint and maintain a local representative who shall be a person resident in Bangladesh and shall have a permanent office or establishment in Bangladesh and who shall be authorized to accept legal and financial responsibility on behalf of the owner in respect of the operations undertaken by the vessel and to accept service of any notice, summons or other document on behalf of the owner in any legal proceedings arising out of the conduct of the fishing operations or related activities by the vessel;
- (b) the owner of the vessel or the local representative shall, if required by the Director, execute a bond in an amount and form satisfactory to the Director, to guarantee performance of the obligations under the licence;
- (c) the skipper or the local representative shall notify the Director of the estimated time and location of entry of the fishing vessel into Bangladesh fisheries waters not less than 24 hours prior to such entry, and shall at the same time notify the Director of
 - (i) the approximate fishing plan or schedule of activities to be carried out under the licence;
 - (ii) the date of arrival of the vessel at Chittagong or Khulna for initial inspection;

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- (d) after entry into Bangladesh fisheries waters, the fishing vessel shall proceed directly and immediately to Chittagong or Khulna for initial inspection by an authorized officer and shall not be used for fishing or related activities in such area until such time as such inspection has been carried out;
- (e) any transshipment of fish must be done in Chittagong or Khulna under the control of an authorized officer unless otherwise authorized in the licence, or otherwise authorized in writing by the Director;
- (f) the skipper shall, if required by the licence, cause radio reports to be made weekly to the Director or to the person authorized by the Director to receive such reports and such reports shall contain the following information, namely:
 - (i) the name of the fishing vessel;
 - (ii) the licence number;
 - (iii) the precise geographical position of the fishing vessel in terms of longitude and latitude;
 - (iv) the quantity in kilograms of each species of fish caught in the Bangladesh fisheries waters;
 - (v) the quantity in kilograms of each species of fish caught since the last report or the last inspection by an authorized officer;
 - (vi) the quantity in kilograms of each species of fish transferred, if such transfer is authorized, to other vessels since the last report or the last inspection made by an authorized officer;
- (g) the skipper shall bring the fishing vessel into any Bangladesh port specified by the Director for inspection at any time when required to do so by the Director or by persons authorized by him;
- (h) the fishing vessel shall at all times while in Bangladesh fisheries waters fly the flag of its flag states;
- (i) the skipper shall permit an observer or observers designated in writing by the Director to go on board and remain on board the vessel for any or all of the period of validity of the licence and shall
 - (i) provide the observer or observers with food and accommodation while on board equivalent to that given to an officer;
 - (ii) cooperate fully with each observer in the performance of his duties; and
 - (iii) arrange for the observer or observers to send or receive messages by way of radio telegraph or radiotelephone facilities on board the vessel;

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- (j) the skipper shall at all times while in Bangladesh fisheries waters comply with any directions or instructions given to him by any authorized officer, and in particular, shall bring the vessel to a halt when requested to do so and shall permit and facilitate any authorized officer to board the fishing vessel and shall cooperate with such officer in any inspection carried out by him;
- (k) the fishing vessel shall have on board at all times while in Bangladesh fisheries waters such communications and position-fixing equipment as may be specified in the licence;
- (l) the skipper or the local representative shall notify the Director or person authorized by him, of the estimated time and location of the departure of the vessel from Bangladesh fisheries waters not less than 48 hours prior to such departure, and shall at the same time notify him of the following:
 - (i) the expected date of arrival of the fishing vessel in Chittagong or Khulna for final inspection, and
 - (ii) the species of fish on board the vessel, and the quantity and condition of each species;
- (m) the fishing vessel shall, before leaving Bangladesh fisheries waters, proceed to a place specified by the Director or by a person authorized by him for final inspection by an authorized officer;
- (n) the fishing vessel shall, after final inspection, depart directly from the Bangladesh fisheries waters and shall not be used for fishing or related activities in the Bangladesh fisheries waters;
- (o) the fishing vessel shall maintain, make or issue in the English language any records, reports or notifications required to be maintained, made or issued under this rule;
- (p) the fishing vessel shall use in every communication by radio, flag or light between any licensed vessel in the Bangladesh fisheries waters and any Government authority, the signals specified in the "International Code of Signals" published by the Inter-Governmental Maritime Consultative Organization Marine Safety Committee.

9. - Signals. - (1) For the purpose of clause (p) of rule 8:

- (a) the signal to be used for requiring a foreign fishing vessel to bring you is the International Code of Signals, Signal "L".
- (b) the signal to be used for requiring a foreign fishing vessel to bring to be boarded, is the International Code of Signals, Signal "SQ.3".

(2) Signals may be given by flag, signal lamp, loudspeaker, horn, siren, message, block, whistle or radio.

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10. - Manner of stowage of gear. - Any foreign fishing vessel that is not licensed to operate in Bangladesh fisheries waters or being licensed is not authorized to engage in fishing shall, while within such waters, stow its fishing gear in accordance with the following provisions;

- (a) all fishing gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;
- (b) all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames; and
- (c) all fishing gear carried on deck shall be secured to same part of the superstructure of the vessel.

11. - Expiry of licence. - Except as otherwise stated in the licence, every licence shall expire on the thirty first day of December in the year in respect of which it was issued.

12. - Director to fix up the carrying capacity of fishing vessel. - The Director shall, while issuing licence to any fishing vessel either local or foreign, fix up the carrying capacity of the vessel and no fishing vessel shall be issued a licence which has less than 150 tons of carrying capacity:

Provided that this rule shall not apply to the fishing vessels with less than 150 tons of carrying capacity existing on the date of coming into force of the Ordinance and permitted to operate in the Bangladesh fisheries waters.

13. - Director to determine the type, refrigeration appliance in the fishing vessel. - The Director shall, while issuing licence, determine the type and refrigeration appliances to be fitted in the fishing vessel considering the size and capacity of the vessel:

Provided that this rule shall not apply to the fishing vessels with less than 150 tons of carrying capacity existing on the date of coming into force of this Ordinance and permitted to operate in the Bangladesh fisheries waters.

14. - Mesh size. - All licenced fishing vessels shall use nets of mesh size of the following dimensions:

- (a) for shrimp trawl net (Boom) with low opening, the minimum mesh size shall be 45 mm at the cod end;
- (b) for fish trawl net, mesh size at the cod end shall be 60 mm;
- (c) for large mesh drift net (LMD), the minimum mesh size shall be 200 mm;
- (d) for small mesh drift net (SMD), the minimum mesh size shall be 100 mm;

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(e) for set bag net (Behundi net), the minimum mesh size at the cod end shall be 30 mm.

15. - Area for fishing. - (1) Area for fishing with the set bag nets is earmarked up to 40 meters of depth of marine water at its highest tide.

(2) Area for fishing using hooks and lines are earmarked up to 40 meters of depth of marine water at its highest tide.

(3) Area for fishing with drift net (Bhasajal) for fishing ilish (Hilsha) and like fish are earmarked up to the depth of 40 meters of marine waters at its highest tide.

(4) Area for fishing with drift net (Bara vasajal-Lakhyajal) are earmarked up to the depth of 40 meters of marine water at its highest tide.

(5) Area for fishing with trawlers are earmarked for operation beyond 40 meters of marine waters at its highest tide.

16. - Prohibited methods of fishing. - The prohibited methods of fishing are:

(a) fishing with any gear having mesh size smaller than the mesh size specified in rule 14;

(b) fishing with any kind of explosives, poison and other noxious substances;

(c) fishing with electrocuting the marine species of any type.

17. - Requirements for fishing in the Bangladesh fisheries waters.

(1) All fishing vessels shall:

(a) have licence for fishing in the Bangladesh fisheries waters;

(b) possess valid required certificates;

(c) display nationality sign through flag and suitable markings on the visible part of the vessel.

(2) A foreign fishing vessel shall fly courtesy flag, that is, the national flag of Bangladesh so long it remains in the territorial waters and Economic Zone of Bangladesh.

18. - The owner, skipper or charterer of any fishing vessel licences for fishing in the Bangladesh fisheries waters shall employ at least 3 Bangladesh fishermen trained from the Marine Fisheries Training Academy, Chittagong.

LOCAL FISHING VESSEL LICENCE

LICENCE NO.

ISSUED TO
(full name)

ADDRESS

NAME AND ADDRESS OF OWNERS OF VESSEL IF DIFFERENT FROM ABOVE
.....

NAME OF VESSEL FISHING VESSEL IDENTIFICATION MARK

PORT OF REGISTRY (if any) REGISTRATION NO. (if any)

RADIO CALL SIGN (if any) FREQUENCY

DIMENSIONS OF VESSEL –

LENGTH.....TONNAGE

METHOD OF PROPULSION -

INBOARD ENGINES, NO. OFHORSE POWER

OUTBOARD ENGINES, HORSE POWER

TYPE OF FISHING EQUIPMENT

AREAS TO BE FISHED

SPECIES OF FISH TO BE TAKEN

FISH TO BE LANDED AT

FEE PAID

THIS LICENCE IS VALID FOR THE PERIOD COMMENCING

UNTIL

DATE OF ISSUE

.....
SIGNATURE OF ISSUING OFFICER

THIS LICENCE IS TRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. THE HOLDER SHALL COMPLY WITH AND ENSURE THAT THE VESSEL IS USED IN CONFORMITY WITH THE PROVISIONS OF THE MARINE FISHERIES ORDINANCE, 1983 AND RULES MADE THEREUNDER.

FOREIGN FISHING VESSEL LICENCE NO.

ISSUED TO

ADDRESS

NAME AND ADDRESS OF OWNER OF VESSEL IF DIFFERENT FROM ABOVE

.....

NAME AND ADDRESS OF AGENT OR OTHER LEGAL REPRESENTATIVE IN BANGLADESH

.....

NAME AND ADDRESS OF MASTER OF VESSEL

.....

NAME OF VESSEL

TYPE OF VESSEL

PORT AND COUNTRY OF REGISTRY

REGISTRATION NUMBER

FISHING VESSEL IDENTIFICATION MARK

LENGTH REGISTERED NET TONNAGE

ENGINE HORSE POWER

RADIO CALL SIGN FREQUENCY

THIS VESSEL, DETAILS OF WHICH APPEAR ABOVE, IS HEREBY AUTHORIZED TO DO SUCH OF THE FOLLOWING AS MAY BE INDICATED ON THIS LICENCE:

PART I - AUTHORIZATION TO FISH WITHIN BANGLADESH FISHERIES WATERS

DESCRIPTION OF FISHING OPERATIONS AUTHORIZED

.....

AREAS TO BE FISHED

.....

SPECIES OF FISH TO BE TAKEN

.....

AUTHORIZED LANDING PLACES

.....

SPECIAL CONDITIONS

THIS LICENCE IS VALID FOR THE PERIOD COMMENCING

UNTILDATE OF ISSUE

FEES PAID

.....

SIGNATURE OF ISSUING OFFICER

THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE HOLDER SHALL COMPLY WITH AND ENSURE THAT THE VESSEL IS USED IN CONFORMITY WITH THE PROVISIONS OF THE MARINE FISHERIES ORDINANCE, 1983 AND ANY RULES MADE THEREUNDER.

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CATCH RECORD FORM

as required under section 14 of the
Marine Fisheries Ordinance, 1983

Catch Record of Vessel "....." No.....
Trip NoFrom 19 .. to19..
withNet(s) (State type gear used)

Trawl/haul/
gear set No. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) Total

Depth (metres)

Time started (State AM/PM)

Time finished (or 24 hr. clock)

Area of catch (No. on chart)

Catch (Kg. estimated):

Shrimp:	Brown	
	White	P. indicus
	Pink	P. Semisulcatus
	Tiger	P. monodon
	Other	
Fish	Shark	Carcharhinus
	Sawfish	Pristis
	Skates + rays	Raja, etc.
	Indian Salmon	Polynemus
	Silver Pomfret	Sromateus
	Other Pomfret	S-spp
	Eel	Muraenesox
	Grunter	Pomadasys
	Croaker (Jewfish)	Otolithoides
	Black/Silver (Jewfish)	Johnius
	Bhetki	Lates
	Snapper	Lutianus
	Catfish	Tachysurus
	Mackerel	Rastrelliger
	Yellowtail	Caranx
	Butterfish	Psenes
	Ribbonfish	Trichiurus
	Hilsa	Hilsa
	Mullet	Mugil
	Bombay Duck	Harpodon

Fish (state principal fish)

"miscellaneous" fish

catches: aquid, etc. (state)

crabe, etc. (state)

Totals by order of the Chief Martial law Administrator

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1. LIMITS OF NATIONAL JURISDICTION

Territorial Sea and Maritime Zones Law, 1977

CHAPTER I - TITLE AND DEFINITIONS

- 1.- This Law may be called the Territorial Sea and Maritime Zones Law.
2. - The following expressions contained in this Law shall have the following meanings:
 - (a) "Burma" means the Socialist Republic of the Union of Burma;
 - (b) "Council of Ministers" means the Council of Ministers of Burma;
 - (c) "Baselines" means the baselines specified in the Annex to this Law.

CHAPTER II - TERRITORIAL SEA

3. - The territorial sea of Burma extends seawards to a distance of twelve nautical miles from the baselines.
- 4.- The sovereignty of Burma extends to the territorial sea, to its bed and subsoil and to the air space over the territorial sea.
- 5.- Subject to the provisions of this Law, ships of all States other than warships shall enjoy the right of innocent passage through the territorial sea. Passage shall be deemed to be innocent so long as it is not prejudicial to the peace, good order or security of Burma.
- 6.- During passage through the territorial sea:
 - (a) foreign ship shall observe the existing laws and rules of Burma;
 - (b) foreign fishing vessel shall keep its fishing gear and equipment in a secured position for sea. Such a vessel shall traverse the territorial sea by the shortest way without stopping or anchoring, except by reason of force majeure;
 - (c) no foreign research ship shall undertake any research activity without the prior express permission of the Council of Ministers.
7. - Proof of innocence of passage shall be furnished by the foreign ship exercising the right of innocent passage when called for by the competent authorities of Burma.

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8. - The Council of Ministers may suspend temporarily, in specified areas of the territorial sea, the innocent passage of foreign ships if it considers that such suspension is necessary to safeguard the peace, good order or security of Burma.

9. - (a) No foreign warship shall pass through the territorial sea without the prior express permission of the Council of Ministers.

(b) A foreign warship entering the territorial sea without the prior express permission of the Council of Ministers shall be required to leave the area immediately.

(c) During passage through the territorial sea, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flag.

CHAPTER III - CONTIGUOUS ZONE

10. - The contiguous zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of twenty-four nautical miles from the baselines.

11. - In the contiguous zone Burma exercises such control as it may consider necessary to: safeguard the security of Burma; prevent and punish infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea.

CHAPTER IV - CONTINENTAL SHELF

12.- The continental shelf of Burma comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the baselines where the outer edge of the continental margin does not extend up to that distance.

13. - Burma exercises exclusive sovereign rights in respect of its continental shelf.

14. - Without prejudice to the generality of the provisions of section 13, Burma has in the continental shelf:

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living;

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- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;
 - (c) exclusive jurisdiction to authorize, regulate and control scientific research;
 - (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
 - (e) such other rights as are recognized from time to time by international law.
15. - (a) The natural resources of the continental shelf include vegetable organisms and living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.
- (b) Where the Council of Ministers considers that a marine organism of any kind is part of the living natural resources of the continental shelf, it may, by notification in the official Gazette, declare that organism to be part of the living natural resources of the continental shelf.
16. - No one shall, without the prior express permission of the Council of Ministers, carry out in the continental shelf, any of the following:
- (a) exploration;
 - (b) exploitation of the natural resources, both living and non-living;
 - (c) research;
 - (d) search, excavation, drilling; or
 - (e) construction, maintenance or operation of any artificial island, off-shore terminal, installation or other structure or device.

CHAPTER V - EXCLUSIVE ECONOMIC ZONE

17. - The exclusive economic zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of two hundred nautical miles from the baselines.

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18. - Burma has in the exclusive economic zone:
- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living, as well as for producing energy from water and winds;
 - (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;
 - (c) exclusive jurisdiction to authorize, regulate and control scientific research;
 - (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
 - (e) such other rights as are recognized from time to time by international law.

19. - Subject to the exercise by Burma of its rights:

- (a) ships of all States shall enjoy the right of freedom of navigation within the exclusive economic zone;
- (b) aircraft of all States shall enjoy freedom of overflight within the air space over the zone.

20. - No one shall conduct any activity in the exclusive economic zone in relation to exploration, exploitation or research, without the prior express permission of the Council of Ministers:

Provided that, nothing in this section shall apply to fishing in accordance with law by a citizen of Burma.

CHAPTER VI - OFFENCES AND PENALTIES

21. - Whoever contravenes or attempts to contravene or abets the contravention of any provision of this Law or of any rule made thereunder shall be punishable with imprisonment which may extend to ten years, or with fine, or with both:

Provided that, the provisions of this section shall not preclude the right to take action under any other existing law.

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22. - Any ship other than a warship which is involved in the contravention of any provision of this Law punishable under section 21 shall be liable to confiscation together with its equipment and instruments as well as everything aboard that ship.

23. - There shall be no prosecution under this Law without the prior sanction of the Council of Ministers.

CHAPTER VII - MISCELLANEOUS

24. - For the purpose of successfully implementing the provisions of this Law, the Council of Ministers may promulgate such regulations, bye-laws, orders, directives and procedures as may be necessary.

25. - Nothing in this Law shall affect the right of hot pursuit that may be exercised by Burma against any offender for any offence committed in the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone.

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ANNEX

For the purpose of this Law, the low-water lines as marked on large-scale charts officially recognized by Burma shall be the baselines for measuring the breadth of the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone of Burma:

Provided that, where by reason of the geographical conditions prevailing on the coasts of Burma or of the economic requirements of the coastal regions straight baselines have been drawn between fixed points on the mainland, on islands or rocks, measurement shall be made from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the following schedule:

SCHEDULE

1. Arakan Coas

(a) Southern Point of MAYU ISLAND	Lat Long	20° 11' 49" N 92° 32' 19" E
(b) BORONGA POINT	Lat Long	19° 48' 30" N 93° 01' 42" E
(c) SOUTH TERRIBLES	Lat Long	19° 22' 56" N 93° 16' 20" E
(d) Western Point of HENRY ROCKS	Lat Long	18° 51' 48" N 93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND	Lat Long	18° 20' 50" N 93° 56' 25" E
(f) ST. JOHN'S or CHURCH ROCKS	Lat Long	17° 27' 39" N 94° 19' 46" E
(g) NORTH WEST GROUP	Lat Long	16° 55' 28" N 94° 12' 45" E
(h) KORONGE ISLAND	Lat Long	16° 31' 20" N 94° 14' 21" E
(i) SOUTH ROCK	Lat Long	16° 18' 55" N 94° 11' 20" E
(j) BLACK ROCK	Lat Long	16° 11' 50" N 94° 10' 50" E
(k) ALGUADA REEF (PATHEIN LIGHT)	Lat Long	15° 42' 13" N 94° 12' 06" E

2-	Gulf	Lat	15° 42' 13" N
	(a) of Martaban	Long	94° 12' 06" E
	ALGUADA REEF		
	(PATHEIN LIGHT)		
	(b) Western Point of LONG	Lat	14° 24' 15" N
	ISLAND	Long	97° 46' 02" E
3.	Tenasserim Coast		
	(a) Western Point of LONG	Lat	14° 24' 15" N
	ISLAND	Long	97° 46' 02" E
	(b) NORTH ISLAND	Lat	14° 09' 00" N
		Long	97° 46' 54" E
	(c) WEST CANISTER	Lat	12° 30' 30" N
	ISLAND	Long	97° 47' 42" E
	(d) Northern Point of	Lat	12° 30' 30" N
	SAURIM ISLAND	Long	97° 47' 42" E
	(e) Western Point of H.	Lat	12° 03' 03" N
	PRINCEP ISLAND	Long	97° 38' 00" E
	(f) GREAT WESTERN	Lat	11° 47' 15" N
	TORRES	Long	97° 26' 15" E
	(g) North Western Point of NORTH	Lat	10° 38' 15" N
	TWIN	Long	97° 41' 45" E
	(h) Western Point of	Lat	10° 28' 12" N
	SOUTH TWIN	Long	97° 40' 45" E
	(i) WESTERN	Lat	09° 51' 24" N
	ROCKY ISLAND	Long	97° 52' 18" E
	(j) HAYCOCK ISLAND	Lat	09° 40' 45" N
		Long	97° 54' 30" E

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1. LIMITES NATIONALES DE JURIDICTION

Loi N° 82-005 du 28 juillet 1982 relative à la délimitation des zones maritimes de la République Fédérale Islamique des Comores

TITRE I - LE REGIME JURIDIQUE DES EAUX ARCHIPELAGIQUES DE L'ESPACE AERIEN
SUSJACENT AUX EAUX ARCHIPELAGIQUES DES COMORES ET DE LEURS
FONDS MARINS ET DE LEUR SOUS-SOL

Article 1. - La souveraineté de l'Etat Comorien s'étend aux eaux englobées par les lignes de base, qui sont dites eaux archipelagiques, indépendamment de leur profondeur ou de la distance qui les sépare de la côte.

L'Etat Comorien étend sa souveraineté à l'espace aérien susjacent aux eaux archipelagiques aux fonds marins et au sous-sol correspondants, et aux ressources qu'ils contiennent.

Article 2. - Le droit de passage inoffensif dans les eaux archipelagiques des Comores doit être respecté. Les Comores peuvent aussi suspendre temporairement dans leurs eaux l'exercice du droit de passage inoffensif si cette suspension est indispensable à la protection de leur sécurité.

TITRE II - LE REGIME JURIDIQUE DE LA MER TERRITORIALE DES COMORES

Article 3. - Limite de la Mer Territoriale des Comores. - Les Comores limitent leur Mer Territoriale à 12 milles marins à partir de lignes de base. La limite intérieure de la mer territoriale est constituée par une ligne dont chaque point est à distance égale à la largeur de la mer territoriale du point le plus proche de la ligne de base.

Article 4. - Droit, juridiction et obligations des Comores dans la Mer Territoriale. - La souveraineté des Comores s'étend, au-delà de leur territoire et de leurs eaux intérieures ou archipelagiques, à une zone de mer adjacente désignée sous le nom de mer territoriale.

Cette souveraineté s'étend à l'espace aérien au-dessus de la mer territoriale ainsi qu'au fond et au sous-sol de cette mer.

Article 5. - Droit de passage inoffensif dans la Mer Territoriale. - Les navires de tous les Etats, côtiers ou non littoraux, jouissent du droit de passage inoffensif dans la mer territoriale des Comores, c'est-à-dire que le passage doit être continu et rapide sans porter atteinte à la paix et au bon ordre ou à la sécurité des Comores. L'exercice du droit de passage inoffensif peut être réglementé ou suspendu par décret conformément au droit International. Dans les eaux territoriales des Comores, les sous-marins doivent se tenir en surface et hisser leur pavillon.

TITRE III - REGIME JURIDIQUE DE LA ZONE ECONOMIQUE EXCLUSIVE DES COMORES

Article 6. - Limite de la zone économique exclusive des Comores. - La zone économique exclusive est délimitée d'un côté par la limite extérieure de la mer territoriale et de l'autre par une ligne dont chaque point est éloigné d'une distance de deux cent milles du point le plus proche de la ligne de base ou équidistant des lignes de base des côtes Comoriennes et de celles des côtes des pays étrangers qui leur font face sauf convention particulière.

Article 7. - Droits, juridiction et obligations des Comores dans la zone économique exclusive. - Dans leur zone économique exclusive, les Comores ont:

(a) des droits souverains aux fins de l'exploration et de l'exploitation, de la conservation et de la gestion des ressources naturelles, biologiques ou non biologiques, du fond des mers et de son sous-sol et des eaux susjacentes ainsi qu'en ce qui concerne d'autres activités tendant à l'exploration et à l'exploitation de la zone à des fins économiques, comme la production d'énergie à partir de l'eau, des courants et des vents.

(b) les Comores ont la juridiction en ce qui concerne:

- la recherche scientifique marine
- la préservation du milieu marin
- la prévention de la pollution de la mer

Les recherches scientifiques ou techniques sont subordonnées à l'octroi d'une licence délivrée par l'Etat Comorien.

(c) tous les Comoriens peuvent pêcher librement dans la zone économique exclusive des Comores.

Article 8. - Droits et obligations des autres Etats dans la zone Economique exclusive des Comores

(a) Dans la zone économique exclusive des Comores, tous les Etats jouissent de la liberté de navigation et de survol, et de la liberté de poser des câbles et des pipelines sous-marins à condition que ces libertés soient compatibles avec les dispositions de la convention sur le droit de la mer (pas de menace contre la paix).

(b) Les Etats tiers doivent tenir compte des droits et des obligations des Comores et respecter les lois et règlements édictés par celles-ci conformément aux règles du droit international.

(c) La juridiction: Dans le cas où un conflit surgit entre les intérêts des Comores et ceux d'un ou plusieurs autres Etats, ce conflit devra être résolu sur la base de l'équité, compte tenu de l'importance que les intérêts en cause présentent pour les parties respectives et pour l'ensemble de la communauté internationale.

Article 9. - Conservation des ressources biologiques dans la zone économique exclusive des Comores

- (a) Des décrets déterminent les prises autorisées des ressources biologiques et minéralogiques dans leur zone économique exclusive.
- (b) Les Comores, par des mesures appropriées de gestion et de conservation, veillent à ce que le maintien des ressources biologiques de la zone économique exclusive ne soit pas menacé par la surexploitation.
Selon le cas, les Comores veillent à ce que les organisations sous-régionales, régionales et mondiales concernées ne soient pas menacées par la surexploitation.
- (c) Les Comores déterminent leur capacité de récolter les ressources biologiques et minéralogiques de la zone. Si elles n'ont pas la capacité de récolter la totalité des prises autorisées, elles les accordent à d'autres Etats, par voie d'accords.

Article 10. - Les infractions aux dispositions de la présente loi et à celles des règlements pris pour son application seront passibles d'une amende de 10 millions à 80.000.000 CFA et à une saisie conservatoire du navire, ou de l'une de ces deux peines seulement.

Article 11. - La loi N° 71-1060 du 24 Décembre 1971 relative à la délimitation des eaux territoriales françaises est abrogée aux Comores.

L'ordonnance N° 78-003/DPM du 20 juillet 1978 précisant les limites des eaux territoriales comoriennes est abrogée.

Article 12. - La présente loi sera exécutée comme loi de l'Etat.

2. DISPOSITIONS DE VALEUR LEGISLATIVE INTERESSANT LA PECHE MARITIME

Loi N° 82-015 du 13 août 1982 relative à l'activité des navires de pêche étranger dans les zones maritimes Comoriennes.

TITRE I - CONDITIONS DE L'ACTIVITE DES NAVIRES DE PECHE ETRANGERS DANS LES ZONES MARITIMES COMORIENNES

Article 1. - Au sens de la présente loi et des règlements pris pour son application, seront considérés comme des navires de pêche tous les navires ou embarcations que leurs aménagements destinent à la pêche et aux activités annexes de celle-ci, ou encore qui sont utilisés pour pêcher ou traiter le produit des pêches.

Les navires de pêche qui ne sont pas locaux seront considérés comme étrangers.

Les navires de pêches locaux sont ceux qui, de nationalité comorienne, appartiennent en pleine propriété:

1. à un ou plusieurs ressortissants des Comores;
2. à une personne morale, compagnie, société, ou association constituée conformément à la législation comorienne et dont plus de la moitié au moins des actions ou parts sociales sont détenues par des ressortissants des Comores, des personnes morales comoriennes, ou l'Etat Comorien;
3. à l'Etat des Comores.

Article 2. - Aucun navire de pêche étranger ne saurait être utilisé pour pêcher dans les limites de la mer territoriale des Comores telle que définie à l'article 1er de la loi N° 82-05 du 28 juillet 1982 relative aux zones maritimes comoriennes.

Article 3. - Aucun navire de pêche ne saurait être utilisé pour pêcher ou remplir une activité annexe de la pêche dans les limites de la zone économique exclusive des Comores telle que définie à l'article 7 de la loi précitée N° 82-05 du 28 juillet 1982 relative aux zones maritimes comoriennes si ce n'est en vertu et dans les termes d'une licence délivrée pour ce navire par le Ministre chargé des pêches.

Article 4. - Lorsqu'un navire de pêche étranger ne faisant pas l'objet d'une licence de pêche pénètre dans les zones maritimes placées sous la juridiction des Comores et pendant tout le temps qu'il reste dans celles-ci, son matériel de pêche doit se trouver constamment de la façon suivante:

1. Le matériel de pêche doit être arrimé à l'intérieur, sous le pont, et d'une manière générale retiré de l'endroit où il se trouve normalement en usage aux fins de pêche pour être placé en un lieu où il ne saurait être facilement utilisé à ces mêmes fins;

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2. Tous les filets, chaluts et poids doivent être défaits de leurs câbles de remorque ou de halage, de leurs cordages ou de leurs cadres fixes;
3. Les engins de pêche susceptibles d'être détachés du pont doivent être fixés à une partie quelconque de la superstructure du bâtiment.

Article 5. - Le Ministre chargé des pêches peut délivrer au propriétaire, à l'affréteur ou au sous-affréteur d'un navire de pêche étranger une licence pour pêcher dans les limites de la zone économique exclusive, pendant la durée de validité prévue par la licence.

Lorsqu'il octroie une licence au titre du présent article, le Ministre chargé des pêches doit l'assortir des prescriptions ayant notamment pour objet l'ensemble ou certaines des matières suivantes:

- (a) les zones dans les limites desquelles le navire est autorisé à pêcher;
- (b) la ou les périodes pendant lesquelles le navire est autorisé à pêcher;
- (c) les poissons et produits de la mer pouvant être pris par espèces, tailles, sexes, âge et volumes de prises;
- (d) les méthodes dont il peut être fait usage pour prendre le poisson et autres produits de la mer;
- (e) le matériel de pêche pouvant être utilisé par un navire de pêche étranger par types, dimensions et quantités;
- (f) l'utilisation, le transfert, le transbordement, le débarquement et le traitement du poisson ou autres produits de la mer pris;
- (g) l'entrée du navire de pêche étranger dans le port Comorien aux fins d'inspection des prises ou pour tout autre motif;
- (h) les renseignements statistiques et autres que le navire est tenu de communiquer à l'Administration comorienne compétente, notamment les données sur les prises et l'effort de pêche, ainsi que les rapports relatifs à la position du navire;
- (i) la mise en oeuvre de programmes déterminés de recherche sur les pêches;
- (j) l'enseignement aux ressortissants comoriens des méthodes de pêche dont fait usage le navire ainsi que le transfert de technologies aux Comores en matière de pêche;
- (k) l'obligation faite au navire de conserver à bord sa licence de pêche;

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- (l) le marquage du navire ainsi que les autres moyens d'identification qu'il devra comporter;
- (m) les directives, instructions et autres exigences que le navire devra respecter lorsqu'elles lui seront adressées par des navires ou aéronefs comoriens;
- (n) le placement d'observateurs comoriens à bord du navire et les conditions matérielles de leur prise en charge;
- (o) l'installation à bord et l'entretien en bon état de fonctionnement d'un transpondeur ou de tout autre équipement servant à identifier le navire ou à en donner la position ainsi que l'équipement de navigation approprié pour permettre au navire de préciser sa position;
- (p) l'existence à bord d'un équipement déterminé pour les communications ainsi que des cartes nautiques, publications nautiques et instruments de navigation déterminés;
- (q) toute autre matière dont le Ministre compétent estime la réglementation nécessaire ou appropriée aux fins de la conservation ou de la gestion des ressources de la pêche des Comores.

Article 6. - Chaque titulaire de licence doit acquitter au Trésor, au titre de sa licence des redevances dont l'assiette et le montant seront fixés par arrêté du Ministre chargé des pêches et révisés périodiquement.

Article 7. - Le Ministre chargé des pêches peut suspendre ou retirer une licence:

- (a) chaque fois qu'il constate qu'un navire de pêche étranger objet d'une licence se trouve avoir été utilisé en violation de la présente loi, des règlements pris pour son application ou des prescriptions assortissant la licence; ou
- (b) chaque fois qu'il estime la suspension ou le retrait nécessaire ou opportuns pour une bonne gestion des pêcheries.

Dans le second cas, il est remboursé au titulaire de la licence qui en a fait la demande, la partie des redevances qu'il aurait acquittée correspondant à la durée de la validité supprimée.

Article 8. - Le Ministre chargé des pêches peut, par écrit, autoriser l'emploi d'un navire de pêche étranger pour pêcher dans les limites de la zone économique exclusive à des fins de recherche scientifique ou technique et sous des conditions dérogatoires qu'il déterminera.

TITRE II - POLICE DES PECHES

Article 9. - Pour le contrôle de l'exécution des dispositions de la présente loi et de celles des règlements pris pour son application, les agents habilités à cet effet par le Ministère chargé des pêches peuvent, sans qu'un mandat soit nécessaire:

- (a) ordonner à un navire de pêche étranger naviguant dans les eaux des zones maritimes coraoriennes de stopper ses machines et de faire toutes manoeuvres de nature à faciliter l'accostage;
- (b) monter à bord;
- (c) ordonner que leur soient produits la licence de pêche, le journal de bord et tout autre document relatif au navire ou aux prises se trouvant à bord, examiner ces documents et en prendre copie;
- (d) ordonner que tout filet ou autre engin de pêche existant à bord ou appartenant au navire leur soit montré pour être examiné par eux, et procéder à l'inspection de tout poisson se trouvant à bord;
- (e) ordonner aux personnes présentes à bord de faire tout ce qui leur paraîtra nécessaire pour vérifier si une infraction a été ou non commise.

Article 10. - Chaque fois qu'un agent habilité constate qu'une infraction à la législation en vigueur a été commise:

Il en dresse un procès-verbal faisant foi jusqu'à inscription de faux.

Il a compétence pour saisir et détenir le navire, son matériel de pêche, le poisson ou tous autres produits de la mer, les équipements, les approvisionnements et la cargaison trouvés à bord ou appartenant au navire ainsi que tout autre engin de pêche abandonné par le navire.

Le navire de pêche saisi et son équipage sont conduits dans les plus brefs délais dans un port comorien.

Les prises trouvées à bord et susceptibles de s'altérer sont immédiatement vendues.

Le produit de la vente est consigné auprès d'un comptable public.

Article 11. - Pour l'exécution des dispositions de l'article 9 ci-dessus, les agents habilités peuvent:

1. en cas de nécessité absolue, mettre en état d'arrestation toute personne se trouvant à bord du navire objet au procès-verbal;
2. requérir le concours de la force publique.

Article 12. - Lorsqu'un navire de pêche étranger est poursuivi au-delà des limites de la zone économique exclusive comorienne par suite d'une infraction à* la législation en vigueur, il est permis aux agents habilités à constater l'infraction d'exercer les pouvoirs qui leur sont reconnus par les articles 10 et 11 ci-dessus conformément aux règles prévues par le droit international.

Article 13. - Les agents assermentés de la direction de l'océanographie et des pêches, les agents chargés de la surveillance des zones maritimes comoriennes, les agents assermentés des services de la marine marchande, les agents du service des douanes, tous les officiers de P.J. tous les officiers et sous-officiers de la Marine Nationale ont qualité pour chercher et constater les infractions aux dispositions de la présente loi et à celles des règlements pris pour son application, en dresser procès-verbal et conduire ou faire conduire le ou les contrevenants et navires de pêche au port comorien le plus proche.

TITRE III - INFRACTION ET POURSUITES

Article 14. - Lorsque dans les limites des zones maritimes comoriennes un navire de pêche étranger aura:

1. pêché sans licence valide, ou
2. méconnu en pêchant les prescriptions de la licence dont il aura fait l'objet ou les dispositions de la législation en vigueur, ou
3. exhibé des marques ou autres moyens d'identification pour donner à croire qu'il fait l'objet d'une licence.

Le propriétaire et le patron ou capitaine dudit navire seront chacun passibles d'une amende de 10 millions à 80 millions de francs CFA. Cette peine sera portée au double en cas de récidive dans les cinq années d'une condamnation.

En outre, le tribunal pourra prononcer, au profit du Trésor Public, la confiscation du poisson et autres produits de la mer trouvés à bord du navire ainsi qu'éventuellement celle des engins de pêche ayant servi à commettre l'infraction. Cette peine sera nécessairement prononcée en cas de récidive ou de l'infraction prévue au paragraphe 1) et 3) du présent article.

En cas de récidive ou de l'infraction prévue au paragraphe 1) et au 3) du présent article, il pourra également prononcer la confiscation du navire.

Les frais occasionnés par la détention du navire et le rapatriement des membres de l'équipage seront mis à la charge de la ou des personnes dont la responsabilité aura été retenus.

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Article 15. - Lorsqu'un navire de pêche étranger ne faisant pas l'objet d'une licence pénètre dans la zone économique exclusive comorienne sans que son matériel de pêche soit rangé et arrimé de la façon prescrite par l'article 4 de la présente loi, le propriétaire et le patron de pêche dudit navire seront chacun passibles d'une amende de 7 millions à 15 millions de francs CFA.

Article 16. - Quiconque met volontairement obstacle ou tente de mettre obstacle à l'exercice des pouvoirs conférés par les articles 9, 10 et 11 ci-dessus aux agents habilités sera passible d'une amende de 1 à 3 millions de francs CFA.

Article 17. - (1) Lorsqu'un navire de pêche étranger est détenu en vertu de l'article 10 de la présente loi, le tribunal peut ordonner son relâchement sous caution sur la demande du propriétaire du navire, du titulaire de la licence, d'un représentant local mandaté ou du patron du navire;

(2) Le montant de la caution ne peut excéder la valeur du poisson, ou autres produits de la mer trouvés à bord du navire lorsque ceux-ci n'ont pas été vendus, ajoutés aux frais exposés pour détenir le navire ou éventuellement rapatrier les membres de l'équipage et au montant de l'amende ou des amendes encourues par le ou les prévenus.

Dand le cas des infractions pour lesquelles la loi a prévu la confiscation du navire, le Tribunal pourra ajouter au montant de la caution la valeur estimée du navire y compris tout son matériel de pêche, ses équipements, ses approvisionnements et sa cargaison.

Article 18. - La libération d'une caution versée au titre de l'article 17 ci-dessus est subordonnée aux conditions suivantes:

- (a) le tribunal a prononcé un jugement de non-lieu ou a acquitté le ou les prévenus des poursuites dirigées contre eux;
- (b) le tribunal a condamné le ou les prévenus et il y a eu acquittement intégral de toutes amendes, dépenses et frais mis à la charge des contrevenants par la décision de justice dans les trente jours de la date de celle-ci;
- (c) le navire, son matériel de pêche, ses équipements, ses approvisionnements et sa cargaison ainsi que le poisson saisi, ou la contre-valeur de celui-ci au cas où il aurait été vendu ont été rerais au tribunal sans être endommagé ni affecté d'aucune moins value conformément à la décision prononçant la confiscation de chacun ou de l'ensemble de ces éléments.

Lorsqu'à l'expiration du délai prévu à l'alinéa (b) ci-dessus les amendes, dépenses et frais n'auront pas été acquittés en totalité la caution ne pourra être libérée qu'après déduction des sommes correspondantes augmentées, le cas échéant, de pénalités de retard et sans préjudice de l'application des dispositions de l'article 19 ci-dessous.

COM 10

Article 19. - La somme correspondant à la caution sera recouvrée et versée au Trésor Public comme deniers dus à l'Etat conjointement et solidairement par la ou les personnes ayant constitué caution lorsque celles-ci n'en auront pas demandé ni obtenu la libération dans un délai de six mois à compter de la date où la décision de justice sera devenue définitive.

Article 20. - En cas de condamnation du patron ou du propriétaire d'un navire de pêche étranger prononcée pour infraction à la législation sur les pêches maritimes en vigueur, le navire, son matériel de pêche, ses équipements, ses approvisionnements et sa cargaison sont susceptibles d'être saisis, si leur confiscation n'a pas été ordonnée par le tribunal jusqu'au paiement des amendes, dépenses et frais prononcés par le jugement. A défaut d'acquiescement des sommes correspondantes dans un délai de trois mois à compter du jugement, le navire, ses matériels de pêche, équipements, approvisionnements et cargaison seront vendus au profit du Trésor Public; l'excédent étant reversé au propriétaire du navire.

TITRE IV - DISPOSITIONS GENERALES

Article 21. - Le Ministre chargé des pêches prendra tous règlements utiles pour l'application de la présente loi. Il pourra également:

- (a) prescrire la forme, les conditions et les modalités de demande des licences;
- (b) prescrire la durée, la forme et le contenu des licences;
- (c) prescrire la procédure de contrôle et de saisie des navires de pêche étrangers;
- (d) imposer à ceux qui sollicitent une licence ou en sont titulaires de mandater un agent local chargé de les représenter aux Comores;
- (e) prendre toute mesure de nature à garantir le respect des conditions des licences de pêche par les navires de pêche étrangers pêchant dans la zone économique exclusive comorienne;
- (f) obliger ceux qui sollicitent des licences ou en sont titulaires à constituer caution ou donner toute autre forme de gage pour garantir le respect des obligations découlant de la licence et de la législation en vigueur sur les pêches maritimes;
- (g) délimiter des zones réservées aux bâtiments de pêche et aux pêcheurs locaux à l'intérieur de la zone économique exclusive comorienne;
- (h) délimiter des zones réservées au repeuplement et prendre toutes mesures utiles à la conservation des espèces marines;

COM 11

- (i) prévoir les modalités d'indemnisation des ressortissants ou de l'Etat Comorien pour les dommages causés par des navires de pêche étrangers aux navires de pêche comorien, à leur matériel de pêche, à leurs prises, aux câbles, installations du domaine public maritime et tous autres intérêts comoriens;
- (j) définir les infractions aux règlements qu'il aurait fait et fixé le montant des amendes correspondantes dans la limite de 80.000.000 francs CFA;
- (k) préciser les règles que devront observer les navires de pêche étrangers quand ils se trouvent dans les limites des zones maritimes et prescrire les méthodes d'arrimage du matériel de pêche dont l'utilisation est prohibée;
- (l) réglementer les activités des navires de service tels que les bâtiments assurant l'approvisionnement, la répartition ou l'entretien des navires de pêche et soumettre ceux-ci à l'obligation d'une licence;
- (m) fixer le montant des droits à acquitter au Trésor pour la délivrance des licences.

Article 22. - Toutes dispositions antérieures à la présente loi sont abrogées.

3. REGLEMENTS

Décret N° 79-019 du 9 avril 1979 interdisant la capture des tortues de mer dans les eaux territoriales des Comores, de même que dans les eaux internationales limitrophes

Article 1. - La capture des tortues de mer est interdite dans les eaux territoriales des Comores de même que dans les eaux internationales limitrophes.

Article 2. - Toute infraction à l'article premier du présent décret sera punie de peine de police qui ne pourra être inférieure à l'une des deux peines suivantes: huit jours de prison ferme ou 25.000 francs d'amende et entraînera automatiquement la saisie des tortues de mer qui seront remises en liberté, si elles sont vivantes, et détruites par incinération si elles sont mortes ou blessées gravement.

Article 3. - Des dispositions ultérieures seront proposées à l'Assemblée Fédérale afin de transformer en délit les infractions susvisées et de prévoir des peines correctionnelles en conséquence.

Article 4. - Le Premier Ministre chargé de l'Intérieur et de l'Information, le Ministre de la Production et des Industries agricoles, le Ministre des Finances, de l'Economie et du Plan, les Gouverneurs sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui entrera en vigueur à compter de la date de sa signature et sera enregistré, publié au Journal Officiel des Comores et communiqué partout où nécessaire.

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* Title only

1. LIMITES NATIONALES DE JURIDICTION

Loi N° 52/AN/78 du 9 janvier 1979 concernant la mer territoriale, la zone]contigue, la zone éconoraïque exclusive, les frontières raaritimes et l'exercice de pêche.

SECTION I - TITRES ET DEFINITION

Article premier. - La présente loi est relative a la delimitation des eaux territoriales, a la zone contigue, à la zone économique exclusive, aux frontières maritimes et à l'exercice de pêche.

Article 2. - Aux fins de la présente loi, les expressions et termes suivants y figurant répondent aux définitions ci-après, sauf si ces dernières ne correspondent pas au contexte:

République: La RSpublique de DJIBOUTI.

Ministère de l'Agriculture: Ministère de l'Agriculture de la République de DJIBOUTI.

Côte: Le littoral continental et insulaire de la République de DJIBOUTI bordant le golfe de TADJOURAH, la Mer Rouge et l'Océan Indien.

Zone contigue: Etendue d'eau au-delà de la mer territoriale de la République adjacente à celle-ci, comme définie a l'article 10 de la presente loi.

Pollution du milieu marin: Introduction directe ou indirecte par l'homme dans le milieu marin de substances ou d'énergie ayant des effets nuisibles tels que dommages à la faune et la flore marines, risques pour la santé de l'horame, entrave aux activités maritimes, y compris la pêche et les autres utilisations legitimes de la mer, alteration de la qualité de l'eau de mer du point de vue de son utilisation et dégradation des valeurs d'agrément.

Baie: Toute ba0069e, échancrure, anse, bras ou langue de mer.

Mille marin: 1,852 metres (raille marin international)

SECTION II - MER TERRITORIALE ET ZONE CONTIGUE

Article 3. - La République exerce sa souveraineté sur la mer territoriale ainsi que sur les fonds marins sousjacents, leurs sous-sol et l'espace aérien surjacent.

Article 4. - La mer territoriale s'étend sur une largeur de 12 milles marins à partir des lignes de base. Les lignes de base servant a raesurer la largeur de la mer territoriale sont la laisse de basse mer ainsi que les lignes de base droite et les lignes de ferraeture des baies.

DJB 2

Les lignes de ferrature des baies servant a la determination des lignes de base à partir desquelles est mesurée la largeur des eaux territoriales adjacentes au territoire de la République sont pour le Golfe de Takjourah celles rejoignant les points A, B et C ainsi définis:

Point A: pointe nord de l'embouchure de l'Oued Dalley (latitude 11° 50, 40N; longitude 43° 05, 10E)

Point B: phare de l'île Musha (latitude 11° 43, 90N; longitude 43° 12, 80E)

Point C: pointe sud de l'embouchure de l'Oued Aatar (latitude 11° 30, 20N; longitude 43° 15, 50E)

Article 5. - Les navires étrangers jouissent du droit de passage inoffensif dans les eaux de la mer territoriale de la République. Le passage est considéré comme inoffensif tant qu'il ne porte pas atteinte à la sécurité de la République, à son intégrité territoriale et à son indépendance. Le passage doit être continu et rapide.

Article 6. - Dans la mer territoriale, les sous-marins et autres bâtiments submersibles sont tenus de naviguer en surface et d'arborer leur pavillon. Les mouvements d'aéronefs à partir de bâtiments sont interdits ainsi que les exercices comportant des tirs d'armes.

Article 7. - Les navires étrangers à propulsion nucléaire ou transportant des matériaux nucléaires ou autres substances radioactives doivent avertir préalablement les autorités compétentes de la République de leur entrée et de leur passage dans la mer territoriale.

Article 8. - Les navires étrangers exerçant le droit de passage inoffensif dans la mer territoriale doivent se conformer aux lois et aux règlements en vigueur dans la République, ainsi qu'à tous les règlements internationaux afférents au transport maritime et à la navigation.

Article 9. - La République se réserve la possibilité de suspendre le droit de passage inoffensif dans la mer territoriale dans certaines circonstances et sous certaines conditions.

Article 10. - La limite extérieure de la zone contigue est déterminée par les points situés à 24 milles marins du point le plus proche des lignes de base mentionnées à l'article quatre de la présente Loi.

Article 11. - Les autorités de la République ont le droit d'exercer dans la zone contigue, le contrôle nécessaire en vue de:

- (a) prévenir les contraventions aux lois et règlements fiscaux, sanitaires et d'immigration sur le territoire de la République ou dans la mer territoriale.
- (b) réprimer les contraventions à ces mêmes lois ou règlements commises sur le territoire de la République ou dans sa mer territoriale.

SECTION III - ZONE ECONOMIQUE EXCLUSIVE

Article 12. - La République possède une zone économique exclusive qui s'étend sur une largeur de 200 milles marins à partir des lignes de base de la mer territoriale.

Article 13. - Dans la zone économique, y compris les fonds marins, leur sous-sol et les eaux surjacentes, la République a:

- (a) des droits souverains et exclusifs aux fins de la conservation, de la prospection, de l'exploitation et de la gestion des ressources naturelles renouvelables ou non, ainsi qu'aux fins de la production d'énergie à partir de l'eau, des courants et des vents.
- (b) le droit souverain et exclusif de mettre en place, réparer, et utiliser des îles artificielles, installations et autres dispositifs nécessaires à l'exploration et à l'exploitation des ressources de la zone économique exclusive de la République.
- (c) juridiction exclusive sur le milieu marin en vue de sa conservation et de sa protection ainsi que de la lutte contre la pollution marine, la République possède également des droits souverains aux fins d'autoriser, d'organiser et de contrôler la recherche scientifique.
- (d) les autres droits et obligations prévus par le droit international.

Article 14. - Sous réserve des droits susmentionnés, la République garantit à tous les Etats la liberté de navigation et de survol et la liberté de poser des câbles et des oléoducs sous-marins dans sa zone économique exclusive.

SECTION IV - FRONTIERES MARITIMES

Article 15. - Les frontières maritimes de la mer territoriale, de la zone contigue et de la zone économique entre la République et un Etat voisin, dont les côtes sont adjacentes ou font face à celles de la République, seront délimitées par accord avec cet Etat.

En attendant, la conclusion d'un accord visant à déterminer les frontières maritimes, celles-ci ne seront pas étendues au-delà d'une ligne médiane entre les deux Etats ou encore d'une ligne dont tous les points sont équidistants des points les plus proches des lignes de base servant à mesurer la largeur des mers territoriales de la République et de l'Etat intéressé.

Les dispositions de la présente loi n'ont pas pour effet de modifier les régimes Internationaux de navigation dans le Déroit de BAB EL MANDEB.

SECTION V - EXERCICE DE LA PECHE

Article 16. - L'exercice de la pêche à des fins commerciales est soumis dans les eaux territoriales, dans la zone contigue et dans la zone économique, à l'autorisation préalable du Ministère de l'Agriculture.

Article 17. - Dans la mesure où ils ne revendent pas le produit de leur pêche, les citoyens de la République, les étrangers résidant et les touristes qui y transitent, sont dispensés de l'autorisation ministérielle visée à l'article seize.

Article 18. - Toute personne qui exerce la pêche à des fins commerciales ou non commerciales doit respecter la réglementation de la République en matière de pêche et notamment les interdictions relatives à ces zones en vue de la protection de la faune sous-marine.

Article 19. - Les contrevenants aux dispositions des articles seize et dix sept sont passibles d'amendes dont les montants seront fixes par décret.

Article 20. - La présente loi sera exécutée comme loi de l'Etat et publiée au Journal Officiel de la République.

3. REGLEMENTS

Décret N° 85-103/PRE du 28 octobre 1985 portant sur la protection de la faune et des fonds sous-marins et modifiant le décret N° 80-062

Article premier. - La chasse sous-marine est, sous quelque forme que ce soit, interdite momentanément dans les limites des eaux territoriales de la République de Djibouti.

Article 2. - La détention d'un fusil sous-marin de quelque type que ce soit à bord d'une embarcation ou sur les plages est interdite.

Article 3. - La chasse, le commerce, l'exportation des mammifères marins, notamment dauphins, cachalots, des dugongs et des tortues marines et terrestres et de leurs oeufs sont interdits sur l'ensemble du territoire marin et terrestre de la République. Seul sera autorisé le commerce des carapaces de tortues accompagnées d'un Certificat prouvant leur origine étrangère.

Article 4. - Le parc territorial de MUSHA est maintenu. Il s'étend sur la base cadastrée située à l'Est d'une ligne passant par la phare de MUSHA à la pointe Ouest de l'île du large délimitée:

- au Nord, par le point latitude 11 45' Nord et longitude 43° 12' 6 Est,
- au Nord, par le point latitude 11 41 ' 12 Nord et longitude 43° 13, Est.

Les activités de pêche, sous quelque forme que ce soit, le ramassage du corail et des coquillages y sont interdits; exception faite pour les pêcheurs professionnels Djiboutiens dans la Zone du banc Dankali uniquement pour le poisson, mais il leur est également interdit de ramasser du corail et des coquillages.

Article 5. - Il est créé une zone de réserve à MASKALI SUD, zone comprise entre le phare de MASKALI et le grand banc de sable de la côte du tombant. Le ramassage du corail et des coquillages y sont interdits. Seule la pêche à la ligne effectuée par les professionnels nationaux y est autorisée.

Article 6. - Toute activité organisée de pêche a des fins non professionnelles est en République de Djibouti suspendue momentanément.

Article 7. - Les pêcheurs non professionnels doivent être munis d'un permis délivré par le Service des Affaires Maritimes, portant le visa de l'Office de Développement du Tourisme et celui de Service de l'Elevage et des Pêches. Les modalités d'établissement de ces permis de pêche et leur validité seront fixées par Arrêté. Le produit de leur pêche doit correspondre uniquement à leur consommation personnelle.

Article 8. - La capture, le commerce et l'exportation des poissons de coraux ainsi que la collecte des coquillages sont momentanément suspendus. La vente des coquillages est soumise à la production d'un certificat prouvant leur origine étrangère.

Article 9. - Restent autorisées les pêches et collectes effectuées à titre scientifique sous contrôle de l'I.S.E.R.S.T.

Article 10. - Sont habilitées à constater les infractions au présent Décret les personnes suivantes ou leurs représentants désignés:

- Les Commissaires de la République,
- Les Officiers de police judiciaire,
- Le Chef du Service de l'Elevage et des Pêches,
- Le Chef du Service des Affaires Maritimes et ses agents habilités,
- Le Directeur de l'I.S.E.R.S.T.
- Le Directeur de l'O.D.I.
- Le Conservateur de l'Aquarium Tropical,
- Les Gendarmes maritimes.

Article 11. - Les infractions au présent décret seront punies d'une amende de 4 catégorie (300.000 FD à 2.000.000 FD). En cas de récidive une peine de 4^o catégorie sera appliquée (3 mois à 1 an d'emprisonnement et 300.000 FD à 2.000.000 FD d'amende). En outre, la saisie obligatoire des armes de chasse des scaphandres et des embarcations qui ont servi à commettre l'infraction sera faite par l'agent verbalisateur. La mise en dépôt provisoire s'effectuera auprès du Service des Affaires Maritimes; la confiscation ou la levée de la saisie sera prononcée par la juridiction compétente.

Article 12. - Le présent décret abroge le décret N° 80-062 PR/MCTT, du 25/5/1980 portant sur la protection de la faune et des fonds sous-marins, dès sa mise en exécution.

Article 13. - Le Premier Ministre chargé du Port, le Ministre de la Défense Nationale, le Ministre de l'Intérieur, le Ministre de l'Agriculture, le Ministre du Commerce, des Transports et du Tourisme sont chargés, chacun en ce qui les concerne, de l'application du présent décret.

Article 14. - Le présent décret sera exécutoire dès sa publication qui interviendra selon la procédure d'urgence.

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1. LIMITS OF NATIONAL JURISDICTION

(a) Décret du 15 Janvier 1951 determinant les eaux territoriales égyptiennes raodifié par le Décret du 17 février

1. Les dénominations conventionnelles, aux termes du présent décret, signifient:

(a) Mille marin, une distance de 1852 metres;

(b) Golfe, tout goulet, brèche, bale ou bras de mer;

(c) Ile, toute île, récif, rocher, tranche ou construction permanente non recouverte par les eaux au niveau de la plus basse cote dans une depression du sol;

(d) Eaux basses, toute région recouverte d'eau peu profonde, dont une partie demeure non recouverte d'eau au niveau le plus proche dans une dépression du sol;

(e) Côte, les côtes de la mer Méditerranée, de la mer Rouge, du golfe de Suez et du golfe d'Akaba.

2. Les eaux territoriales du Royaume d'Egypte, l'espace atmosphérique qui les surplombe, les terres recouvertes par ces eaux et tout ce qui se trouve à l'intérieur de ces terres dépendent de la souveraineté de l'Etat, sans prejudice des conventions internationales relatives a la sécurité du passage des navires des autres nations le long des côtes maritimes.

3. Les eaux territoriales du Royaume d'Egypte comprennent les eaux baignant ses terres et la mer côtière du Royaume.

4. Les eaux baignant les terres du Royaume s'étendent:

(a) aux golfes longeant le littoral du Royaume d'Egypte;

(b) aux eaux au-dessus de la terre de toutes eaux basses distantes jusqu'à douze milles marins de la cote, ou de toute île égyptienne, ainsi que les eaux le séparant;

(c) les eaux intermédiaires entre la côte et toute île égyptienne située jusqu'à douze milles marins;

(d) les eaux intermédiaires entre les différentes îles égyptiennes situées jusqu'à douze milles marins l'une de l'autre.

5. La côte de la République d'Egypte englobe les eaux internes de la République et s'étend en direction de la mer sur une distance de douze milles marins.

EGY 2

6. Les lignes de démarcation, à partir desquelles la côte du Royaume d'Egypte sera mesurée, seront ainsi tracées:

- (a) Si le rivage de l'île découvre entièrement la mer: à partir de la limite la plus rapprochée de l'afflux des eaux côtières.
- (b) S'il s'agit d'un golfe face à la mer: à partir de l'embouchure du golfe, à l'une des deux extrémités de la terre, jusqu'à l'autre extrémité.
- (c) S'il y a des eaux basses à douze milles marins de la terre ou d'une île égyptienne: depuis la terre ferme ou depuis l'île, le long du bord externe découvert des eaux basses.
- (d) S'il y a un port ou une jetée face à la mer: le long de la partie faisant face à la mer, depuis l'édifice le plus saillant du port ou de la jetée, ou entre les extrémités des édifices les plus saillants.
- (e) S'il y a une île à douze milles marins de la terre: depuis le bord extérieur de l'île.
- (f) S'il s'agit d'un archipel dont les îles peuvent être reliées par des lignes de démarcation ne dépassant pas chacune douze milles marins, et que la plus rapprochée n'est pas distante de plus de douze milles marins du rivage: depuis le rivage, puis le long des rivages extérieurs de toutes les îles si elles s'enchaînent; autrement, les lignes de démarcation seront tracées le long des rivages extérieurs les plus saillants.
- (g) S'il s'agit d'un archipel dont les îles peuvent être reliées par des lignes de démarcation ne dépassant pas chacune douze milles marins, et que la plus rapprochée est distante de plus de douze milles marins de la terre: le long des rivages extérieurs de toutes les îles si elles s'enchaînent; autrement, les lignes de démarcation seront tracées le long des rivages extérieurs des îles les plus saillants.

7. Si du tracé des eaux territoriales, selon les dispositions du présent décret, il apparaît la déviation d'une ligne de démarcation, considérée comme faisant partie des eaux de la haute mer, entourées par des eaux territoriales de tous côtés, dans l'impossibilité de la prolonger de douze milles marins dans aucune direction, la déviation fera partie des eaux territoriales. Les dispositions s'appliqueront à toute baie visible de la haute mer. Dans ce cas, on déterminera la baie par le tracé d'une ligne droite de douze milles marins de long.

8. Si les eaux d'une autre puissance s'entremêlent avec les eaux intérieures ou côtières égyptiennes, les lignes de démarcation seront tracées d'un commun accord avec la puissance intéressée, selon les principes du droit international ou en vertu d'une convention bilatérale.

EGY 3

9. Afin d'assurer l'exécution des lois et règlements concernant la sécurité, la navigation et les buts économiques ou sanitaires, un contrôle maritime sera exercé sur une zone distante de six milles marins en deçà des douze milles tracés depuis le littoral. Ces dispositions sont toutefois inapplicables aux droit de la République d'Égypte sur les pêcheries.

EGY 4

- (b) Declaration concerning the exercise by Egypt of its rights in the Exclusive Economic Zone made upon ratification of UNCLOS, 1983.

The Arab Republic of Egypt will exercise as from this day the rights attributed to it by the provisions of Parts V and VI of the United Nations Convention on the Law of the Sea in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean Sea and in the Red Sea.

The Arab Republic of Egypt will also exercise its sovereign rights in this zone for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to all other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

The Arab Republic of Egypt will exercise its jurisdiction over the exclusive economic zone according to the modalities laid down in the Convention with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, the protection and preservation of the marine environment and the other rights and duties provided for in the Convention.

The Arab Republic of Egypt proclaims that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard for the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

The Arab Republic of Egypt undertakes to establish the outer limits of its exclusive economic zone in accordance with the rules, criteria and modalities laid down in the Convention.

The Arab Republic of Egypt declares that it will take the necessary action and make the necessary arrangements to regulate all matters relating to its exclusive economic zones.

2. BASIC FISHERIES LEGISLATION

Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms

Article 1. - The provisions of the accompanying Act on Fishing, Aquatic Life and the Regulation of Fish Farms shall hereby enter into force.

Article 2. - Act N 144 of 1960 on fishing is hereby repealed. The current decrees and regulations shall remain in effect in so far as they do not conflict with the provisions of this Act until the implemented regulation and decrees for this Act are issued.

Article 3. - The General Organization for the Development of Fishery Resources shall be the administrative authority competent to apply the provisions of this Act. The Organization board shall be answerable to the Ministry of Agriculture.

Article 4. - This Act shall be published in the Official Gazette and shall enter into force on the day following the date of its publication, with the exception of Article 6, the provisions of which shall take effect upon the expiry of one year from the date of the entry into force of this Act.

The State Seal shall be affixed to this Act, which shall be implemented as an Act of the State.

ACT ON FISHING, AQUATIC LIFE AND
THE REGULATION OF FISH FARMS

CHAPTER I - REGULATION OF FISHING

Section 1 - General provisions

Article 1. - For the purpose of the implementation of the provisions of this Act and its implementing decrees, the following expressions shall have the meaning set forth below:

"Maritime waters": the territorial waters of the Arab Republic of Egypt;

"Internal waters": the River Nile water course, main irrigation canals, other canals, public drainage channels, ponds and State-owned swamps;

"Lake": surface covered with salt or fresh water in connection with maritime waters or internal waters and such artificial lakes as may come into existence;

"Estuaries": areas where the sea and lakes are connected with internal watercourses;

"Vessel": any floating craft used for fishing, whether operated by motor, sail or other means;

"Master of a vessel": any person who engages in the occupation of fishing, whether on foot or on board a vessel;

"Crew of a vessel": all persons working on board a vessel;

"Water weeds": marine algae floating, fixed on rocks or cast ashore;

"Aquatic plants": reeds, papyrus and aquatic grasses;

"Water pollution": alteration of the natural, chemical and biological characteristics of waters as a result of the dumping or seepage of foreign substances, such as oil and oil derivatives, organic or inorganic chemical residues, insecticides or sewage into Egyptian waters thereby causing injury to aquatic resources or public health;

"Mesh count": the number of meshes in a net per 50 centimetres counted lengthwise;

"Fishing card": the card issued by the licensing authority to the owner of a vessel, a fisherman or other member of the crew of a vessel;

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"Licence": written authorization on a special form to be issued by the competent administrative authority allowing a vessel to fish in a specific area or allowing fishing from the land or the hunting of aquatic birds to be specified, together with the season for hunting them, in a decree from the Ministry of Agriculture;

In the case of fish farms, "licence" shall mean written authorization to establish a fish farm to be issued by the Ministry of Agriculture on the special form specified in the implementing regulation.

"Strait": any natural or artificial breach connecting a sea and a lake.

Article 2. - Every vessel designated for fishing shall, before it is used for fishing, be marked on its sides by the General Organization for the Development of Fishery Resources, with a serial number and a sign indicating the class of the vessel and the area in which it may be used for fishing. The above-mentioned number and sign shall be shown on both sides of the sail of the vessel, in accordance with the conditions and models to be specified in a decree from the Minister of Agriculture. These markings shall be kept clearly visible and shall not be effaced, concealed from sight, defaced or altered. The owner of the vessel shall apply to the General Organization for the Development of Fishery Resources for their renewal whenever they are effaced.

Article 3. - The owner of a vessel may not alter its identifying marks or its dimensions without the authorization of the General Organization for the Development of Fishery Resources.

Article 4. - The following precautions shall be observed during operation of the vessel:

- (a) Night lighting in accordance with the navigation laws and with the specifications to be laid down in a decree from the Ministry of Agriculture;
- (b) The maintaining of distance from the prohibited lanes and areas specified in notices to be issued by the Department of Harbours and Lighthouses to the extent specified in such notices;

Article 5. - Vessels shall not be anchored or operate in areas in which fishing is prohibited, except in cases of emergency arising from climatic conditions or a defect in the vessel.

Article 6. - A motorized fishing vessel shall not be piloted except by a person holding a certificate from the Department of Harbours and Lighthouses certifying his competence to pilot the vessel and from the General Organization for River Transport in the case of fishing in internal waters.

Article 7. - Fishing shall not be undertaken in areas in which fishing is prohibited, with prohibited implements or during the no-fishing periods to be specified by decree by the Minister of Agriculture.

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Article 8. - A fishing vessel shall not anchor in areas other than those in which it is licensed to fish and shall not fish by methods other than those for which it is licensed without the authorization of the General Organization for Fishery Development.

Article 9. - A vessel shall not carry nets, apparatus or implements other than those with which it is licensed to operate or nets, apparatus or implements whose use is prohibited. No person shall be in possession of such nets, apparatus or implements at or near fishing sites.

Article 10. - The catching, sale or possession of fish or other aquatic life in fresh, dried or salted form where the length or size is less than those to be specified in a decree issued by the Minister of Agriculture shall be prohibited. The milling of fish of all sizes, except under a permit from the General Organization for the Development of Fishery Resources, shall be prohibited.

Article 11. - It is prohibited to fish for aquarium fish in maritime waters except with the authorization of the General Organization for the Development of Fishery Resources.

Article 12. - No person shall dispose of fish from lakes or inland waters, or possess on board any fishing vessel any instrument for the weighing of fish. This Article shall not apply to Haut Barrage Lake.

Article 13. - No person shall use for fishing any substances that are noxious, poisonous, stupefying, explosive, or otherwise harmful to aquatic life; no person shall fish by means of dams or artificial pools, bamboo traps or fish traps, or in general any other barriers or enclosures. Finally no person shall, except with the authorization of the General Organization for the Development of Fishery Resources, possess or use any water pumps in lakes or on the banks. The provisions of this Article shall apply to fishing in waters on private land linked to national waters.

Article 14. - No person shall, except with the authorization of the General Organization for the Development of Fishery Resources, construct any promontories, artificial reefs or dams in any lakes or on the banks, or create any artificial pools or drain any area of water, other than in any of the following cases:

- (a) to provide for the protection of agricultural lands and immovable properties against floods by lake waters;
- (b) to provide for the management of agricultural farms.

In addition, no person shall, except with the authorization of the General Organization for the Development of Fishery Resources, exploit any islands in the lakes or their pastures for pasturing cattle or for hunting birds.

Section 2 - Water pollution and obstructions to fishing operations

Article 15. - Without prejudice to the provisions of any other laws, no person shall discharge into national waters any wastes from factories, any insecticides used for controlling plant diseases or any other such toxic or radioactive substances.

Article 16. - Solid objects or other obstructions to fishing operations shall not be thrown into or placed in fishing areas, except in fishing sites for which a licence is held.

Article 17. - No foreign fish spawn or spat thereof shall be used in or introduced into the country for any purpose whatsoever except on a permit from the General Organization for the Development of Fishery Resources and after the Institute of Marine Sciences and Fisheries has been consulted on the technical aspect.

Article 18. - The cultivation of reeds or rhizomatous plants shall not be permitted in fishing areas, and portions of such areas may not be filled in for the purpose of raising the ground level.

Article 19. - Fish fry may not be collected, removed or obtained from the sea, lakes or other expanses of water except on a permit from the General Organization for the Development of Fishery Resources.

Article 20. - No government authority and no organization, company, local unit, co-operative society or individuals shall dry out any area of a lake until it has been established that its use for fishery exploitation is economically unfeasible by a committee comprising representatives from the Ministries of Agriculture, Land Reclamation, Irrigation, Planning, the local administration, the Institute of Marine Sciences and Fisheries and the General Organization for the Development of Fishery Resources. This provision shall apply to lake areas other than those whose drying out was decided upon before the entry into force of this Act.

Section 3 - Scientific research and statistics

Article 21. - Scientific and technical bodies and bodies concerned with aquatic research may conduct their experiments and research in the permitted fishing areas throughout the year. In this research, they may use such vessels, implements and equipment as they deem necessary for that purpose. These bodies may enlist the help of licensed fishermen and obtain specimens of fish or other aquatic life for the purpose of research, fish-farming, supplying fish farms or populating other fishing areas, in co-ordination with the General Organization for the Development of Fishery Resources.

Article 22. - Aquatic resources co-operative societies, fishermen, masters of fishing vessels and fish merchants shall submit all statistical data relating to fishing operations, fish production and marketing in accordance with the rules to be laid down in the implementing regulation.

CHAPTER II - LICENCES AND FEES RELATING TO FISHING AND THE HARVESTING OF AQUATIC RESOURCES

Section 1 - Fishing licences

Article 23. - No vessel shall be used for fishing without a licence, and no fisherman shall engage in fishing unless he holds a fishing card.

A fishing licence shall not be issued in respect of a number of vessels greater than that specified in the implementing regulation for each method of fishing.

Article 24. - Where it is established that a vessel is engaging in activity in maritime waters elsewhere than in the area specified in the licence or is using a method other than that specified in the licence, its licence shall be withdrawn for a period of six months. If such activity is repeated, the licence may be withdrawn definitively by a decree from the Minister of Defence or his deputy.

Article 25. - Without prejudice to the rules laid down by law concerning the award of concessions relating to the exploitation of natural resources and public amenities, foreign fishing vessels may not fish or be present in the territorial waters, and fishing licences shall not be issued to foreign vessels in Egyptian waters.

Nevertheless, institutes of marine sciences and fisheries, the General Organization for the Development of Fishery Resources and the economic entities subordinate to it may use foreign fishing vessels for the purpose of conducting research or for the benefit of production subject to permission from the Minister of Agriculture, authorization from the security organs and payment of the prescribed fees.

Article 26. - Where a vessel has more than one owner, they shall all be jointly responsible for payment of the fees and arrears due in respect of the vessel in accordance with the provisions of this Act. They may appoint a person to be responsible for the management of the vessel and for compliance with the provisions of this Act, and such designation shall be indicated on the licence.

Article 27. - The licence shall be valid until 31 December of each year and shall be renewed annually within the 90 days following the said date.

Article 28. - The licence shall be personal and shall not be transferred except with the authorization of the General Organization for the Development of Fishery Resources. It may not be used for any purpose other than that for which it was issued.

Article 29. - The master of the vessel or the person responsible for its management shall submit the application for a licence to the General Organization for the Development of Fishery Resources together with documentation establishing his identity. The implementing regulation shall specify the documentation required and also the licensing procedures and the forms required for that purpose.

Article 30. - A licence for a motorized fishing vessel shall be issued only after the vessel has been approved as technically sound by the Department of Harbours and Lighthouses in the case of fishing in maritime waters and by the General Organization for River Transport in the case of fishing in internal waters and the High Dam Lake.

Article 31. - The vehicle licence shall contain the following particulars:

- (a) The specification of the vessel and the power and type of its motor;
- (b) The maximum size of its crew;
- (c) The areas in which it is licensed to fish;
- (d) The method by which it is licensed to fish;
- (e) The name of the owner or owners, the share of each and the person responsible for the management of the vessel;
- (f) The result of the technical inspection of the vessel;

and other particulars specified in the implementing regulation.

The fishing card shall be applied for by the fisherman in person. It shall contain his name and place of residence, the area of operation and the method of fishing. All the provisions relating to the licence shall apply to the card.

Article 32. - No vessel shall be operated on a licence assigned to another vessel, provided that, if a vessel is lost or suspended from operation for reasons of force majeure and the owner of the vessel fits out another vessel to replace it within three years from the date of the loss or payment of compensation or insurance or within two years from the date of the damage, he shall have the right to use the licence for another vessel for fishing by the same method, subject to authorization of the General Organization for the Development of Fishery Resources.

If the above-mentioned terms expire without the owner's fitting out a substitute vessel, the licence shall be withdrawn, and in such a case the above-mentioned organization may award the licence to the next applicant on the current registers for each area.

Article 33. - The licence of a vessel shall be kept with the master, and he shall show it upon request. A fisherman shall show his fishing card upon request.

Article 34. - A fishing licence or card may be issued to replace a lost or damaged one, provided that the applicant produces the damaged licence or card or proof of the loss of the original licence or card. The replacement fee shall be 200 millièmes.

Article 35. - The crew of a vessel licensed to fish in maritime waters may, when the vessel cannot be used because of rough seas, fish near the coast, under the supervision of their master of the vessel, provided that the licence is in his possession and that their total number does not exceed that specified in the licence.

Article 36. - A class-1 or class-2 vessel licensed to fish in maritime waters outside the limits of the Suez harbour to the south of the Zanubiya Lighthouse may use a boat not exceeding 4 metres in length for transport between the vessel and the shore and for rescue, if necessary, without additional fees.

The owner of the vessel must obtain a permit for this in advance from the General Organization for Fishery Resources Development. The permit shall state the number of the boat and the number of the vessel to which it belongs, and particulars of the boat shall be entered on the licence.

Article 37. - A request for renewal of the licence shall be submitted by the owner of the vessel or the person responsible for its management. The licence shall not be renewed until after payment of the fees and arrears provided for in this Act and any fine imposed for contravention of the provisions of the Act. The same procedure shall be followed in the renewal of a licence as in application of a licence.

Article 38. - Any vessel which is taken over under the provisions of the General Mobilization Act shall have the term of its licence suspended from the date on which it is taken over, and its owner shall be exempt from the prescribed renewal procedures and fees if they fall due during the period of the take-over.

Article 39. - A vessel shall not be sold, in whole or in part, until after payment of any arrears pertaining to it. The implementing regulation shall specify the method of payment of arrears or portions thereof. In order to transfer ownership of a vessel, the seller shall be required to submit an authenticated certificate from the General Organization for the Development of the Fishery Resources stating that he is not indebted to the Fishermen's Co-operative Society to which he belongs.

Article 40. - Fishermen's co-operative societies may set up fish-collecting centres (markets) in the extraction areas, except at the High Dam Lake. The implementing regulation shall regulate the conditions for the setting up of such centres.

Article 41. - Persons fishing in the internal waters and using only one rod with a maximum of three fish-hooks shall be exempted from the requirement of obtaining the fishing card. The vessels of scientific research bodies concerned with aquatic resources shall likewise be exempted from the licensing requirement, in accordance with the conditions and rules to be issued by a decree from the Minister of Agriculture.

Section 2 - Fishing fees

Article 42. Fees for fishing licences and for renewal thereof shall be in accordance with the following categories.

I. Maritime waters:

	Pounds	Millièmes
(a) Motorized fishing vessels using trawl nets (the "shanshula") in the Mediterranean:		
- for the first 25 hp	20	--
- for every additional 1 hp	--	200
(b) Motorized fishing vehicles using fishing methods other than trawling or the "shanshula" in the Mediterranean.		
- for the first 25 hp	10	--
- for every additional 1 hp	--	200
(c) Motorized fishing vehicles using trawl nets or the "shanshula" in the gulf of Suez north of an imaginary line running from Ras muhammad in the east to Ras al-Bahr in the west:		
- for the first 25 hp	20	--
- for every additional 1 hp	--	750
(d) Motorized vehicles using fishing methods other than trawling or the "shanshula" in the Gulf of Suez north of an imaginary line running from Ras Muhammad in the east to ras al-Bahr in the west:		
for the first 25 hp	15	--
for every additional 1 hp	--	500
(e) Motorized fishing vehicles used in the Red Sea south of an imaginary line running from Ras Muhammad in the east to Ras al-Bahr in the west.		
for every 25 hp	10	--
for every additional 1 hp	--	100

	Pounds	Millièmes
(f) Non-motorized fishing vessels. for each class-1 vessel having a crew of not more than 27 persons.	8	--
for each class-2 vessel having a crew of not more than 13 persons.	4	--
for every class-3 vessel having a crew of not more than 4 persons.	2	--
<hr/>		
II. <u>Lakes and internal waters</u>	Pounds	Millièmes
<hr/>		
(a) The High Dam Lake:		
1. Motorized fishing vessels:		
- for the first 25 hp	12	--
- for every additional 1 hp	--	200
2. Non-motorized vehicles or vehicles using portable motors:		
- for every class-1 boat having a crew of not more than 12 persons	16	---
- for every class-2 vessel having a crew of not more than 6 persons	8	---
- for every class-3 vessel having a crew of not more than 3 persons	4	---
<hr/>		
(b) Internal waters and other lakes:		
- for every class-1 vessel having a crew of not more than 12 persons	16	---
- for every class-1 vessel having a crew of not more than 9 persons with regard to Lake Qarun	12	---
- for every class-2 vessel having a crew of not more than 6 persons	8	---
- for every class-3 vessel having a crew of not more than 3 persons	4	---
<hr/>		
III. The fees for the fishing card shall be 100 piastres (a year) for all fishing areas		

Article 43. - The fees imposed in respect of all or some fishing areas may be adjusted by a decree from the Minister of Agriculture in accordance with the production conditions relating to fishing. Any reduction shall not exceed one quarter of these fees, and any increase shall not exceed the doubling of the fees. The Minister may also reduce the fees for the vessels of co-operative associations for aquatic resources and their members and for the vessels of companies in the public sector by an amount not exceeding one half of the value of the prescribed fees.

Fishing Licences and cards may be exempted from all or part of the statutory annual fees by a decree from the Minister of Agriculture in the following cases:

- (a) Where it is established that a vessel is unsound or that a fisherman is incapable of engaging in the occupation of fishing for a period of not less than one month;
- (b) In respect of fishing in remote and unexploited fishing areas that are damaged as a result of disasters.

Article 44. - Fees shall be annual and payable in advance, provided that, where a vessel is licensed during the course of the year, the fees collected shall be proportionate to the term remaining.

The value of any fees already paid in respect of a term for which a licence is suspended under the provisions of article 38 shall be deducted from the prescribed fees.

Article 45. - A vessel shall not be transferred from one fishing area to another except with the authorization of the General Organization for the Development of Fishery Resources and upon payment of a transfer fee equivalent to one quarter of the annual fee for the area to which the transfer is made. A vessel which is transferred for the purpose of repairs shall be exempted from this fee. If a vessel is transferred during the course of the year to an area with higher fees, the owner shall undertake to pay the difference in fee as from the first of the month in which the transfer was effected.

Article 46. - During the term of the licence and subject to authorization by the General Organization for the Development of Fishery Resources, the owner of a vessel may proceed to:

- (a) change the class for which he holds a licence to another class higher or lower;
- (b) change the method of fishing for which he holds a licence to another to which a different fee category applies;
- (c) change the motors of the vessel for other motors with greater or less power.

In all cases, the difference in fee shall not be returned if the fee category for the new licence is lower than that for the current licence. The difference in fee shall be paid as from the first of the month following the change if the fee category for the new licence is higher.

Section 3 - Aquatic resources and the regulation of fish farms

Article 47. - Without prejudice to the provisions of Act N° 61 of 1958 concerning the award of concessions relating to the exploitation of natural resources and public amenities and adjustment of concession terms, the award of concessions relating to the exploitation of aquatic resources and adjustment of the terms thereof shall be by a decree of the Minister of Agriculture, where the term of the concession does not exceed five years. Priority in exploitation shall be accorded to public bodies, companies in the public sector and co-operative societies for aquatic resources.

Article 48. - Without prejudice to the provisions laid down in Article 14 of this Act, the establishment of fish farms shall be prohibited except on fallow land that is unsuitable for agriculture. Their water supply shall be restricted to the waters of lakes or drainage canals adjoining their sites. The use of fresh water for this purpose shall be prohibited, but fish hatcheries established by the State shall be exempted from this provision.

A fish farm may not be established except by a licence from the Ministry of Agriculture which shall be issued after the authorization of the Ministry of Agriculture has been obtained. The licence shall indicate the quantity of water permitted for use, its source, the supply outlet and the method of drainage.

The licence shall indicate that such authorization has been issued and the conditions pertaining thereto.

The fees set for the award and renewal of the licence and the authorization referred to in the preceding paragraph shall not exceed, in the case of each, two pounds for each feddan or fraction thereof.

The conditions in existing fish farms shall be adjusted so as to conform with the provision of this Article within a period not exceeding one year from the date of the entry into force of this Act.

Article 49. - The areas allocated for fish-farming shall be specified by a decree from the Minister of agriculture. Encroachments on such areas shall be removed by administrative means and at the expense of the offender.

Article 50. - Elsewhere than in watercourses used for irrigation and drainage and for the purposes of drinking and water supply, there shall be a prohibition on the removal, cutting or spraying of the water weeds and aquatic plants to be specified in a decree to be issued by the General Organization for the Development of Fishery Resources by agreement with the Ministry of Irrigation. The decree shall specify the location, area and types of vegetation of each individual site according to its circumstances.

Article 51. - A national fund to promote possibilities for the development and protection of water resources shall be established, and its revenues shall be derived as follows:

1. Amounts collected from settlement with offenders;
2. Fines imposed on offenders;
3. The proceeds of the sale of seized articles;
4. The annual budgetary allocations of the General Organization for the Development of Fishery Resources.

The Minister of Agriculture shall issue a decree on the statute of the fund, which shall set forth its objectives and its modus operandi.

CHAPTER III - PENALTIES

Article 52. - Without prejudice to any more severe penalty prescribed by another law, any person who contravenes the provisions of Articles 13, 14, 15 or 20 of this Act shall be liable to imprisonment for a term of not less than six months and not more than two years and to a fine of not less than 500 pounds and not more than 1,000 pounds.

In all cases, vessels, fishing or hunting gear and water-pumping machinery found at the site of the contravention shall be seized. Fish and birds caught in contravention of the provisions of the aforementioned Articles and found at the site of the contravention shall also be seized. The seized fish shall be sold, and a ruling shall be handed down for the confiscation of the seized articles or the price thereof for the account of the General Organization for the Development of Fishery Resources. The contravention shall be administratively annulled at the expense of the perpetrator. In the event of repetition, the penalty shall be doubled.

Article 53. - If any foreign fishing vessel is seized for contravention of the provision of Article 25 of this Act, a monetary fine of not less than 5,000 pounds and not more than 10,000 pounds shall be imposed on its master, and the vessel shall be impounded pending payment of the fine within a maximum period of one month from the date of the issuance of the final judgment. If the fine is not duly paid, the vessel shall be sold and the fine and expenses shall be collected from the price. The remaining sum shall be returned to the owner of the vessel. A ruling shall be handed down regarding the confiscation of the nets and fishing gear and the price of the fish caught for the account of the General Organization for the Development of Fishery Resources.

Article 54. - Any person who contravenes the provision of Article 9 of this Act and any person who engages in the occupation of fishing or uses a vessel without a licence, in contravention of the provisions of Articles 23 and 45 of this Act, shall be liable to imprisonment for a term of not more than three months and to a fine not exceeding 50 pounds or to one of these two penalties.

The vessels and apparatus used and the fish caught shall be seized, and a ruling shall be handed down regarding the confiscation of such apparatus and the price of the fish for the account of the General Organization for the Development of Fishery Resources. In all cases, the convicted person shall pay twice the amount of the annual fees prescribed for the period during which the vessel was operated without a licence.

Article 55. - Without prejudice to any more severe penalty prescribed by any other law, any person who contravenes the provisions of Articles 7, 10, 11, 16, 17, 18, 19 or 22 of this Act shall be liable to imprisonment for a term of not less than three months and not more than six months and to a fine of not less than 100 pounds and not more than 500 pounds or to one of these two penalties. In the event of repetition, the penalty shall be doubled, the fishing gear and the fish and scales in the possession of the offender shall be seized and a ruling shall be handed down for the confiscation of such gear and the price of the fish for the account of the General Organization for the Development of Fishery Resources.

Article 56. - Any person who contravenes the provisions of Articles 5, 6 or 8 of this Act shall be liable to imprisonment for a term of not more than six months and to a fine of not more than 100 pounds or to one of these two penalties.

Article 57. - Contravention of the provisions of Articles 2, 11, 36 or 49 of this Act shall be punishable by a fine of 20 pounds.

Article 58. - Contravention of the provision of Article 35 of this Act shall be punishable by a fine of 500 pounds for every person in excess of the approved number of crew members.

Article 59. - Contravention of the provisions of Articles 3, 4 or 33 shall be punishable by a fine of 10 pounds. The fine shall be doubled if the same contravention is repeated in the course of the licensing year.

Article 60. - Any person who contravenes the provisions of Article 48 or the licensing conditions issued pursuant thereto shall be liable to imprisonment for a term of not less than three months and by a fine of not more than 10,000 pounds or to one of these two penalties.

In no event may a stay of execution be granted in respect of the penalty of a fine. The Ministry of Agriculture and the Ministry of Irrigation shall have the right, before a judgement has been handed down in the case, to halt the activities which constitute a contravention by administrative means at the expense of the offender and to seize the operator's equipment and gear used in the commission of the contravention. A ruling shall be handed down for the confiscation of these seized articles for the account of the General Organization for the Development of Fishery Resources.

Article 61. - In the cases set forth in Articles 57, 58 and 59 of this Act, a settlement may be arrived at by payment of a sum equivalent to one half of the value of the fine laid down in these Articles. The proceedings shall terminate with the payment of the amount of the settlement, and the implementing regulation shall specify the settlement procedures.

Article 62. - The competent officials entrusted with the execution of the provisions of this Act, who shall be specified by a decree from the Minister of Justice in agreement with the Ministers of Agriculture, Irrigation, Defence, the Interior and Supply, shall have the capacity of judicial seizure officers.

CHAPTER IV - FINAL PROVISIONS

Article 63. - The President of the Republic may, on the basis of a proposal by the Minister of Defence, issue decrees restricting fishing in all or some areas and specifying the schedules for such restriction for purposes of military security in Egyptian maritime waters so as to ensure the security of the political frontiers and territorial waters of the State and to protect them against the various kinds of encroachment.

Article 64. - The Minister of Agriculture shall issue decrees relating to military security requirements after consulting the Ministry of Defence.

Article 65. - The Minister of Agriculture shall issue the implementing regulation for this Act following agreement with the Minister of Irrigation and the authorities concerned. It shall deal, in particular, with the following matters:

1. Establishment of the required specifications of vessels and their distinguishing numbers of signs;
2. Establishment of the required conditions to be met by fishermen;
3. Designation of the motor-power for each vessel or its class and the apparatus and fishing methods permitted to be used in any area;
4. Designation of the substances harmful to public health, the environment or the propagation of fish or of other aquatic life the use of which is prohibited or the dumping of which in Egyptian waters or the specific waters adjacent thereto is prohibited;
5. Demarcation of the areas in which fishing or the use of specific apparatus, gear or methods is prohibited;
6. Specification of the kinds of fish or other aquatic life the hunting of which is prohibited;
7. Specification of the minimum sizes and lengths of fish or other aquatic life which may be hunted, sold or possessed;

8. Specification of the number and types of licences to be issued for each area;
9. Regulation of the hunting of aquatic birds by professionals and amateurs and determination of the fees payable for the issuing of bird licences to them covering the aquatic areas earmarked for this purpose, with the proviso that the seasonal licence fee shall not exceed five pounds a day for professionals and two pounds a day for amateurs;
10. Regulation of the sale of fish or other aquatic life and designation of the basis in which they may be taken or sold;
11. Regulation of fishing by amateur fishermen and the members of clubs or organizations and determination of the fees payable by them for licences, with the proviso that the fee for each licence shall not exceed 500 millièmes a day and 5 pounds a month;
12. Specification of the mode of disposal of vessels, fishing gear, fish and other aquatic life seized on account of contravention of the provisions of this Act;
13. Designation of bases and locations for the entering of the various kinds of fishing vessels in the registers to be established for that purpose by the General Organization for the Development of Fishery Resources;
14. Establishment of procedures and conditions for the award of licenses and the authorization relating to the regulation of fish farms and the forms pertaining thereto and also the provisions governing existing fish farms and the fees prescribed for obtaining a licence from the Ministry of Agriculture and authorization from the Ministry of Irrigation.

3. REGULATIONS

(a) Ministerial Order N 667 of 1961 on Fisheries

CHAPITRE PREMIER - DISPOSITIONS RELATIVES A LA PECHE LACUSTRE

Article 1. - Aucune licence de pêche ne sera accordée aux bateaux à moteur quelle que soit leur catégorie, dans les lacs de Manzalah, de Borollos, d'Edkou et de Mariout.

Article 2. - Dans le lac de Karoun, les licences de pêche ne pourront être délivrées qu'aux bateaux de la première catégorie.

Article 3. - Dans l'ensemble des lacs, est interdite la pêche utilisant les engins ci-dessous:

- (a) senne de plage manoeuvrée à partir du rivage;
- (b) senne hallée à bord manoeuvrée à partir de barques à voile;
- (c) épervier a salabardes, s'il est utilisé comme nasse; l'utilisation de cet engin est interdite durant la période allant du 1er mai à fin août, s'il est utilisé comme filet dérivant;
- (d) les filets maillants dérivants et les filets maillants calés.

Article 4. - Est autorisée la pêche au moyen des engins ci-dessous indiqués dans les lacs de Manzalah, de Borollos et d'Edkon:

- | | | | |
|-----|---|--------------|----|
| 1) | filets à corb | * magat | 26 |
| 2) | dragues à huîtres ou à moules | " | 26 |
| 3) | éperviers | " | 26 |
| 4) | nasses et filets de rabattage | " | 20 |
| 5) | filets munis d'appâts | sans limites | |
| 6) | filets à oiseaux | " | |
| 7) | hameçons avec ou sans appâts | " | |
| 8) | filets-trappes | magat | 17 |
| 9) | casiers à crustacés | " | 14 |
| 10) | filets à crevettes dont le corps est de 35 magats et la poche de 45 magats durant la période allant du 1er septembre à la fin décembre de chaque année. | | |
| 11) | sennes danoises, dont les ailes sont de 35 magats et le corps de 40 magats, utilisées dans la partie la moins large du lac pendant la période fixée par le Directeur de l'Administration portuaire. | | |
| 12) | sennes coulissantes et tramails | magat | 26 |

* Magat: nombre de mailles sur une longueur de 50 centimètres de filet.

Article 5. - La pêche est interdite tout le long du canal de drainage public relié au lac de Mariout et couvrant une zone d'un kilomètre s'étendant vers le sud à partir des pompes du Mex.

Article 6. - La pêche est interdite dans toutes les zones du lac Karoun durant la période allant du 1er juin à fin juillet de chaque année. Tous les bateaux de pêche devront être amarrés aux berges du lac et devront demeurer au même endroit mis à leur disposition par l'Administration des garde-côtes, pêcheries et douanes pendant toute la période de l'interdiction de pêche.

Article 7. - La pêche est interdite dans l'ensemble des voies d'accès entre le lac et le Nil ou le lac et la mer ou encore entre le lac et les canaux d'irrigation et de drainage sur une longueur d'un kilomètre à partir de l'extrémité des voies d'accès du côté du lac, du Nil, de la mer ou du canal de drainage et ce, pour la période allant du 1er novembre à fin avril de chaque année.

Article 8. - Les bateaux de pêche opérant dans les lacs de Manzalah, de Borollos, d'Edkou et de Mariout pourront travailler en équipe aux conditions déterminées par le Directeur général de l'Administration des garde-côtes, pêcheries et douanes.

Article 9. - Sont interdites la pêche, la vente ou la conservation des espèces de poissons suivantes, dont la longueur depuis l'extrémité de la bouche jusqu'à l'extrémité de la queue est inférieure a:

- | | | | |
|----|------|-----------------------------|---------|
| 1) | pour | le cabot | 16 cms |
| 2) | pour | le mullet-porc | 14 cms |
| 3) | pour | le muge caption | 10 cms |
| 4) | pour | le bolti (Tilapia nilotica) | 10 cms. |

Article 10. - La commercialisation, la vente ou l'achat de poissons est strictement interdite dans toutes les zones lacustres; il est également interdit d'en approvisionner les bateaux de pêche en quelque quantité que ce soit.

Article 11. - Il est interdit de couper ou de détruire les roseaux et leurs plumets ainsi que les herbes lacustres, sauf autorisation spéciale de l'Administration des garde-côtes, pêcheries et douanes, et aux conditions fixées par elle.

CHAPITRE II - DISPOSITIONS RELATIVES A LA PECHE DANS LES EAUX INTERIEURES

Article 12. - Il est interdit aux bateaux à voile de pêcher au moyen de filets traînants.

Article 13. - Est autorisée l'utilisation de n'importe quel type de filet dont le magat ne dépasse pas 26.

Article 14. - La pêche est interdite:

- (a) dans un rayon de 50 mètres autour des barrages, ponts, ponceaux, passerelles, déversoirs, vannes, écluses et toute construction visant à les protéger ou à protéger les berges du Nil, les canaux d'irrigation ou les canaux de drainage;
- (b) dans un rayon de 100 mètres autour des déversoirs utilisés pour l'écoulement des eaux lacustres;
- (c) sur le Nil, depuis le barrage de Fareskour jusqu'au détroit de Damiette entre le 1er mai et fin août de chaque année;
- (d) sur le Nil, au nord des barrages d'Edfina jusqu'au détroit de Rosette durant les mois de juillet et d'août de chaque année.

CRAPITRE III - DISPOSITIONS RELATIVES A LA PECHE DANS LES EAUX MARITIMES

Article 15. - Il n'est pas accordé de licence aux bâtiments de pêche étrangers équipés de chaluts de fond ou de lamparo dans les eaux maritimes et le golfe de Suez (limité au sud par une ligne fictive partant de Ras Mohammad à l'est jusqu'à Ras el Bahr à l'ouest).

Les entreprises nationales et l'Organisme public arabe ne pourront utiliser des bâtiments de pêche étrangers qu'avec l'autorisation du Ministère de la guerre.

Article 16. - Est interdite dans les zones ci-après indiquées la pêche au moyen des engins ci-dessous:

- (a) chalut dont la magat est supérieure à 22 dans le golfe de Suez;
- (b) tout filet quelle que soit sa catégorie dans les zones portuaires aménagées pour l'entrée et la sortie des bateaux;
- (c) chalut:
 - (1) dans les eaux maritimes territoriales sous juridiction égyptienne en Méditerranée et couvrant la zone comprise entre la partie occidentale du fortin Tabiet-el-Ada et l'extrémité ouest des limites de la République arabe unie;
 - (2) sur une distance de un mile et demi s'étendant du littoral jusqu'à la haute mer et couvrant la zone comprise entre la partie orientale du fortin Tabiet-el-Ada et l'extrémité orientale des frontières de la République arabe unie; il s'agit en l'occurrence de protéger les cultures d'éponges;
 - (3) dans le golfe de Suez (pendant les mois de juillet et août de chaque année).

Article 17. - La pêche est interdite dans les endroits suivants:

- (1) le long de la zone des pompes du Mex durant les mois de mars, avril et mai de chaque année;
- (2) le long des plages réservées aux baignades pendant la période allant du 1er juin au 30 septembre de chaque année;
- (3) dans le mouillage de Bab-el-Arab durant la période d'activité des pompes du Mex et couvrant la zone délimitée entre le rivage et une ligne fictive horizontale et droite tracée à partir de la borne en pierre placée sur le rivage en direction de l'entrée de Bab-el-Arab et se poursuivant à l'ouest jusqu'au piquet de bois marquant le détroit et placé sur le rivage à proximité de la station de chemin de fer du Mex; cette ligne fictive côtoie la station à une distance d'environ 20 mètres.

Article 18. - Il est interdit aux bateaux de pêche de mouiller ou de se livrer à la pêche dans d'autres zones que celles qui leur ont été réservées sauf autorisation de l'administration portuaire à cet effet.

Article 19. - Les bateaux de pêche motorisés peuvent, durant l'année en cours, procéder:

- (a) à la substitution de leur engin de pêche par un autre engin pour lequel le montant de la redevance est différent;
- (b) au remplacement des moteurs par des moteurs d'une puissance différente.

Lorsque les engins de pêche ou les moteurs remplacés appartiennent à des catégories inférieures, il n'y aura lieu à aucun versement de la différence dans les redevances; si le matériel de remplacement appartient à des catégories supérieures, les propriétaires de ce matériel devront acquitter la différence de redevance à partir du début de l'année au cours de laquelle la demande de substitution a été présentée.

Article 20. - Les bateaux de pêche peuvent, au cours de l'année, obtenir des licences de catégorie inférieure à celles qu'ils détenaient si l'administration portuaire l'estime opportun; ils peuvent également obtenir des licences de catégorie supérieure leur permettant d'exercer dans les mêmes zones à condition d'acquitter la différence de redevance à partir du début de l'année au cours de laquelle la demande de licence a été présentée.

Article 21. - Tout bateau de pêche détenteur d'une licence et empêché par les intempéries d'opérer dans les eaux maritimes, se verra accordée pour son équipage l'autorisation de pêcher sur le rivage en groupe et sous l'autorité du patron de pêche; ce dernier devra avoir avec lui en permanence la licence de pêche correspondante; le nombre des membres de l'équipage ne devra pas dépasser celui qui figure dans la licence.

Article 22. - Tout bâtiment de pêche classé dans les troisième et quatrième catégories et opérant au-delà des limites du port de Suez au sud du phare de Zénobie, est autorisé, sans supplément de redevances, à utiliser une petite embarcation ne dépassant pas quatre mètres de longueur; cette embarcation doit être utilisée pour le transport des prises vers le rivage et éventuellement comme canot de sauvetage. Le propriétaire du bateau de pêche doit néanmoins obtenir de l'administration portuaire une autorisation spéciale pour l'utilisation de cette embarcation; celle-ci portera le même numéro d'immatriculation que le bateau dont elle dépend et sera mentionnée dans la licence de pêche.

Article 23. - La pêche ou la vente des huîtres et de tous autres types de coquillages ainsi que des diverses espèces de crustacés (langoustes) sont interdites durant la période fixée par le Ministre de la guerre sur requête du Ministre de la Santé.

Le Directeur général de l'administration portuaire, après avoir consulté les autorités spécialisées compétentes, peut autoriser la pêche des huîtres, clovis et bigorneaux en mer Rouge à des fins industrielles.

CHAPITRE IV - DISPOSITIONS GENERALES

Article 24. - Les redevances annuelles imposées aux divers bateaux de pêche quelles que soient leurs catégories, sont acquittées en quatre versements partiels égaux aux mois de Janvier, d'avril, de juillet et d'octobre de chaque année. Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes se réserve le droit, compte tenu des circonstances et conditions laissées à son jugement, de retarder lesdits versements ou d'exempter les retardataires du versement de taxes supplémentaires ou de toutes autres impositions complémentaires.

Article 25. - Les redevances annuelles imposées à l'ensemble des pêcheurs à pied (professionnels ou amateurs) qui opèrent dans les eaux intérieures et lacustres ou dans les eaux maritimes, doivent être acquittées en un seul versement au moment de la délivrance de la licence de pêche.

Article 26. - Tout propriétaire de bateau ou pêcheur désirant obtenir un duplicata de sa licence en cas de perte ou de destruction par usure de cette dernière, devra verser une redevance de 100 millièmes *.

Article 27. - Le renouvellement des licences de pêche dont la validité vient à échéance au 31 décembre de chaque année est subordonnée à la démonstration que le propriétaire du bateau bénéficiaire de la licence a réglé toutes les redevances, taxes et éventuellement amendes relatives à la licence périmée.

* La livre égyptienne est divisée en 100 piastres et 1000 millièmes (note du traducteur).

Article 28. - Tout propriétaire de bateau de pêche ou son représentant, ainsi que tout pêcheur à pied, doivent, aussitôt rentrés au port, ou toutes les fois qu'ils en sont requis, présenter des états de pêche indiquant les espèces et les quantités de poissons capturées, les zones où ont été réalisées les prises ainsi que toute autre information.

Article 29. - Tout bateau de pêche doit, avant de commencer ses opérations, porter sur ses deux flancs le numéro de série qui lui est attribué par l'Administration des garde-côtes, pêcheries et douanes; ce numéro sera complété par une marque distinctive indiquant la catégorie du bateau et la zone de pêche qui lui est attribuée; toutes indications seront réalisées selon un spécimen établi. Le numéro d'immatriculation et la marque complémentaire devront également figurer d'une manière visible sur les deux faces de la voile du bateau; ils doivent être visibles en permanence et ne doivent d'aucune manière être effacés, rendus méconnaissables ou dissimulés.

Article 30. - Les bateaux de pêche opérant de nuit doivent être éclairés.

Article 31. - La licence de pêche est personnelle et ne peut être cédée à autrui.

Article 32. - La licence de pêche doit se trouver en permanence à bord du bateau pendant la durée des opérations ou bien en possession de son titulaire de manière à être présentée à la première réquisition.

Article 33. - Il est interdit d'utiliser la licence de pêche à d'autres fins que celles pour lesquelles elle a été délivrée.

Article 34. - Les bateaux de pêche doivent s'arrêter toutes les fois que les représentants de l'autorité le leur ordonnent; ces derniers ont le droit de procéder à des perquisitions sur les bateaux, à tout moment.

Article 35. - Il est interdit à tout bateau de pêche de mouiller à l'intérieur des zones où la pêche est prohibée, sauf cas de force majeure ou bien lorsqu'il n'existe pas d'autres voies d'accès pour parvenir à son port d'attache.

Article 36. - Il est interdit aux bateaux de pêche ou aux individus qui se trouvent à l'intérieur ou à proximité des zones de pêche d'avoir à bord ou de détenir des filets non autorisés ou des engins de pêche prohibés.

Article 37. - Il est disposé des bateaux, engins et équipements de pêche saisis selon la procédure suivante:

- (a) Matériel légalement utilisable: il sera vendu aux coopératives de pêcheurs au prix fixé par l'Administration des garde-côtes, pêcheries et douanes; si ces dernières n'en ont pas l'utilisation et que ce matériel ne peut pas servir à la formation professionnelle ou à la recherche, il sera alors vendu selon les dispositions réglementaires applicables aux enchères et adjudications publiques.

- (b) Matériel non autorisé:
- (1) Trappes: elles seront détruites et jetées à la mer à une distance telle que les pêcheurs ne puissent pas les récupérer. Elles peuvent être également vendues aux sociétés comme déchets et rebuts;
 - (2) Filets: ils seront dégarnis de leurs plorabs, cordages et lièges qui seront vendus aux coopératives de pêcheurs à un prix nominal fixé par l'Administration des garde-côtes, pêcheries et douanes; si ces coopératives n'en ont pas l'utilisation, le matériel sera vendu selon les dispositions réglementaires applicables aux enchères et adjudications publiques. Le filet proprement dit sera alors détruit et brûlé.
 - (3) Bateaux de pêche: ils seront mis en pièces et vendus comme déchets de bois selon les dispositions réglementaires applicables aux enchères et adjudications publiques.
- (c) Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes peut conserver la partie du matériel saisi susceptible d'être utilisée pour les travaux des services portuaires et ceux des ministères et des différents services qui en feraient la demande. Le matériel autorisé à la vente est facturé à l'autorité gouvernementale demanderesse tandis que le matériel destiné à la destruction peut être fourni gratuitement.

Article 38. - Les organismes à caractère scientifique, technique, ainsi que les centres de recherche peuvent, avec une autorisation de l'Administration des garde-côtes, pêcheries et douanes, poursuivre leurs études expérimentales et leurs prospections à l'intérieur de toutes les zones de pêche sans restrictions périodiques et en utilisant n'importe quels types de bateaux, d'engins et d'équipements, que ces derniers soient utilisés ou prohibés; ils peuvent prélever des échantillons de tous les poissons quelle qu'en soit la taille pour les besoins de leurs recherches en matière de pisciculture, d'approvisionnements des viviers et parcs à poissons ou encore en vue du peuplement de nouvelles zones de pêche.

Article 39. - Les poissons capturés ne peuvent être retirés des filets que dans les seuls lieux (cercles ou centres de groupage) établis à cet effet par le Directeur général de l'Administration des garde-côtes, pêcheries et douanes.

Article 40. - Tout propriétaire de bateau de pêche ne peut vendre une partie ou la totalité de son bateau sans autorisation préalable de l'administration des garde-côtes, pêcheries et douanes; cette autorisation peut être obtenue moyennant acquittement d'une redevance de cent millièmes.

EGY 28

Article 41. - Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes peut prononcer l'exemption de l'acquittement des redevances dues, en partie ou en totalité, dans les circonstances suivantes:

- (a) si le bateau est perdu ou s'il a subi des avaries telles qu'il ne peut être réparé;
- (b) si le titulaire de la licence est décédé sans laisser d'héritiers ou bien si ces derniers ne désirent pas utiliser le bateau pour la pêche;
- (c) si le propriétaire du bateau est frappé d'une maladie l'empêchant d'exercer son activité pendant une durée d'au moins trente jours consécutifs;
- (d) durant les périodes d'interdiction de la pêche en application des lois et résolutions correspondantes;
- (e) s'il est prouvé que le bateau est en panne et que les pêcheurs sont dans l'impossibilité d'exercer la pêche pendant une durée d'au moins trente jours consécutifs.

Article 42. - Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes est habilité, sur recommandation des services spécialisés compétents, à édicter des instructions et ordonnances tendant à la réalisation des objectifs suivants:

- (a) définir pour les bateaux de pêche et les pêcheurs titulaires de licences les dispositions à prendre dans le cadre de l'exercice de leurs activités en vue d'améliorer ou de préserver les intérêts de la pêche;
- (b) déterminer les normes auxquelles doivent répondre les bateaux de pêche non motorisés en ce qui concerne leur forme, leur résistance et leur capacité en vue de pouvoir modifier avantageusement leurs caractéristiques;
- (c) déterminer les instruments et engins autorisés pour la pêche et fixer leurs caractéristiques en fonction des intérêts de la profession;
- (d) interdire strictement la pêche au moyen de certains engins spécifiquement déterminés pour une durée limitée ou illimitée à l'intérieur d'une partie ou de l'ensemble d'une zone située sur les rives d'un lac ou baignée par des eaux maritimes ou par des eaux intérieures, et ceci en vue de préserver et de mettre en valeur les eaux maritimes, ou bien encore pour des raisons militaires;
- (e) fixer le nombre de licences à accorder aux bateaux de pêche, quelle que soit leur catégorie et aux pêcheurs à pied pour tels lacs ou telles zones pour une durée limitée ou illimitée;

EGY 29

- (f) régler la pêche pratiquée par des amateurs, membres de clubs et organisations sportives, soit sans limitations géographiques ou en déterminant certaines zones; et prévoir les redevances à verser pour l'obtention d'une licence de pêche à condition que lesdites redevances ne dépassent pas 500 millièmes par jour, cinq livres par mois, cinquante livres par an;
- (g) organiser l'exploitation des herbes et plantes aquatiques qui croissent dans les lacs;
- (h) régler l'exploitation des zones peuplées de coquillages, huîtres, mollusques et bancs de coraux;
- (i) veiller à la délivrance des licences de pêche de toutes catégories et au recouvrement des redevances et des amendes fixées aux termes de la loi N° 144 de 1960 et des arrêtés ministériels correspondants;
- (j) veiller à la constatation des infractions en matière de pêche et à l'établissement des procès-verbaux correspondants;
- (k) veiller à l'exécution des opérations de recensement des ressources halieutiques;
- (l) procéder à la vente des poissons résiduels après assèchement d'étangs et autres surfaces aquatiques.

Article 43. - Sont abrogés tous arrêtés ou règlements antérieurs dont les dispositions sont en contradiction avec les dispositions du présent arrêté.

Article 44. - Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes est chargé de veiller à l'exécution du présent arrêté.

(b) Arrêté N° 11 de 1962

Article 1. - De fixer la dimension des mailles de la senne de plage utilisée dans les eaux maritimes territoriales de sorte que lesdites mailles ne soient pas inférieures à 30 "magats" * au niveau de la poche du filet, c'est-à-dire dans la partie médiane de celui-ci; les mailles peuvent être plus larges dans les autres parties du filet.

Article 2. - D'interdire l'utilisation de la senne de plage durant deux mois couvrant la période du 15 mars au 15 mai de chaque année.

Article 3. - D'accorder un délai de six mois aux pêcheurs qui utilisent ces filets pour leur permettre d'amortir la valeur desdits filets.

Article 4. - Les commandants des deux zones côtières orientale et occidentale sont chargés d'appliquer les dispositions du présent arrêté à compter du 1er Janvier 1963.

* Magats: nombre de mailles sur une longueur de 50 centimètres de filet.

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1. LIMITS OF NATIONAL JURISDICTION

Maritime Proclamation N° 137 of 1953.

A. JURISDICTIONAL PROVISIONS

1.- Public Necessity - Jurisdiction

2. - Jurisdiction, administration and control of and over the territorial waters, maritime domain and defence areas of Our Empire, and of and over Ethiopian ships and vessels on the high seas and elsewhere, and of and over the marine industries and enterprises established or to be established within Our Empire, are hereby declared and determined to be of public necessity and of primary concern to the national defence and to the regulation of foreign and interstate commerce and of external and interstate communications, including ports. The said jurisdiction, administration and control shall be vested exclusively in the Imperial Ethiopian Government except in so far as specified portions of the maritime domain and defence areas may be declared by Imperial Decrees to be not subject to the exclusive jurisdiction and control of the said Government.

3. - The establishment of defence areas along or in the vicinity of Our coasts and elsewhere within Our Empire is declared to be of public necessity and of primary concern to the national defence. Such defence areas may include ports.

4. - Our Ministry of National Defence shall have general and exclusive supervision of the territorial waters, the maritime domain and the defence areas of Our Empire, of all Ethiopian merchant ships and vessels, and of the crews of the same, and of all marine industries and enterprises within Our Empire. It shall also be charged with the direction of Our Coast Guard and, except as otherwise ordered by Us, with the direction of all activities on behalf of Our Government within the territorial waters and the maritime domain of Our Empire. It shall issue all such regulations as may be necessary and appropriate, in conformity with the provisions of the present Proclamation, in the exercise of the said supervision and in the direction of the said activities.

5. - Jurisdiction over and administration and control of all means of marine telecommunications and telecommunications utilized for marine transportation are declared to be of public necessity for the national defence as well as for external and interstate communications, including ports and as such shall be subject to such measures and regulations as shall from time to time be promulgated by Our Minister of National Defence and Our Imperial Board of Telecommunications.

B. MERCANTILE MARINE PROVISIONS

1. - Definitions

...

6. - For the purposes of this Proclamation and the regulations and instructions to be issued in conformity therewith,

...

- (f) The territorial waters of Our Empire are defined as extending from the extremity of sea-board at maximum annual high tide of the Ethiopian continental coast and of the coasts of Ethiopian islands, in parallel line on the entire sea-board and to an outward distance of twelve nautical miles, except that in the case of the Dahlac archipelago the seaward limit of the territorial waters shall be that defined in Our Federal Revenue Proclamation N° 126 of 1952, and that in the case of pearl and other sedentary fisheries the seaward limit of the territorial waters shall extend to the limits of the said fisheries. The Imperial Ethiopian Government have full dominion over the said waters and exclusive control over the natural resources within and beneath the said waters. Fishing of all sorts, including pearl fishing, within the said territorial waters shall be reserved exclusively to nationals of Our Empire except as provided in article (9) of this Proclamation.
- (g) The maritime domain of Our Empire is defined as extending inward from the extremity of sea-board at maximum annual high tide to a distance of one hundred meters along each of the aforesaid coasts and as including, in addition, the gulfs and bays along the said coasts; the areas heretofore reserved, on or near the said coasts, for military, naval and aeronautical installations; and the port areas defined in regulations of Our Ministry of National Defence. The said domain shall be within the exclusive jurisdiction and control of the Imperial Ethiopian Government except in so far as may be otherwise determined by Imperial Decree.

2. BASIC FISHERIES LEGISLATION

Maritime Proclamation N° 137 of 1953.

...

IV. Protective Measures

9. - The right to transport persons or goods, for profit, from one point to another on Our coasts and the right to engage in fishing, towing or salvage within the territorial waters of Our Empire are reserved to Ethiopian merchant ships and vessels and, with the exemption of pearl fishing, to such foreign ships and vessels as may be accorded these rights for limited periods within three years from the date of this Proclamation, by Our Ministry of National Defence, upon the application of marine industries and enterprises duly registered under the regulations of the said Ministry.

...

E. PENAL PROVISIONS

...

VIII - Confiscation of Ships or Vessels

...

98. - The regulations that may be issued by Our Ministry of National Defence for the supervision and control of fishing within Our territorial waters may provide that any ship or vessel of whatever registration engaged in such fishing without authorization as required by law or using means of fishing prohibited by the said regulations, as being wantonly destructive of marine life, shall be subject to condemnation and confiscation by decree of a division of Our Federal High Court sitting in admiralty in an appropriate proceeding. Any ship or vessel condemned and confiscated pursuant to the provisions of this article shall be transferred in title and possession to Our Ministry of National Defence.

...

F. FINAL PROVISIONS

...

102. - The present law shall not be construed to exclude the application within the territorial waters or maritime domain of Our Empire or upon Ethiopian ships on the high seas, of any other federal laws including federal laws made in execution of international treaties or obligations or concerning foreign and interstate commerce or external and interstate communications.

...

4. SUPPLEMENTARY LEGISLATION

Maritime Code of the Empire of Ethiopia of 1960 (Proclamation N° 164 of 1960)

CHAPTER II - NATIONALITY OF SHIPS

Article 4. - Qualification for owning Ethiopian Ships. - A ship shall not be deemed to be an Ethiopian ship unless owned wholly by persons of the following descriptions, namely:

- (a) Ethiopian subjects;
- (b) Bodies Corporate established under, and subject to the Laws of Ethiopia and having their principal place of business in Ethiopia;
- (c) Foreigners domiciled in Ethiopia and having their principal place of business in Ethiopia.

Article 5. - Ships treated as Ethiopian Ships. - The following shall be Ethiopian ships:

- (a) Ships abandoned at sea and salvaged by ships flying the Ethiopian flag;
- (b) Ships confiscated under the provisions of this Code.

Article 6. - Ethiopian Ships. - (1) Only Ethiopian ships shall sail under the Ethiopian flag.

(2) Coastal fishing, coastal trade between Ethiopian ports and towage in Ethiopian ports shall only be undertaken by Ethiopian ships.

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4. DISPOSITIONS COMPLEMENTAIRES

* Title only

1. LIMITES NATIONALES DE JURIDICTION

- (a) Loi N° 71-1060 du 24 décembre 1971 relative à la délimitation des eaux territoriales françaises

Article 1er. - Les eaux territoriales françaises s'étendent jusqu'à une limite fixée à 12 milles marins à partir des lignes de base.

Les lignes de base sont la laisse de basse mer ainsi que les lignes de base droites et les lignes de fermeture des baies qui sont déterminées par décret.

La souveraineté de l'Etat français s'étend à l'espace aérien ainsi qu'au lit et au sous-sol de la mer dans la limite des eaux territoriales.

Article 2. - Sauf convention particulière, la largeur des eaux territoriales ne s'étend pas au-delà d'une ligne médiane dont tous les points sont équidistants des points les plus proches des lignes de base des côtes françaises et des côtes des pays étrangers qui font face aux côtes françaises ou qui leur sont limitrophes.

Article 3. - Lorsque la distance entre les lignes de base des côtes françaises et celles des côtes d'un Etat étranger qui leur font face est égale ou inférieure à 24 milles ou ne permet plus l'existence d'une zone de haute mer suffisante pour la navigation, des dispositions pourront être prises en vue d'assurer la libre navigation maritime et aérienne, dans le respect des conventions internationales et, s'il y a lieu, après accord avec les Etats intéressés.

Article 4. - Les dispositions de la présente loi ne portent pas atteinte à l'exercice des droits de pêche accordés à certains navires étrangers dans les conditions prévues par les accords internationaux et le droit interne française.

Article 5. - La présente loi est applicable aux territoires d'outre-mer.

FRA 2

- (b) Loi N° 76-655 du 16 juillet 1976 relative à la zone économique au large des côtes du territoire de la République (modifiée)

Article 1er. - La République exerce, dans la zone économique pouvant s'étendre depuis la limite des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, des droits souverains en ce qui concerne l'exploration et l'exploitation des ressources naturelles, biologiques ou non biologiques, du fond de la mer, de son sous-sol et des eaux surjacentes. Ces droits sont exercés dans les conditions et selon les modalités prévues aux articles ci-après.

Article 2. - Les dispositions de la loi N° 68-1181 du 30 décembre 1968 relative à l'exploration du plateau continental et à l'exploitation de ses ressources naturelles sont applicables, à l'exception de l'article 1^{er}, au fond de la mer et à son sous-sol dans la zone économique définie à l'article 1^{er} ci-dessus.

Article 3. - Les dispositions du décret du 9 janvier 1952 sur l'exercice de la pêche maritime sont applicables dans la zone économique définie à l'article premier ci-dessus.

Les peines prévues aux articles 4, 5, 6, 7, 8 et 9 de la loi N° 66-400 du 18 juin 1966 sur l'exercice de la pêche maritime et l'exploitation des produits de la mer dans les Terres australes et antarctiques françaises sont remplacées, pour les infractions commises dans la zone économique au large de ce territoire, par les amendes suivantes :

Article 4 : 4 000 F à 20 000 F;

Article 5 : 2 000 F à 60 000 F;

Article 6 : 20 000 F à 60 000 F;

Article 7 : 2 000 F à 60 000 F;

Article 8 : 2 000 F à 60 000 F;

Article 9 : double de l'amende la plus forte prévue ci-dessus pour chacun des articles 5 à 8.

Article 4. - Dans la zone économique définie à l'article 1^{er} ci-dessus, les autorités françaises exercent les compétences reconnues par le droit international en matière de protection de l'environnement marin.

Article 5. - Des décrets en Conseil d'Etat fixeront les conditions et les dates d'entrée en vigueur des dispositions de la présente loi en ce qui concerne la zone économique au large des divers côtes du territoire de la République.

FRA 3

- (c) Décret N° 78-146 du 3 février 1978 portant création, en application de la loi du 16 juillet 1976, d'une zone économique au large des côtes des îles Troraelin, Glorieuses, Juan-de-Nova, Europa et Bassas-da-India

Article 1er. - La zone économique définie à l'article 1^{er} de la loi du 16 juillet 1976 s'étend, au large des côtes des îles Tromelin, Glorieuses, Juan-de-Nova, Europa et Bassas-da-India depuis la limite extérieure des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, sous réserve d'accords de délimitation avec les Etats voisins.

En ce qui concerne cette zone, les dispositions de la loi susmentionnée entreront en vigueur à la date de publication du présent décret.

Article 2. - Dans la zone économique mentionnée ci-dessus et par dérogation aux dispositions de la loi du 1^{er} mars 1888 modifiée susvisée, des autorisations de pêche pourront être délivrées à certains navires étrangers dans les conditions prévues par les accords internationaux et par le droit interne français.

Article 3. - En ce qui concerne les infractions en matière de pêche commises dans la zone économique visée à l'article 1^{er}, sont remplacées par une peine d'amende de 600 F à 1 000 F les peines prévues:

Au premier alinéa de l'article 5, au sixième alinéa de l'article 6, au premier alinéa de l'article 7 et aux articles 8 et 9 du décret susvisé du 9 janvier 1832 modifié :

Au deuxième alinéa de l'article 11 de la loi susvisée du 1^{er} mars 1883.

Article 4. - Compte tenu de la structure administrative particulière des îles énumérées par le décret N° 60-535 du 1^{er} avril 1960, les adaptations suivantes sont apportées aux textes visés ci-dessus:

Le ministre chargé de la marine marchande peut déléguer au représentant de l'Etat pour ces îles les pouvoirs qu'il tient de l'article 2 et du 1) de l'article 3 du décret du 9 janvier 1852 modifié;

A défaut des représentants des administrations prévues à l'article 31 du décret N° 71-360 du 6 mai 1971 pour siéger à la commission d'études des programmes, des représentants des administrations concernées ou des organismes scientifiques compétents pour le territoire leur sont substitués par le ministre intéressé.

Article 5. - Le garde des sceaux, ministre de la justice, le ministre des affaires étrangères, le ministre de l'intérieur, le ministre de la défense, le ministre de la culture et de l'environnement, le ministre délégué à l'économie et aux finances, le ministre de l'équipement et de l'aménagement du territoire, le ministre de l'industrie, du commerce et de l'artisanat, le secrétaire d'Etat auprès du ministre de l'intérieur (Départements et territoires d'outre-mer) et le secrétaire d'Etat auprès du ministre de l'équipement et de l'aménagement du territoire (Transports) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au Journal officiel de la République française.

FRA 4

- (d) Décret N° 78-148 du 3 février 1978 portant création en application de la loi du 16 juillet 1976, d'une zone économique au large des côtes du département de la Réunion.

Article 1er. - La zone économique définie à l'article 1er de la loi du 16 juillet 1976 s'étend au large des côtes du département de la Réunion, depuis la limite extérieure des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, sous réserve d'accords de délimitation avec les Etats voisins.

En ce qui concerne cette zone, les dispositions de la loi susmentionnée entreront en vigueur à la date de publication du présent décret.

Article 2. - Sous réserve des dispositions du traité instituant la Communauté économique européenne et des textes pris pour son application, la pêche est, conformément à la loi du 1er mars 1888 modifiée, interdite aux navires étrangers dans la zone économique susmentionnée.

Toutefois, par dérogation à ces dispositions, des autorisations de pêche pourront être délivrées à certains navires étrangers dans les conditions prévues par le traité instituant la Communauté économique européenne et les textes pris pour son application, par les accords internationaux et par le droit interne français.

Article 3. - En ce qui concerne les infractions en matière de pêche commises dans la zone économique visée à l'article 1er, sont remplacées par une peine d'amende de 600 F à 1.000 F les peines prévues au premier alinéa de l'article 5, au sixième alinéa de l'article 6, au premier alinéa de l'article 7, aux articles 8 et 9 du décret susvisé du 9 janvier 1852 ainsi qu'au deuxième alinéa de l'article 11 de la loi susvisée du 1er mars 1888.

Article 4. - Le garde des Sceaux, ministre de la Justice, le ministre des Affaires étrangères, le ministre de l'Intérieur, le ministre de la Défense, le ministre de la Culture et de l'Environnement, le ministre délégué à l'Economie et aux Finances, le ministre de l'Equipement et de l'Aménagement du territoire, le ministre de l'Industrie, du Commerce et de l'Artisanat, le secrétaire d'Etat auprès du ministre de l'Intérieur(Départements et territoires d'outre-mer) et le secrétaire d'Etat auprès du ministre de l'Equipement et de l'Aménagement du territoire (Transports) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui sera publié au Journal officiel de la République française.

- (e) Décret N° 78-149 du 3 février 1978 portant création, en application de la loi du 16 juillet, d'une zone économique au large des côtes de la collectivité territoriale de Mayotte.

Article 1er. - La zone économique définie à l'article 1er de la loi du 16 juillet 1976 s'étend large des côtes de la collectivité territoriale de Mayotte depuis la limite extérieure des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, sous réserve d'accords de délimitation avec les Etats voisins.

En ce qui concerne cette zone, les dispositions de la loi susmentionnée entreront en vigueur à la date de publication du présent décret.

Article 2. - Dans la zone économique mentionnée ci-dessus, et par dérogation aux dispositions de la loi du 1er mars 1888 modifiée, des autorisations de pêche pourront être délivrées à certains navires étrangers dans les conditions prévues par les accords internationaux et par le droit interne français.

Article 3. - Compte tenu de la structure administrative de la collectivité territoriale de Mayotte, les adaptations suivantes sont apportées aux textes ci-dessous:

A l'article 2 du décret 69-576 du 12 juin 1969 modifiant le décret du 9 janvier 1852 sur la pêche maritime, il est ajouté:

"A Mayotte, cette délégation est faite au représentant du Gouvernement lorsque de tels services n'ont pas été organisés dans la collectivité territoriale".

A l'article 3 du même décret il est ajouté:

"A Mayotte, après consultation du représentant de l'ISTPM ou de tel autre organisme scientifique compétent pour la collectivité territoriale, le représentant du Gouvernement, lorsqu'un tel service n'a pas été organisé, exerce les pouvoirs dévolus à l'alinéa précédent au directeur des affaires maritimes".

Article 4. - Lorsque, pour siéger à la commission d'études des programmes mentionnés à l'article 8 du décret N° 71-360 du 6 mai 1971, il n'existe pas de représentants des administrations qui y sont énumérées, le ministre concerné désigne un représentant de son administration pour siéger à ladite commission.

Article 5. - En ce qui concerne les infractions en matière de pêche commises dans la zone économique visée à l'article 1er, sont remplacées par une peine d'amende de 600 F à 1.000 F les peines prévues au premier alinéa de l'article 5, au sixième alinéa de l'article 6, au premier alinéa de l'article 7, aux articles 8 et 9 du décret susvisé du 9 janvier 1852 ainsi qu'au deuxième alinéa de l'article 11 de la loi susvisée du 1er mars 1888.

FRA 6

Article 6. - Le garde des sceaux, ministre de la justice, le ministre des affaires étrangères, le ministre de l'intérieur, le ministre de la défense, le ministre de la culture et de l'environnement, le ministre délégué à l'économie et aux finances, le ministre de l'équipement et de l'aménagement du territoire, le ministre de l'industrie, du commerce et de l'artisanat, le secrétaire d'Etat auprès du ministre de l'intérieur (Départements et territoires d'outre-mer), et le secrétaire d'Etat auprès du ministre de l'équipement et de l'aménagement du territoire (Transports) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au Journal officiel de la République française.

2. DISPOSITIONS DE VALEUR LEGISLATIVE INTERESSANT LA PECHE MARITIME

Décret du 9 janvier 1852 sur l'exercice de la pêche maritime (modifié)

Article 1er. - L'exercice de la pêche maritime, c'est-à-dire la capture des animaux et la récolte des végétaux marins, en mer et dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, est soumis aux dispositions suivantes.

Article 2. - Aucun établissement de pêcherie, de quelque nature qu'il soit, aucun parc soit à huîtres soit à moules, aucun dépôt de coquillages ne peuvent être formés sur le rivage de la mer, le long des côtes, ni dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, sans une autorisation spéciale délivrée par le ministre de la Marine.

Un règlement d'administration publique déterminera les formes suivant lesquelles cette autorisation sera accordée et pourra être révoquée.

Article 3. - La pêche maritime s'exerce conformément aux règlements de la Communauté économique européenne et notamment ceux relatifs au régime de conservation et de gestion des ressources.

Toutefois, lorsque la mise en application effective de ces règlements l'exige ou le permet ou lorsque la pêche s'exerce dans des eaux ou par des activités ne relevant pas du champ d'application de ces règlements, des décrets en Conseil d'Etat fixent les conditions dans lesquelles peuvent être prises les mesures suivantes :

1° L'interdiction permanente ou temporaire ou la réglementation de l'exercice de la pêche de certaines espèces dans certaines zones;

2° Pour certaines espèces ou certains groupes d'espèces la limitation du volume des captures et leur répartition par navire;

3° Pour certaines espèces, la détermination d'une taille ou d'un poids minimal des captures au-dessous desquels celles-ci doivent être aussitôt rejetées;

4° La détermination des règles relatives à la dimension du maillage des filets et aux caractéristiques techniques des navires ainsi que la définition des engins et modes de pêche;

5° L'autorisation de certains types ou procédés de pêche et la limitation du nombre de leurs bénéficiaires en vue d'une gestion rationnelle de la ressource de pêche;

6° La définition du pourcentage de prises accessoires de certaines espèces pour certains types de pêche ou avec certains engins;

7° La réglementation de l'emploi des appâts;

8° L'énoncé des conditions d'exécution d'opérations accessoires de la pêche à bord des navires;

9° La prohibition de la mise en vente, de l'achat, et du transport des produits dont la pêche est interdite;

10° Le classement des gisements naturels coquilliers et la définition de leurs conditions d'exploitation;

11° La définition des conditions de récolte des végétaux marins;

12° La délimitation de réserves ou de cantonnements interdits à toute pêche ou la définition des restrictions de pêche destinées à favoriser l'implantation des structures artificielles aux fins d'exploitation et de mise en valeur des ressources biologiques;

13° La détermination des conditions générales d'installation et d'exploitation des établissements de cultures marines, des établissements permanents de capture et des structures artificielles;

14° La détermination des conditions de reconstitution des ressources de pêche et d'enrichissement ou de repeuplement des fonds;

Enfin, et généralement, toute mesure d'ordre et de précaution propres à assurer la conservation et à régler l'exercice de la pêche.

Article 4. - Lorsque la mise en application effective des règlements de la Communauté économique européenne relatifs à l'organisation des marchés des produits de la mer l'exige ou le permet, ou lorsque la pêche s'exerce dans des eaux ou par des activités ne relevant pas du champ d'application de ces règlements, des décrets en Conseil d'Etat fixent les conditions dans lesquelles peuvent être prises les mesures suivantes :

1° La détermination par les autorités de l'Etat, dans les ports de pêche et de commerce, des lieux et conditions de débarquement des produits de la pêche destinés à être mis sur le marché;

2° La définition des obligations incombant aux producteurs en ce qui concerne le pesage, le tri par espèce, taille, qualité et le mode de présentation de ces produits;

3° La fixation des règles relatives à la communication d'informations statistiques par les producteurs aux services et organismes compétents.

FRA 9

Article 5. - Les conditions d'exercice, professionnel ou non, de la pêche sous-marine, avec ou sans l'aide d'un appareil permettant de respirer sans revenir à la surface, sont fixées par décret en Conseil d'Etat. L'exercice à titre professionnel de la pêche à pied peut être réglementé dans les mêmes conditions.

Article 6. - Sera puni d'une amende de 3 000 F à 150 000 F quiconque aura, en infraction aux règlements de la Communauté économique européenne, aux dispositions du présent texte et aux règlements pris pour son application :

1° Détenu à bord ou utilise pour la pêche des explosifs, des armes à feu, des substances soporifiques ou toxiques de nature à détruire ou altérer les animaux, les végétaux marins et leur milieu;

2° Mis en vente, vendu, colporté, stocké, transporté, exposé ou acheté en connaissance de cause les produits des pêches pratiquées dans les conditions visées au 1 ci-dessus;

3° Pêché avec un engin dont l'usage est interdit;

4° Fabriqué, détenu à bord ou mis en vente un engin dont l'usage est interdit;

5° Pratiqué la pêche avec un engin dans une zone ou à une période où son emploi est interdit;

6° Pratiqué la pêche dans une zone où elle est interdite;

7° Pêché certaines espèces dans une zone ou à une période où leur pêche est interdite;

8° Pêché, transbordé, débarqué, transporté, exposé, vendu, stocké, acheté en connaissance de cause des produits de la mer dont la pêche est interdite ou qui n'ont pas la taille ou le poids requis;

9° Immergé des espèces marines dans des conditions irrégulières;

10° Colporté, exposé à la vente, vendu sous quelque forme que ce soit ou acheté en connaissance de cause les produits de la pêche provenant des navires ou embarcations de plaisance;

11° Colporté, exposé à la vente, vendu sous quelque forme que ce soit, acheté en connaissance de cause les produits de la pêche sous-marine ou à pied pratiquée à titre non professionnel;

12° Formé ou immergé sans autorisation une exploitation de cultures marines, un établissement permanent de capture ou une structure artificielle; ces exploitations, établissements ou structures formés ou immergés sans autorisation seront détruits aux frais du condamné.

Article 7. - Sera puni d'une amende de 50 000 F à 500 000 F tout capitaine de navires qui, en mer et en manoeuvrant son navire, se sera soustrait ou aura tenté. de se soustraire aux contrôles des officiers et agents chargés .de la police des pêches.

Article 8. - Sera punie d'une amende de à 10 000 F à 100 000 F toute personne qui aura refusé de laisser des officiers et les agents chargés de la police des pêches procéder aux contrôles et aux visites des exploitations de cultures marines, des établissements permanents de capture ou des structures artificielles, aux contrôles et aux visites à bord des navires ou embarcations de pêche, ainsi qu'à l'intérieur des installations, des locaux et des véhicules á usage professionnel.

Article 9. - Dans les eaux maritimes placées sous souveraineté ou juridiction française, les activités de pêche maritime sont, sous réserve des dispositions du traité instituant la Communauté éconoraïque européenne et des textes pris pour son application, interdites aux navires battant pavilion d'un Etat étranger.

Par dérogation au premier alinéa du présent article, des autorisations de pêche à bord des navires battant pavilion d'Etats non membres de la Communauté éconoraïque européenne peuvent être délivrées dans les conditions prévues par le traité instituant la Communauté économique européenne et les Règlements pris pour son application ainsi que par des accords internationaux passes par la Communauté économique européenne dans les limites de leur application.

Dans les eaux dont l'accès en matière de pêche ne relève pas de la Communauté économique européenne, les activités de pêche pratiquées par des navires battant pavilion d'un Etat étranger peuvent être autorisées en vertu d'un accord international passé avec l'Etat du pavilion de ces navires, aux conditions fixées par cet accord.

Article 10. - seront punis d'une amende de 50 000 F à 500 000 F :

1° Les capitaines de navires battant pavilion d'un Etat n'appartenant pas a la Communauté éconoraïque européenne qui pêche en l'absence d'autorisation ou en méconnaissance des termes de l'autorisation accordée dans les eaux maritimes sous souveraineté ou juridiction française et dansla partie des fleuves, rivières, canaux, étangs où les eaux sont salées;

2° Les capitaines des navires battant pavilion d'un autre Etat merabre de la Communauté économique européenne qui pêchent en infraction avec les règlements de la Communauté ou avec les dispositions nationales définissant les modalités d'accès, dans les eaux maritimes sous souveraineté ou juridiction française et dans la partie des fleuves, rivières, canaux, étangs où les eaux sont salées.

Article 11. - Quiconque ayant été condamné par application des dispositions des articles 6, 7, 8 ou 10 aura, dans un délai de cinq ans après l'expiration ou la prescription de cette peine, commis le même délit, sera condamné au double de la peine encourue.

Article 12. - Pourront être déclarés responsables des amendes prononcées pour contraventions prévues par la présente loi, les armateurs de bateaux de pêche qu'ils en soient ou non propriétaires, à raison des faits des patrons et équipages de ces bateaux, ceux qui exploitent les établissements de pêcheries, de parcs à huîtres ou à moules et de dépôt de coquillages, à raison des faits de leurs agents ou employes.

Ils seront, dans tous les cas, responsables des condamnations civiles.

Article 13. - Lorsqu'une infraction aux dispositions des articles 6, 7 et 8 a été constatée, le ministre chargé des Pêches maritimes et des Cultures marines peut suspendre, pour une durée maximum de trois mois, les droits et prerogatives afférents aux brevets, diplômes ou certificats des capitaines, patrons ou de ceux qui en remplissent les fonctions, dans des conditions qui seront fixées par un décret en Conseil d'Etat.

Article 14. - Les officiers et agents chargés de la police des pêches peuvent donner à tout navire de pêche l'ordre de stopper et de relever son matériel de pêche.

Ils peuvent monter à bord du navire et procéder à tout examen des captures, matériels de pêche, installations de stockage ou de traitement et de tous documents de bord, notamment ceux qui sont relatifs à l'enregistrement des captures.

Article 15. - (abrogé par la loi N° 70-1302 du 31 décembre 1970).

Article 16. - (complété par la loi 83-582 du 5 juillet 1983). - Les infractions sont recherchées et constatées par les administrateurs des Affaires maritimes, les officiers du corps technique et administratif des Affaires maritimes (loi du 5 juillet 1983), les officiers et les officiers mariniers commandant les bâtiments de l'Etat, les contrôleurs des Affaires maritimes visés à l'article 5 du décret N° 79-97 du 25 janvier 1979 relatif au statut particulier du corps des contrôleurs des Affaires maritimes (loi du 5 juillet 1983), les syndicats des Gens de mer, les gardes maritimes, les personnels embarqués d'assistance et de surveillance des affaires maritimes (loi du 5 juillet 1983), les techniciens du contrôle des établissements de pêche, des officiers et agents de police judiciaire, les agents des douanes, les gardes jurés et les prud'hommes pêcheurs.

Article 17. - Les procès-verbaux et rapports devront être signés. Lorsqu'ils émaneront des gardes jurés ou des prud'hommes pêcheurs, ils devront être, à peine de nullité, affirmés dans les trois jours de leur clôture devant le juge d'instance dans le ressort duquel est située la commune de résidence de l'agent de constatation ou devant le maire ou l'adjoint de la commune où l'infraction a été commise.

Article 18. - Les délits et contraventions en matière de pêche maritime sont jugés :

1° Pour les navires français, par le tribunal du port où le navire a été conduit ou, s'il n'a pas été conduit au port, par le tribunal du port d'immatriculation;

2° Pour les navires étrangers, par le tribunal du port où le navire a été conduit ou, s'il n'a pas été conduit au port, par le tribunal de la résidence administrative de l'agent qui a constaté l'infraction.

Article 19. - Les poursuites auront lieu à la diligence du ministère public, sans préjudice du droit de la partie civile; elles pourront être intentées à la diligence des administrateurs des Affaires maritimes. Ces officiers, en cas de poursuites par eux faites, ont droit d'exposer l'affaire devant le tribunal et d'être entendus à l'appui de leurs conclusions.

Article 20. - Les procès-verbaux et rapports feront foi jusqu'à preuve contraire.

A défaut de procès-verbaux ou en cas d'insuffisance de ces actes, les infractions pourront être prouvées par témoins.

Article 21. - Les citations, actes de procédures et jugements sont dispensés du timbre et enregistrés gratis.

Les citations et significations seront faites et remises sans frais par les syndics des Gens de mer, les gardes jurés, les gardes maritimes et les gendarmes de la marine. Si la contravention a été constatée par des officiers et agents de police judiciaire ou des agents de douanes, les significations pourront être aussi réalisées par des agents de la force publique.

Article 22. - (abrogé par loi N° 85-542 du 22 mai 1985).

Article 23. - Les dispositions du présent texte sont applicables aux eaux sous souveraineté ou juridiction française situées au large de la collectivité territoriale de Mayotte, des îles Tromelin, Glorieuses, Juan de Nova, Europa, Bassas de India et de l'île de Clipperton.

Article 24. - Sont et demeurent abrogés, en ce qu'ils ont de contraire aux dispositions de la présente loi, les lois et règlements aujourd'hui existants sur la police de la pêche côtière ou pêche du poisson et du coquillage à la mer, le long des côtes, ainsi que dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées.

Sont généralement abrogés les règlements relatifs à la récolte du varech, sart, goémon et autres marines.

Toutefois, ces lois et règlements continueront provisoirement à être exécutés, mais sous les peines ci-dessus énoncées pour les contraventions aux dispositions qu'ils contiennent, jusqu'à la publication des décrets à intervenir en conformité de l'article 3, laquelle publication devra avoir lieu dans l'année qui suivra la promulgation de la présente loi.

Il n'est d'ailleurs pas dérogé à la loi du 23 juin 1946 sur les pêcheries dans les mers situées entre les côtes de France et celles du Royaume-Uni de la Grande-Bretagne et de l'Irlande.

La présente loi sera insérée au Bulletin des lois et au Bulletin officiel de la marine.

3. REGLEMENTS

- (a) Décret N° 78-963 du 19 septembre 1978 fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des territoires d'outre-mer et de la collectivité territoriale de Mayotte.

Article 1er. - Le présent décret fixe les conditions dans lesquelles des droits de pêche peuvent être accordés aux navires étrangers dans les zones économiques situées au large des côtes de la Nouvelle-Calédonie et dépendances, de la Polynésie française, des terres australes françaises (Saint Paul et Amsterdam, Crozet, Kerguelen), de Wallis et Futuna, des îles Tromelin, Glorieuses, Juan de Nova, Europa et Bassas da India, de l'île de Clipperton et de la collectivité territoriale de Mayotte.

Article 2. - Le nombre des navires étrangers qui peuvent pêcher dans les zones économiques visées à l'article 1er ci-dessus ainsi que, le cas échéant, les quotas de pêche sont fixés par décret.

Article 3. - Toute demande de licence comporte les informations suivantes:

Nom du navire; Numéro et port d'immatriculation; Marques extérieures d'identification; Nom et adresse du propriétaire ou de l'affrètement; Tonnage brut; Longueur hors tout; Puissance du moteur ou des moteurs; Signal distinctif; Fréquences radio utilisées; Méthode de pêche; Espèces qu'il est prévu de capturer; Période de pêche.

Article 4. - Dans le cas où plusieurs navires participent à une même opération de pêche, chacun des navires doit être détenteur d'une licence de pêche individuelle, ce document n'étant valable que pour un seul navire.

Article 5. - Un navire détenteur d'une licence doit, pour pouvoir pêcher, se conformer aux prescriptions suivantes:

- (a) L'original de la licence est détenu à bord;
- (b) Le capitaine tient un journal de pêche;
- (c) Le Capitaine communique, par messages radiotéléphoniques ou radiotélégraphiques, les mouvements d'entrée et de sortie du navire, les captures effectuées, les secteurs fréquentés;
- (d) Le nom du navire est indiqué de manière très visible en caractères latins de 6 cm au moins d'épaisseur de trait et de 45 cm au moins de hauteur, en lettres blanches sur fond noir, de chaque côté de la passerelle de navigation et à hauteur de celle-ci;

- (e) Le signal distinctif du navire est peint sur la partie supérieure des superstructures en lettres de couleur rouge sur fond blanc, d'une épaisseur de trait de 6 cm au moins et de 45 cm de hauteur au moins, disposées de telle sorte qu'elles soient visibles par un observateur aérien survolant le navire en suivant la même route que ce dernier.

Article 6. - Les licences sont délivrées par décision des autorités territoriales compétentes en ce qui concerne les zones économiques au large de la Nouvelle-Calédonie et dépendances, de la Polynésie française et des terres australes françaises et par arrêté conjoint du ministre chargé des pêches maritimes et du ministre chargé des départements et territoires d'outre-mer en ce qui concerne les zones économiques au large des autres territoires et de la collectivité territoriale de Mayotte.

Le modèle et la durée des licences, la forme et les indications du journal de pêche, la périodicité, le contenu et les modalités de transmission des messages prévus à l'article 5 ci-dessus et toutes autres formalités pratiques rendues nécessaires par l'application du présent décret sont fixés de la même manière.

Article 7. - Le ministre de l'intérieur, le ministre des affaires étrangères, le ministre de la défense, le ministre des transports et le secrétaire d'Etat auprès du ministre de l'intérieur (Départements et territoires d'outre-mer) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au Journal officiel de la République française.

- (b) Arrêté interministériel du 1^{er} décembre 1978 fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des territoires d'outre-mer et de la collectivité territoriale de Mayotte.

Article 1^{er}. - Les licences de pêche instituées par l'article 2 du décret N° 78-963 du 19 septembre 1978 sont délivrées par le ministre chargé des pêches maritimes et par le ministre chargé des départements et territoires d'outre-mer pour les zones économiques au large des côtes du territoire de Wallis et Futuna, des îles Tromelin, Glorieuses, Juan de Nova, Europa, Bassas da India, de l'île de Clipperton et de la collectivité territoriale de Mayotte.

Les licences entrent en vigueur un mois après la date à laquelle elles ont été délivrées.

Les licences sont du modèle défini à l'annexe I.

Article 2. - Le contenu du journal de pêche et des messages radio est précisé par les annexes II et III du présent arrêté dont les dispositions sont reprises à l'appui de chaque licence délivrée.

Article 3. - Le ministre des Transports et le secrétaire d'Etat auprès du ministre de l'Intérieur (départements et territoires d'outre-mer) sont chargés, chacun en ce qui le concerne, de l'application du présent arrêté, qui sera publié au Journal officiel de la République française.

ANNEXE I

REPUBLIQUE FRANCAISE

Secrétariat d'Etat

auprès du ministre de l'intérieur
(départements et territoires d'outre-mer)

Licence de pêche N°

En application de la loi du 1er mars 1888 portant interdiction de la pêche des navires étrangers dans les eaux territoriales, de la loi N° 76-655 du 16 juillet 1976 relative à la zone économique au large des côtes du territoire de la République, et du décret N° 78-963 du 19 septembre 1978 fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des TOM et de la collectivité territoriale de Mayotte:

Le navire:

battant pavillon:

Nom du propriétaire ou de l'affrètement:

dont les caractéristiques sont les suivantes:

Numéro d'immatriculation:

Lettres et numéros d'identification extérieurs:

Jauge brute:

Longueur hors tout:

Puissance motrice (ch):

Signal distinctif:

est autorisé à pêcher du _____ au _____

par la méthode de:

les espèces suivantes:

dans la/les zone(s) s'étendant jusqu'à 200 milles nautiques au large des côtes.

La présente licence est retirée ou partiellement retirée pour certaines espèces suivant le cas avant la date d'expiration de sa validité par l'autorité l'ayant délivrée lorsqu'il a été constaté que les contingents de captures ou de jours de pêche attribués à l'Etat du pavillon sont épuisés.

L'octroi de cette licence comporte pour le détenteur l'obligation de se conformer à toutes les mesures de conservation, aux dispositions de surveillance, aux prescriptions régissant les activités de pêche dans la zone concernée et aux conditions spéciales figurant en annexe.

ANNEXE II

Conditions spéciales

1. L'original de la licence de pêche est détenu à bord du navire.
2. Les lettres et numéros d'identification du navire doivent être peints sur la coque de façon apparente. Ils ne devront en aucun cas être effacés, altérés, rendus méconnaissables, couverts ou cachés par un moyen quelconque.

Le signal distinctif ou l'indicatif radio est peint sur la partie supérieure d'une superstructure de telle manière qu'il puisse être lu par un observateur aérien suivant la même route que le navire. Ces lettres, de couleur rouge sur fond blanc, ont au moins 0.45 m de hauteur et 0.06 m de largeur de trait.

3. Un journal de pêche est tenu qui comporte les indications suivantes, enregistrées après chaque opération de pêche:

- 3.1. Les captures par espèce (en kilogrammes);
- 3.2. La date, l'heure de début et de fin de l'opération de pêche;
- 3.3. La localisation géographique du lieu des captures;
- 3.4. La méthode de pêche utilisée.

4. Des informations sont transmises par chaque navire dans les cas suivants:

- 4.1. Lors de chaque entrée du navire dans la zone économique;
- 4.2. Lors de chaque sortie du navire de la zone économique;
- 4.3. Lors de chaque escale dans un port;
- 4.4. Lors de chaque appareillage d'un port;
- 4.5. A la fin de chaque période de sept jours suivant l'entrée dans la zone économique ou l'appareillage d'un port situé à l'intérieur de cette zone.

Elles sont adressées à:

- AVISPECHE MATA-UTU pour Wallis et Futuna;
- AVISPECHE PAPEETE pour Clipperton;
- AVISPECHE SAINT-DENIS pour les îles Eparses de l'océan Indien;
- AVISPECHE DZAOUDZI pour Mayotte, via les stations de radio maritimes de:
- NOUMEA RADIO/FJP pour Wallis et Futuna;
- MAHINA RADIO/FJA pour Clipperton;
- SAINT-DENIS-REUNION RADIO/FFD pour les îles Eparses de l'océan Indien et Mayotte.

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5. Les messages comportent les informations suivantes:
 - 5.1. La date, l'heure, la position géographique;
 - 5.2. Les captures (en kilogrammes) de chaque espèce se trouvant en cale;
 - 5.3. Les captures (en kilogrammes) de chaque espèce pêchée depuis le précédent message;
 - 5.4. La localisation géographique des lieux des captures.
 - 5.5. Les captures (en kilogrammes) de chaque espèce transférée sur d'autres navires depuis le précédent message.
6. Les informations à communiquer relatives aux points 4 et 5 sont transmises d'après le code et dans l'ordre définis à l'annexe III.
7. Les transmissions des informations et des messages des paragraphes 4, 5 et 6 ci-dessus doivent être reportées sur le journal de pêche dès qu'elles ont été effectuées.

- (c) Arrêté préfectoral N° 32 DG/01-TAAF du 14 septembre 1981 portant interdiction de la chasse aux cétacés dans les zones économiques exclusives françaises des îles éparses et de Mayotte.

Article 1er. - Pendant une période de dix ans, la chasse de toute espèce de cétacés, à dents ou à fanons est interdite, que ce soit à partir de la terre ou à partir de navires dans les zones économiques exclusives françaises de Europa, Juan de Nova, Bassas da India, Glorieuses, Mayotte et Tromelin.

Article 2. - Le contre-amiral, commandant la zone maritime N° 5 est chargé de l'application du présent arrêté.

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* Title only

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1. LIMITS OF NATIONAL JURISDICTION

(a) Proclamation of 30 September 1967 by the President.

Whereas international law has always recognised that the sovereignty of a State extends to a belt of sea adjacent to its coast;

And whereas international practice is not uniform as regards the extent of this sea-belt commonly known as the territorial waters of a State;

And whereas by the Proclamation issued by the President of India on the 22nd March, 1956 and published with the notification of the Government of India in the Ministry of External Affairs, N S.R.O. 669, dated the 22nd March, 1956, the territorial waters of India were declared to extend into the sea to a distance of six nautical miles measured from the appropriate base line and by the Proclamation issued by the President of India on the 3rd December, 1956, and published with the notification of the Government of India in the Ministry of External Affairs, N S.R.O. 2920, dated the 3rd December, 1956, the limit of contiguous zone was fixed at twelve nautical miles from the base line from which the width of the territorial waters is measured;

And whereas under international law and customs, a State has the right to fix the limits of its territorial waters up to a distance of twelve nautical miles measured from the appropriate base line;

And whereas several States have fixed the limits of their territorial waters up to a distance of twelve nautical miles from the appropriate baseline and such fixation is in consonance with the requirements and legitimate interests of all countries and especially the developing countries;

And whereas the Republic of India has the obligation to ensure its effective control over as wide an area of the sea adjacent to its coast as is compatible with international law, in order to safeguard its territorial integrity and as a developing country to exploit and utilise the natural resources of the sea in an efficient manner;

Now, therefore, in the Eighteenth Year of the Republic of India, I, Zakir Husain, President of India, hereby proclaim, in supersession of the Proclamations aforesaid, that the territorial waters of India extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

(b) Constitution (Fortieth Amendment) Act 1976.

1. -Short title. - This Act may be called the Constitution (Fortieth Amendment) Act, 1976.

2. -Substitution of new article for article 297. - For article 297 of the Constitution, the following article shall be substituted, namely:

"297 - Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union -

(1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic zone and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.

(c) The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

1. - Short title and commencement. - (1) This Act may be called the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

(2) Sections 5 and 7 shall come into force on such date or on such different dates as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of this Act shall come into force at once.

2. - Definition. - In this Act, "limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India, means the limit of such waters, shelf or zone with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India.

3. - Sovereignty over, and limits of, territorial waters. - (1) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the seabed and subsoil underlying, and the air space over such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the appropriate baseline.

(3) Notwithstanding anything contained in sub-section (2), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the territorial waters.

(4) No notification shall be issued under sub-section (3) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

4. - Use of territorial waters by foreign ships. - (1) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including sub-marines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

Explanation - For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(2) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the Official Gazette, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

5. - Contiguous Zone of India. - (1) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline referred to in sub-section (2) of section 3.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, whenever it considers necessary so to do having regard to International Law and State Practice, alter, by notification in the Official Gazette, the limit of the contiguous zone.

(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) The Central Government may exercise such powers and take measures in or in relation to the contiguous zone as it may consider necessary with respect to;

- (a) the security of India; and
- (b) immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the Official Gazette:

- (a) extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (a) or clause (b) of sub-section (4), for the time being in force in India or any part thereof, to the contiguous zone; and
- (b) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

6. - Continental shelf. - (1) The continental shelf of India (hereinafter referred to as the continental shelf) comprises the seabed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baseline referred to in sub-section (2) of section 3 where the outer edge of the continental margin does not extend up to that distance.

(2) India has, and always had, full and exclusive sovereign rights in respect of its continental shelf.

(3) Without prejudice to the generality of the provisions of sub-section (2) the Union has in the continent shelf:

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorise, regulate and control scientific research; and
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(4) No person (including a foreign Government) shall, except under, and in accordance with the terms of a licence or a letter of authority granted by the Central Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever.

(5) The Central Government may, by notification in the Official Gazette:

- (a) declare any area of the continental shelf and its superjacent waters to be a designated area; and
- (b) make such provisions as it may deem necessary with respect to:
 - (i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area; or
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or
 - (iii) the protection of marine environment of such designated area; or
 - (iv) customs and other fiscal matters in relation to such designated area.

Explanation - A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

- (6) The Central Government may, by notification in the Official Gazette:
- (a) extend with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the continental shelf or any part [including any designated area under sub-section (5)] thereof; and
 - (b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the continental shelf or the part [including, as the case may be, any designated area under sub-section (5)] thereof to which it has been extended is a part of the territory of India.

(7) Without prejudice to the provisions of sub-section (2) and subject to any measures that may be necessary for protecting the interests of India, the Central Government may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by foreign States:

Provided that the consent of the Central Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

7. - Exclusive economic zone. - (1) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline referred to in sub-section (2) of section 3.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the exclusive economic zone.

(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

- (4) In the exclusive economic zone, the Union has:
- (a) Sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;
 - (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;
 - (c) exclusive jurisdiction to authorise, regulate and control scientific research;

- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognised by International Law.

(5) No person (including a foreign Government) shall, except under and in accordance with, the terms of any agreement with the Central Government or of a licence or a letter of authority granted by the Central Government, explore, exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this sub-section shall apply in relation to fishing by a citizen of India.

- (6) The Central Government may, by notification in the Official Gazette:
- (a) declare any area of the exclusive economic zone to be a designated area; and
 - (b) make such provisions as it may deem necessary with respect to:
 - (i) the exploration, exploitation and protection of the resources of such designated area; or
 - (ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents; or
 - (iii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or
 - (iv) the protection of marine environment of such designated area; or
 - (v) customs and other fiscal matters in relation to such designated area.

Explanation - A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

- (7) The Central Government may, by notification in the Official Gazette:
- (a) extend, with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the exclusive economic zone or any part thereof; and

- (b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof, to which it has been extended is a part of the territory of India.

(8) The provisions of sub-section (7) of section 6 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the continental shelf.

(9) In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by India of its rights within the zone, enjoy freedom of navigation and overflight.

8. - Historic waters. - (1) The Central Government may, by notification in the Official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(2) The sovereignty of India extends, and has always extended, to the historic waters of India and to the seabed and subsoil underlying, and the air space over, such waters.

9. - Maritime boundaries between India and States having coasts opposite or adjacent to those of India.

(1) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(2) Every agreement referred to in sub-section (1) shall, as soon as may be after it is entered into, be published in the Official Gazette.

(3) The provisions of sub-section (1) shall have effect notwithstanding anything contained in any other provision of this Act.

10. - Publication of charts. - The Central Government may cause the baseline referred to in sub-section (2) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

11. - Offences. - Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both.

12. - Offences by companies. - (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section:

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

13 - Place of trial. - Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

14 - Previous sanction of the Central Government for prosecution. - No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

15 - Power to make rules. - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

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- (a) regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;
- (b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;
- (c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;
- (d) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices referred to in sections 6 and 7;
- (e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;
- (f) authorisation, regulation and control of the conduct of scientific research for the purposes of this Act;
- (g) fees in relation to licences and letters of authority referred to in sub-section (4) of section 6 and sub-section (5) of section 7 or for any other purpose; or
- (h) any matter incidental to any of the matters specified in clauses (a) to (g).

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(4) Every rule made under this Act and every notification issued under sub-section (5) of section 6 or sub-section (6) of section 7 shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule or notification.

16. - Removal of difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or, as the case may be, of such enactment, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section:

- (a) in the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;
- (b) in the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

(d) Notifications by India on the Exclusive Economic Zone (15 January 1977).

I

"In exercise of the powers conferred by sub-section (2) of section 1 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), the Central Government hereby appoints the 15th day of January, 1977, as the date on which sections 5 and 7 of the said Act shall come into force."

II

"In exercise of the powers conferred by sub-section (1) of section 8 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976) (hereinafter referred to as the Act), the Central Government hereby notifies that the limits of the historic waters of India in each of the areas of sea specified in column II of the Table below are as specified in the corresponding entry in column III of the Table.

THE TABLE

S. N.o	Description of the area of sea	Limits of historic waters of India
I.	II	III
I.	Palk Strait and Palk Bay	The area of sea bounded by: (a) the coast of the mainland of India; (b) the maritime boundary settled by the Agreement between India and Sri Lanka on the Boundary in Historic waters between the two countries and Related Matters, which came into force with effect from July 8, 1974; and (c) the arc of Great Circle between the following position defined by latitude and longitude in the Palk Strait: (i) 10 degrees 17.5 minutes North, 79 degrees 52.7 minutes East;

- (ii) 10 degrees 05.0 minutes North, 80 degrees 03.0 minutes East.

2. Gulf of Manaar

The area of sea bounded by:

- (a) the coast of the mainland of
- (b) India, the maritime boundary settled by the Agreement between India and Sri Lanka on the Maritime Boundary between the two Countries in the Gulf of Manaar and the Bay of Bengal and Related Matters, which came into force with effect from May 10, 1976; and
- (c) the area of Great Circle between the following positions defined by latitude and longitude:
 - (i) 08 degrees 30.0 minutes North, 78 degrees 07.9 minutes East;
 - (ii) 08 degrees 22.2 minutes North, 78 degrees 55.4 minutes East.

2. - The historic waters of India in Palk Strait and Palk Bay area of sea are internal waters of India. The historic waters of India beyond the appropriate baseline referred to in section 3 (2) of the Act in the Gulf of Manaar area of sea have the same status as the territorial waters of India."

2. BASIC FISHERIES LEGISLATION

- (a) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

Chapter I - Preliminary

1. - Short title and commencement. - (1) This Act may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. - Definitions. - In this Act, unless the context otherwise requires:

- (a) "exclusive economic zone of India" means the exclusive economic zone of India in accordance with the provisions of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;
- (b) "fish" means any aquatic animal, whether piscine or not, and includes shell fish, crustacean, molluscs, turtle (chelonina), aquatic mammal (the young, fry, eggs and spawn thereof), holothurians, coelenterates, sea weed, coral (porifera) and any other aquatic life;
- (c) "fishing" means catching, taking, killing, attracting or pursuing fish by any method and includes the processing, preserving, transferring, receiving and transporting of fish;
- (d) "foreign vessel" means any vessel other than an Indian vessel;
- (e) "Indian vessel" means:
- (I) a vessel owned by Government or by a corporation established by a Central Act or a Provincial or State Act, or
- (II) a vessel:
- (i) which is owned wholly by persons to each of whom any of the following descriptions applies: -
- (1) a citizen of India;
- (2) a company in which not less than sixty percent of the share capital is held by citizens of India;

- (3) a registered co-operative society every member whereof is a citizen of India or where any other co-operative society is a member thereof, every individual who is a member of such other co-operative society is a citizen of India; and
- (ii) which is registered under the Merchant Shipping Act, 1958, (44 of 1958) or under any other Central Act or any Provincial or State Act.

Explanation - For the purposes of this clause, "registered co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law relating to co-operative societies for the time being in force in any State;

- (f) "licence" means a licence granted under section 4;
- (g) "maritime zones of India" means the territorial waters of India or the exclusive economic zone of India;
- (h) "master", in relation to a vessel, means the person for the time being having command or charge of the vessel;
- (i) "owner", in relation to a vessel, includes any association of persons, whether incorporated or not, by whom the vessel is owned or chartered;
- (j) "permit" means a permit granted or deemed to have been granted under section 5;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "processing", in relation to fishing, includes cleaning, beheading, filleting, shelling, peeling, icing, freezing, canning, salting, smoking, cooking, pickling, drying and otherwise preparing or preserving fish by any other method;
- (m) "specified ports" means such ports as the Central Government may, by notification in the Official Gazette, specify for the purposes of this Act;
- (n) "territorial waters of India" means the territorial waters of India in accordance with the provisions of section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);
- (o) "vessel" includes any ship, boat, sailing vessel or other description of vessel.

Chapter II - Regulation of Fishing by Foreign Vessels

3. - Prohibition of fishing in maritime zones of India by foreign vessels. - Subject to the provisions of this Act, no foreign vessel shall, except under and in accordance with:

- (a) licence granted under section 4; or
- (b) a permit granted under section 5,

by the Central Government, be used for fishing within any maritime zone of India.

4. - Grant of licences. - (1) The owner of a foreign vessel or any other person [not being in either case any person to whom any of the descriptions specified in sub-items (1) to (3) of item (i) of sub-clause (II) of clause (e) of section 2 applies] who intends to use such vessel for fishing within any maritime zone of India, may make an application to the Central Government for the grant of a licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fees as may be prescribed.

(3) No licence shall be granted unless the Central Government, having regard to such matters as may be prescribed in the public interest in this behalf and after making such inquiry in respect of such other matters as may be relevant, is satisfied that the licence may be granted.

(4) Every order granting or rejecting an application for the issue of a licence shall be in writing.

(5) A licence granted under this section:

- (a) shall be in such form as may be prescribed;
- (b) shall be valid for such areas, for such period, for such method of fishing and for such purposes as may be specified therein;
- (c) may be renewed from time to time; and
- (d) shall be subject to such conditions and restrictions as may be prescribed and to such additional conditions and restrictions as may be specified therein.

(6) A person holding a licence under this section shall ensure that every person employed by him complies, in the course of such employment, with the provisions of this Act, or any rule or order made thereunder and the conditions of such licence.

5. - Prohibition of fishing by Indian citizens etc., using foreign vessels. -(1) Every Indian citizen and every person to whom any of the descriptions specified in sub-item (2) or (3) of item (i) of sub-clause (II) of clause (e) of section 2 applies, who intends to use any foreign vessel for fishing within any maritime zone of India, may make an application to the Central Government for a permit to use such vessel for such purpose.

(2) Every application under sub-section (1) shall be made in such form and shall be accompanied by such fees as may be prescribed.

(3) No permit shall be granted unless the Central Government, having regard to such matters as may be prescribed in the public interest in this behalf and after making such inquiry in respect of such other matters as may be relevant, is satisfied that the permit may be granted.

(4) Every order granting or rejecting an application for the grant of such permit shall be in writing.

(5) A permit granted under this section:

(a) shall be in such form as may be prescribed;

(b) shall be valid for such areas, for such period, for such method of fishing and for such purposes as may be specified therein;

(c) may be renewed from time to time; and

(d) shall be subject to such conditions and restrictions as may be prescribed and to such additional conditions and restrictions as may be specified therein.

(6) A person holding a permit under this section shall ensure that every person employed by him complies, in the course of such employment, with the provisions of this Act or any rule or order made thereunder and the conditions of such permit.

(7) Notwithstanding anything contained in the foregoing provisions of this section, or in section 3, any permission granted to an Indian citizen to use or employ foreign fishing vessels in any maritime zone of India and in force immediately before the commencement of this Act shall, if the terms and conditions of such permission are not inconsistent with the provisions of this Act, be deemed to be a permit granted under this section and such permission shall continue to be in force after such commencement on the same terms and conditions, including the conditions as to the area of operation and the period of its validity, and the provisions of this Act shall, so far as may be, apply to such permission.

6. - Cancellation or suspension of licence or permit. - (1) The Central Government may, if there is any reasonable cause to believe that the holder of any licence or permit has made any statement in, or in relation to, any application for the grant or renewal of such licence or permit which is

incorrect or false in material particulars or has contravened any of the provisions of this Act or any rule or order made thereunder or of the provisions of any licence or permit or any conditions or restrictions specified therein, suspend such licence or permit, as the case may be, pending the completion of any inquiry against such holder for making such incorrect or false statement or for such contravention, as the case may be.

(2) Where the Central Government is satisfied, after making such inquiry as is necessary, that the holder of any licence or permit has made such incorrect or false statement as is referred to in sub-section (1) or has contravened the provisions of this Act, rule or order made thereunder or of the provisions of any licence or permit or any conditions or restrictions specified therein, it may, without prejudice to any other penalty to which such holder may be liable under the provisions of this Act, cancel such licence or permit, as the case may be.

(3) Every person whose licence or permit has been suspended under sub-section (1) shall, immediately after such suspension, stop using the foreign fishing vessel in respect of which such licence or permit is given and shall not resume such fishing until the order of suspension has been revoked.

(4) Every holder of a licence or permit which is suspended or cancelled shall, immediately after such suspension or cancellation, surrender such licence or permit, as the case may be, to the Central Government.

7. - Foreign vessel entering maritime zones of India without licence or permit to stow gear. - Where any foreign vessel enters any maritime zone of India without a valid licence or permit granted under this Act, the fishing gear, if any, of such vessel shall, at all times while it is in such zone, be kept stowed in the prescribed manner.

8. - Fishing for scientific research, investigation, etc. - Notwithstanding anything contained in section 3, the Central Government may, in writing, permit a foreign vessel to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing in accordance with such terms and conditions as may be prescribed.

Chapter III - Powers of Search and Seizure

9. - Authorised officers and their powers. - (1) Any officer of the Coast Guard constituted under the Coast Guard Act, 1978 (30 of 1978), or such other officer of Government as may be authorised by the Central Government may, for the purpose of ascertaining whether or not the requirements of this Act have been complied with, either with or without a warrant:

- (a) stop or board a foreign vessel in any maritime zone of India and search such vessel for fish and for equipment used or capable of being used for fishing;

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- (b) require the master of such vessel to produce:
 - (i) any licence, permit, log book or other document relating to the vessel and examine or take copies of such licence, permit, log book or document; (ii) any catch, net, fishing gear or other equipment on board such vessel or belonging to the vessel and examine such fish, net, gear or equipment;
- (c) make such inquiries as may be necessary to ascertain whether any offence under this Act has been committed.

(2) Where the officer referred to in sub-section (1) (hereinafter referred to as authorised officer) has reason to believe that any foreign vessel has been, is being, or is about to be, used for committing an offence under this Act, he may, with or without a warrant:

- (a) seize and detain such vessel, including any fishing gear, fish, equipment, stores or cargo found on board such vessel or belonging to the vessel, and seize and detain any fishing gear abandoned by the vessel;
- (b) require the master of the vessel so seized or detained to bring such vessel to any specified port;
- (c) arrest any person who, such officer has reason to believe, has committed such an offence.

(3) In taking any action under sub-section (2), the authorised officer may use such force as may be reasonably necessary.

(4) Where any vessel or other things are seized, or any person has been arrested, under sub-section (2):

- (a) the vessel or other things so seized shall, as soon as possible, be produced before a Magistrate competent to try an offence under this Act who shall make such order as he may deem fit for the retention or custody of such vessel or things with Government or with any other authority pending the completion of any proceedings for the prosecution of any offence under this Act or for its use by such authority during such retention or custody on such terms and conditions as the Magistrate may think fit to impose:

Provided that the Magistrate may, on an application made by the owner or master of such vessel in the prescribed form, order the release of the vessel or other things so seized on the owner or master furnishing security in the form of cash or a bank guarantee for an amount not less than fifty percent, of the value of the vessel or things so seized:

Provided further that where any fish so seized is subject to deterioration, the Magistrate may authorise the sale of such fish and the depositing of the proceeds of such sale in Court;

- (b) the arrested person shall, as soon as possible, be informed of the grounds for such arrest and he shall, without unnecessary delay, be produced before such Magistrate; and
- (c) the Central Government shall be informed of such seizure or arrest and the details thereof.

(5) Where, in pursuance of the commission of any offence under this Act, any foreign vessel is pursued beyond the limits of the exclusive economic zone of India, the powers conferred on an authorised officer by this section may be exercised beyond such limits in the circumstances and to the extent recognised by international law and State practice.

Chapter IV - Offences and Penalties

10. - Penalty for contravention of section 3. - Where any foreign vessel is used in contravention of the provisions of section 3, the owner or master of such vessel shall:

- (a) in a case where such contravention takes place in any area within the territorial waters of India, be punishable with imprisonment for a term not exceeding three years or with fine not exceeding rupees fifteen lakhs or with both: and
- (b) in a case where such contravention takes place in any area within the exclusive economic zone of India, be punishable with fine not exceeding rupees ten lakhs.

11. - Penalty for contravention of licence. - Whoever contravenes the provisions of any licence shall be punishable with fine not exceeding rupees ten lakhs.

12. - Penalty for contravention of permit. - Whoever contravenes the provisions of any permit shall be punishable:

- (a) where such contravention relates to the area of operation or method of fishing specified in such permit, with fine not exceeding rupees five lakhs; and
- (b) in any other case, with fine not exceeding rupees fifty thousand.

13. - Confiscation of vessels, etc. - (1) Where any person is convicted of an offence under section 10 or section 11 or section 12, the foreign vessel used in or in connection with the commission of the said offence, together with its fishing gear, equipment, stores and cargo and any fish on board such ship or the proceeds of the sale of any fish ordered to be sold under the second proviso to clause (a) of sub-section (4) of section 9 shall also be liable to confiscation.

(2) The foreign vessel or other things confiscated under sub-section (1) shall vest in the Central Government.

14. - Penalty for contravention of section 7. - Where any foreign vessel is found in any maritime zone of India in contravention of the provisions of section 7, the owner or master of such vessel shall be punishable with fine not exceeding rupees five lakhs.

15. - Penalty for obstruction of authorised officers. - If any person:

- (a) intentionally obstructs any authorised officer in the exercise of any powers conferred under this Act; or
- (b) fails to afford reasonable facilities to the authorised officer or his assistants to board the vessel or to provide for adequate security to such officer and assistants at the time of entry into the vessel or when they are on board such vessel; or
- (c) fails to stop the vessel or produce the licence, permit, log book or other document or any fish, net, fishing gear or other equipment on board such vessel, when required to do so by the authorised officer.

he shall be punishable with imprisonment for a term which may extend to one year or with fine not exceeding rupees fifty thousand or with both.

16. - Court to pass certain orders. - Where any person is convicted of an offence under this Act, the Court may, in addition to awarding any punishment, order that any costs incurred in connection with the retention or custody of the vessel during the pendency of any proceedings for the prosecution of an offence under this Act, as reduced by the amount, if any, realised out of the use of the vessel by the authority with whom such vessel was retained or kept in custody, shall be payable by the person convicted.

17. - Offences by companies. - (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section:

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

Chapter V - Miscellaneous

18. - Offences to be cognisable. - Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be cognisable.

19. - Cognizance and trial of offences. - (1) No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an authorised officer.

(2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

20. - Magistrate's power to impose enhanced penalties. - Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf to pass any sentence authorised by this Act.

21. - Place of trial. - Any person committing an offence under this Act or any rules made thereunder may be tried for the offence in such place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

22. - Presumptions. - (1) Where any offence is alleged to have been committed under the provisions of this Act, the place of commission of such offence shall be presumed on the basis of the certified copy of the relevant entry in the log book or other official record of the vessel or aircraft which was used in connection with the detection of the offence.

(2) Where any foreign vessel is found within any maritime zone of India and the fishing gear of such vessel is not stowed in the prescribed manner or fish is found on board such vessel, it shall be presumed, unless the contrary is proved, that the said vessel was used for fishing within that zone.

23. - Protection of action taken in good faith. - (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

24. - Act to supplement other laws. - The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

25. - Power to make rules. - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the form in which an application for a licence or permit may be made and the fees that shall accompany such application;
- (b) the matters which may be taken into account in the granting of licences and permits;
- (c) the form of licences and permits and the conditions and restrictions subject to which licences and permits may be granted;
- (d) the manner in which the fishing gear of a foreign vessel shall be kept stowed under section 7;
- (e) the terms and conditions under which a foreign vessel may be permitted to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing under section 8;
- (f) the form in which an application may be made for releasing the vessel or other things seized under the first proviso to clause (a) of sub-section (4) of section 9;
- (g) any other matter which is required to be or may be, prescribed.

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty thousand rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, which it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made; the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. - Removal of difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

(b) Indian Fisheries Act, 1897 (as amended)

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4. - Destruction of fish by explosives in inland waters and on coasts. - (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

5. - Destruction of fish by poisoning of waters. - (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) The [State Government] may, by notification in the Official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

6. - Protection of fish in selected waters by rules of State Government. - (1) The [State Government] may make rules for the purposes hereinafter in this section mentioned, and may by notification in the Official Gazette apply all or any of such rules to such waters, not being private waters, as the [State Government] may specify in the said notification.

3 – REGULATIONS

(a) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 G.S.R. 619(E). - In exercise of the powers conferred by section 25 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981), the Central Government hereby make the following rules, namely:

1. - Short title and commencement. - (1) These rules may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. - Definitions. - In these rules, unless the context otherwise requires:

- (a) "Act" means the Maritime Zones of India (Regulation of Fishing by Foreign Vessels Act, 1981 (42 of 1981);
- (b) "crew" includes the team of technical, semi-technical and non-technical member associated with the operation of the fishing vessels;
- (c) "flag state" in relation to a foreign vessel means the State in which the vessel is registered or, where the vessel is not registered, the State whose flag the vessel is entitled to fly;
- (d) "Form" means a Form annexed to these rules;
- (e) "licence" means a licence granted under section 4;
- (f) "permit" means a permit granted under section 5 or under section 8, as the case may be;
- (g) "Schedule" means Schedule to these rules;
- (h) words and expressions used but not defined in these rules but defined in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981) shall have the meanings respectively assigned to them in that Act.

3. - Licences. - (1) Every owner of a foreign vessel or any other person described in section 4, who intends to use such vessel for fishing within any maritime zone of India, shall make an application in Form A to the Central Government. This form shall include the following information:

- (a) the name and description of the vessel, its equipment and complement;
- (b) the flag state and home port of the vessel;

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- (c) the name and address of the owner and master of the vessel and, where applicable, its character;
- (d) the side number of the vessel, the radio frequencies and call sign;
- (e) a description of the proposed purpose and the period for which the licence is required;
- (f) the name and address of a person resident in India having a permanent office or establishment in India who is authorised by the owner of the vessel to represent him for the purpose of providing liaison with the Government of India; and
- (g) any information required by the Central Government or by an officer designated by it to grant a licence in any case where, in its opinion the information furnished by the applicant requires clarification or amplification.

(2) Every application referred to in sub-rule (1) shall be made not less than thirty days prior to the first day on which the licence is required.

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may, on receipt of an application, after making such enquiry as may be relevant, grant a licence in Form B for all or any of the following purposes, namely:

- (i) to engage in commercial fishing;
- (ii) to tranship or to take on board any fish, outfit or supplies while at sea;
- (iii) to process fish at sea;
- (iv) to transport fish from fishing grounds;
- (v) to land fish or fish products at an Indian port;
- (vi) to purchase or obtain bait, outfits, provisions or supplies (including fuel) at an Indian port;
- (vii) to effect repairs at an Indian port.

4. - Validity of Licence. - (1) Every licence shall:

- (a) be issued in original duplicates; and authenticated copies shall be distributed to enforcement and other concerned authorities;

(b) apply only to the foreign vessel described in the licence and, where applicable, to the crew of that vessel; and

(c) be valid for the period specified in the licence.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:

(a) one licence shall be for the use of the licensee; and

(b) one licence shall be retained by the Central Government.

5. - Terms and conditions of licence. - (1) Every licence, shall be subject to the following terms and conditions, namely:

(a) the licensee shall pay to the Central Government an amount set out in the Schedule I for the purposes mentioned therein at the time of taking delivery of the licence;

(b) the master of the foreign vessel for which a licence is granted or a person acting on behalf of the master shall give twenty four hours prior notice to the authorized officer of:

(i) the estimated time of entry of the vessel into the maritime zones of India;

(ii) of the location of such entry; and

(iii) of the approximate schedule of activities to be conducted.

(c) the vessel and its crew shall engage only in the activities that are authorised by the licence;

(d) the activities authorised by the licence shall be carried out only at the time and in the areas of the maritime zone of India or ports set out in the licence;

(e) the licensee shall ensure that foreign members of the crew are employed only after obtaining necessary clearance from the Central Government. The licensee shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;

(f) the master of each foreign fishing vessel during fishing operations shall notify the authorised officer the following:

(i) time and position of commencement of fishing;

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- (ii) the time and position of the temporary departure from the fishing grounds for the purpose of embarking or disembarking an observer or for a call at an Indian port or any other temporary departure from the grounds which will involve departure from any authorised fishing area but which does not include departure from seaward limit of the fishing area beyond the Exclusive Economic Zone of India;
 - (iii) the time and position of return to the fishing grounds following temporary departure described in sub-clause (ii) above;
 - (iv) the time and position of any shift in its fishing area;
 - (v) the time and position at which it will cease fishing and leave the fishing area;
- (g) the master of the vessel shall communicate the information, to be notified under clause (f), to the officer of the Coast Guard in Porbander, Bombay Cochin, Tuticorin, Madras, Vishakhapatnam, Paradeep, Haldia or Port Blair, at least twenty four hours before the commencement or cessation of fishing. He shall record in communication log, the Indian Standard Time and the contents of each communication made under this clause. All the communications shall be in English;
- (h) where the fishing is authorised by the licence:
- (i) the crew of the vessel shall fish only for the stocks or groups of stocks described in the licence;
 - (ii) the crew of the vessel shall not catch any fish by a species, size or age set out in the licence as prohibited catches, that are covered under the Wildlife (Protection) Act, 1972 (53 of 1972) and where such fish are caught they shall be retained and preserved on board the vessel, accounted for in Form C and shall be surrendered at such places as may be directed by the authorised officer;
 - (iii) the quantities of fish of any stock or group of stocks caught in any area of the maritime zone of India during the terms of licence, or during any specified portion thereof, shall not exceed the quantities set out in the licence;

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- (iv) the crew of the vessel shall not discard any substantial quantities of fish of a stock or group of stocks caught in excess of the quantities set in the licence. Such quantities of stock or group of stocks shall be retained and preserved on board the vessel accounted for in Form D and shall be surrendered at such place as may be directed by the authorised officer;
 - (v) the crew of the vessel shall fish only by means of fishing equipment and gear of a kind set out in the licence; and
 - (vi) the master of the vessel shall cause written records to be maintained on a daily basis of the fishing effort and catch of the vessel and of any transshipment and other dispositions of the catch by quantities, species, size and weight in Form E.
- (i) where the transporting of fish from fishing grounds is authorised by the licence:
 - (i) Only the species and quantities of fish set out in the licence shall be taken on board the vessel for that purpose;
 - (ii) the fish may be taken on board only from vessel of a class set out in the licence; and
 - (iii) the master of the vessel shall cause written records to be maintained on a daily basis of the fish taken on board the vessel for transportation in Form F;
 - (j) where the processing of fish is authorised by the licence, the master of the vessel shall cause written records to be maintained on a daily basis of the processing operations carried out and of the species, quantity and the state of processing of the fish taken on board the vessel for that purpose in Form G;
 - (k) the vessel shall have on board at all time during the period it is in maritime zone of India, equipment and fishing gear, including communications equipment described in the licence as "required equipment";
 - (l) the master of the vessel or a person acting on behalf of the master shall, when authorised by the licence to visit an Indian Port, notify the authority specified in the licence of the estimated time of entry of the vessel into that port not less than twenty four hours prior to that estimated time;

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- (m) where the vessel is in an area of the maritime zone of India and is not authorised by its licence to engage in fishing at that time in that area, all fishing gear on board the vessel shall be stowed in the manner specified in rule 14;
- (n) the master of the vessel shall cause reports to be made of the position of the vessel in space and time, operational conditions, and the nature of fishing including, where applicable, its catch statistics, and any transshipments or other dispositions of its catch, at such times, to such persons and by such means as are set out in the licence;
- (o) where the Central Government requires the vessel to carry out, from time to time, a programme of sampling, observation or research in connection with fisheries in the maritime zone of India, the master shall comply with instructions issued to him by the Government in respect of that programme;
- (p) the master of the vessel shall, where required by the Central Government or an officer authorised in this behalf, permit a technical observer or observers designated in writing by that Government to go on board and remain on board, at a time and for a period specified in that behalf, for the purpose of recording scientific data and observations or taking samples and records or any other purpose specified in the order;
- (q) the master of the vessel shall take all reasonable precautions to ensure the safety of any authorised officer or technical observer boarding or leaving the vessel at sea including the observance of practice of good seamanship and, where necessary, the placing of a boarding ladder of good quality and design and safety line over the side of the vessel;
- (r) where an authorised officer or technical observer is on board the vessel for a period of more than four hours, the master of the vessel shall provide the authorised officer or technical observer with suitable food and accommodation;
- (s) the master of the vessel shall:
 - (i) at the request of an authorised officer or technical observer, arrange for that officer or observer to send or receive messages by means of communication facilities on board the vessel;
 - (ii) provide all reasonable assistance in his power to enable an authorised officer or technical observer to carry out his duties and functions, and to the use of vessel's navigation equipment and personnel as necessary to determine the vessel's position.

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- (t) the master of the vessel shall, at any time, while within the maritime zone of India, at the request of an authorised officer, proceed forthwith for inspection to a place at sea and to a port as may be specified by that officer;
- (u) the master of the vessel, upon being approached by an authorised officer in a vessel or ship or in an aircraft, shall immediately comply with any directions given to him by such authorised officer. For this purpose, the International Code of Signals shall be used;
- (v) the vessel shall, at all time while within the maritime zone of India:
 - (i) fly the flag of the flag state;
 - (ii) display in a place that is clearly visible both from the air and from sea level the letters and numbers identifying the vessel as set out in its licence, in white markings of at least one metre in height in the case of a vessel whose overall length exceeds twenty metres or one half metre in height in any other case, on a black background, and where the markings are painted, the paint work shall be maintained in good conditions so that the markings are clearly legible at all times;
- (w) where the vessel is in the maritime zone of India, the master of the vessel or a person acting on behalf of the master shall notify the Central Government of the estimated time of departure from those waters not less than seventy two hours prior to that estimated time;
- (x) the licensee shall, when required to do so, make arrangements for training of Indian crew and personnel on board the vessel.

(2) The licensee shall be bound to all or any of the terms and conditions mentioned in sub rule (1) and such additional conditions or restrictions as may be specified in the licence.

6. - Permits. - (1) Every Indian citizen and person described in section 5 who intends to use any foreign vessel for fishing within any maritime zone of India shall make an application to the Central Government for a permit.

(2) Every application referred to in sub-rule (1) shall be in Form H and shall be made not less than thirty days prior to the first day on which the permit is required.

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may on receipt of an application after making such enquiry as may be relevant, grant a permit in Form I for all or any of the purposes mentioned in sub-rule (4) or rule 3 of these rules.

7. Validity of permit. - (1) Every permit shall:

- (a) be issued in original duplicates and authenticated copies are to be distributed to enforcement and other connected authorities;
- (b) be valid for a period as may be specified in the permit and in no case exceed more than five years.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:

- (a) one permit shall be for the use of the permit holder; and
- (b) one permit shall be retained by the Central Government.

8.- Terms and conditions of permit. - (1) Every permit shall be subject to the following terms and conditions, namely:

- (a) the permit holder (hereinafter referred to as the charterer in this rule) shall pay to the Central Government an amount of rupees ten thousand per vessel per year at the time of taking delivery of the permit;
- (b) the charterer shall have the requisite managerial personnel who possess the necessary experience of fishing;
- (c) the charterer shall give an undertaking in the form of bank guarantee, before the commencement of the charter, of an amount to be decided by the Central Government in each case to the Central Government that he shall purchase required number of vessels and put them in fishing operation in the Exclusive Economic Zone of India before the end of the stipulated period specified in the Schedule II.
- (d) the charterer shall ensure that at least twenty percent of the crew are Indian citizens and are posted as under studies to the foreign skipper, the engineer and to the other operational crew and that they shall be kept in readiness to embark on the chartered vessel at the time of inspection of the vessel by the authorised officer and shall remain on board the vessel throughout the charter period.
- (e) the charterer shall ensure that the charter party provides for the settlement of disputes between the parties by arbitration in India.

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- (f) the Central Government may post scientist/observer on board each of the chartered vessel; the charterer shall ensure that the Indian scientists and observers, when so directed by the Central Government are permitted on board the chartered vessel for collection and examination of such data and material as may be required by that Government and shall see that such scientists and observers are provided proper food and accommodation on board the vessel by the master of the vessel;
- (g) the charterer shall furnish to the Central Government valuation and sea worthiness certificates for the chartered vessel from an appropriate authority of its flag state and also furnish a copy thereof to the Director General of Shipping, Bombay;
- (h) the charterer shall cause to furnish to the Central Government the necessary certificates to the effect that the chartered vessel meets with the requirements in respect of safety of vessels and crew as per the provisions of the Merchant Shipping Act, 1958 (44 of 1958);
- (i) The charterer shall ensure that:
 - (i) no fishing is done for the protected species which are covered under the Wild Life (Protection) Act, 1972 (53 of 1972);
 - (ii) such protected species, if caught are immediately returned to water alive, if possible, and if not they shall be retained and preserved on board the vessel and accounted for in Form C and shall be surrendered at such place as may be directed by the authorised officer;
- (j) the charterer shall not undertake shrimping operations for exploitation of coastal shrimps;
- (k) where the charterer is a company, the paid up share capital of the company shall not be less than rupees five lakhs, during the charter period;
- (l) the charterer shall not pay any marketing commission without the prior approval of the Central Government;
- (m) the charterer shall ensure that the chartered vessel reports to the authorised officer before and after every fishing voyage and delivers the copy of the permit in its possession to the charterer before every departure to the foreign port;
- (n) the charterer shall ensure that the foreign members of the crew on the chartered vessel are employed only after obtaining necessary clearance from the Central Government;

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- (o) the charterer shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;
 - (p) the charterer shall furnish to the Central Government voyage-wise statement of fish catch and exports from the chartered vessels with all the necessary details as set out in Form J;
- (2) The charterer shall be bound by:
- (i) all or any of the terms and conditions mentioned in sub-rule (1);
 - (ii) all or any of the terms and conditions applicable to the licence except condition prescribed in clause (a) of sub-rule (1) of rule 5, and
 - (iii) such additional conditions or restrictions as may be specified in the permit.

9. - Display of licence or permit on board the vessel. - (1) Subject to sub-rule (2), a copy of the licence or permit, duly attested by the issuing authority, shall be kept on board the foreign vessel described in the licence or permit while that vessel is in the maritime zone of India and shall be produced for examination by an authorised officer at his request.

(2) Every foreign vessel described in the licence or permit may enter in the maritime zone of India and proceed directly to an Indian port for the purpose of obtaining a copy of the licence or permit if:

- (a) all fishing gear on board the vessel is stowed in the manner specified in rule 14;
- (b) the master of the vessel complies with any directions given to him by an authorized officer.

10. - Damage to Indian vessels prohibited. - No foreign vessel fishing in the maritime zone of India under the licence or a permit granted under these rules shall cause any damage either wilfully or through gross negligence to any fishing vessel, fishing stakes, fishing gear, fishing net or other fishing appliances owned or in possession of an Indian citizen.

11. - Commencement of fishing operations. - No foreign vessel fishing in the maritime zone of India under the licence or the permit granted under these rules shall commence fishing operations without the clearance from the Coast Guards.

12. - Fishing in territorial waters prohibited. - No foreign vessel shall undertake fishing operations within the territorial waters of India, unless otherwise specifically permitted for any specialised type of fishing and shall be subject to any other restrictions that may be specified in the licence or permit.

13. - Prohibition to carry any explosives, poisonous or noxious substances. (1) No foreign vessel or any person shall carry or have in its possession or control any explosives, poisonous or other noxious substances or apparatus fitted for or capable of utilising an electric current, with the intention of using such explosives, poisonous or other noxious substances, or apparatus for killing, stunning, disabling or catching fish. Any explosives, poisonous or other noxious substance found on board any vessel or in possession of any person, shall be presumed, unless the contrary is proved, to be intended for the use specified above.

(2) No foreign vessel or any person shall attempt to destroy or abandon any fishing gear, fishing net or other fishing appliances, explosives, poisonous or other noxious substances or any other object or thing with the intention to avoid their detection or seizure.

14. - Entry into maritime zone of India without licence permit. - (1) Subject to sub-rule (2), a foreign vessel may, without the authority of a licence or a permit enter the maritime zone of India for the purpose of passing through such waters in the course of a voyage to a destination outside the maritime zone of India.

(2) A foreign vessel that has entered in the maritime zone of India without the authority of a licence or a permit shall comply with the following conditions while in the maritime zone of India:

- (a) all fishing gear on board the vessel shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing;
- (b) all fishing nets, fishing lines, hooks, jigs, trawl boards, weights and floats shall be disconnected from their towing connecting or hauling wires, ropes or rigid frames;
- (c) the master of the vessel shall comply with any directions given to him by an authorised officer; and
- (d) where an authorized officer requests information respecting the name, flag state, location, route or destination of the vessel, or the circumstances under which it entered maritime zone of India, the master of the vessel shall promptly convey the information to the officer.

15. - Fishing or scientific research, investigation, etc. - Where a foreign vessel is to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing, the Central Government may grant a permit to such foreign vessel under section 8 of the Act. Where such a permission is granted, the Central Government may apply all or any of the terms and conditions prescribed for the licence under rule 5 or for permit under rule 8, as well as such additional conditions as may be specified.

16. - Contravention of conditions of licence, permits of rules. -Contravention of any of the provisions of these rules shall be punishable with fine, which may extend to Rs. 50,000 without prejudice to the penalties which may be awarded under the Act.

SCHEDULE I

[See rule 5(1)(a)]

Amount payable under rule 5(1) (a)

Purpose of licence		Amount Payable
1.	Fishing by squid jigging	Rs. 1,000/per tonne of fish the vessel is permitted by the terms and conditions of the licence.
2.	Fishing by trawling	Rs. 2,000/per tonne of fish the vessels is permitted by the terms and conditions of the licences.
3.	Fishing by long lining/ gill-netting	Rs. 1,500/per tonne of fish the vessel is permitted by the terms and conditions of the licence.
4.	Fishing for tuna by long-lining/ purse-seining/pole and line fishing	Rs. 1,000/per tonne of fish the vessel is permitted by the terms and conditions of the licence.
5.	Transporting of fish	Rs. 500/per tonne of fish carrying capacity of the vessel for each voyage.
6.	For any other purpose mentioned in rule 3(4)	Rs. 200/per gross registered tonne of the craft for each voyage.

SCHEDULE II

[See rule 8(1)(c)]

Schedule of purchase of vessels

No of vessels/ or pair of vessels	No. of months from the beginning of the charter operation when obligatory purchase and fishing operation becomes due				
	First vessel of first pair of vessel	Second vessel of second pair of vessel	Third vessel of third pair of vessel	Fourth vessel of fourth pair of vessel	Fifth vessel of fifth pair of vessel
1	18	..	..	..	..
2	18	30	..	..	..
3	18	24	33	..	..
4	18	24	33	42	..
5	18	24	33	42	51

Form of Application of Licence

To: The Secretary to the Government of India
Department of Agriculture and Cooperation
Ministry of Agriculture
Krishi Bhavan
New Delhi-110001
India

Sir,

I hereby apply for a licence under section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, in respect of which the following particulars are furnished:

1. Name of the applicant and postal address.
2. Status of the applicant and his financial position (if the applicant is a company, full details thereof).
3. Present activities of the applicant including the specific activities relating to fishing.
4. Details of fishing: vessels/fish processing units/export/import of fish as in the past three years.
5. Details of the proposed fishing project indicating particulars on fishing vessels, number of vessels to be operated, anticipated fish catch, project economies, processing and marketing arrangements, area and base of operation, etc.
6. Description of the vessel, equipment and complements:
 - (a) Name of the Vessel:
 - (b) Flag state and home port of Vessel:
 - (c) Country and port of registration:
 - (d) (Registration number:
 - (e) Radio call sign/signal letter/radio frequencies:
 - (f) Name of owner and master of the vessel:
 - (g) Nationality and address of owner and master: (h) Purpose of vessel (kind of vessel):
 - (i) Kind of vessel's hull:
 - (j) Vessel's year (date of construction) and date of launching:
 - (k) Number of deck:
 - (l) Number of mast:
 - (m) Registered length:
 - (n) Registered breadth:

- (o) Registered depth (draft):
 - (p) Gross tonnage and net tonnage:
 - (q) Fish Hold capacity and Refrigeration Capacity:
 - (r) Kind of main engine, name and place of main engine manufactured:
 - (s) Rated H.P. of main engine:
 - (t) Kind of propeller:
 - (u) Class of equipments (list):
 - (v) Certified crew capacity:
 - (w) Service limitations of the vessel:
 - (x) Name and address of the ship builder:
 - (y) Value of the vessel:
 - (z) Any other remarks:
7. The electrical specifications of the craft and its equipment.
8. Description of the proposed fishing operations:
- (a) the species to be fished;
 - (b) the method of fishing and type and dimensions of gear to be used and mesh sizes of different parts of fishing net;
 - (c) area/areas to be fished;
 - (d) the amount of fish to be caught;
 - (e) the period of time for which licence is sought;
 - (f) the place in which the fish is to be landed and/or processed;
 - (g) a description of support operations and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out.
9. Name and address of the person resident in India appointed by the owner to represent him in all dealings with the Government and evidence of the extent to which he is authorised to undertake legal and financial obligations on behalf of the owner.
10. Plans for the use of Indian facilities in the support, provisioning and maintenance of vessels.
11. Such other information as may be required by the Government of India.
- Dated: Day of of the year

Signature of the applicant

[See rule 3(4)]

Government of India

MINISTRY OF AGRICULTURE

Department of Agriculture and Cooperation

New Delhi

No. :

Dated:

Licence to Fish in the Exclusive Economic Zone of India

1. This Licence is granted in pursuant to section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981).
2. The foreign fishing vessel described hereunder is hereby licensed for the purposes specified in paragraph 3 of this licence and in accordance with the conditions set out in paragraphs 6 and 8 of this licence and shall be subject to all the Indian laws that apply to the vessels in the Maritime Zones of India.

Description of the vessel

Name of the vessel

Name of the owner

Type of vessel

Country of registration/Flag State

Registration number

Overall length

Gross tonnage

International radio call sign and radio frequency

Name and address of the master

3. The purposes for which the vessel may be used:
4. Area:
5. Period:
6. The licensee shall be bound by the terms and conditions specified in rule 5 and the additional condition/restriction specified in paragraph 8.
7. Exemptions in the terms and conditions, if any:
8. Additional conditions:
9. Names of the foreign crew:
10. List of required equipments:

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11. Subject to the provisions of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, this licence is valid from the day of 198 in the day of198..
12. This licence is not transferable.

Secretary to the Government of India

FORM C

[See rule 5(i)(h)(ii)]

Data on catch of prohibited fish species

1. Name and address of fishing company:
2. Particulars of fishing vessels:
Name:
Size:
Horse Power of Main Engine:
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised in the licence.
5. Details of fishing gear used: (a) Length of headline
(b) Greatest depth
(c) Mesh size
6. Description of the catch

SI. NO	Location of the vessel	Date & Time	Gear in operation	Fish. Zone	Depth (metre)	Species (prohib.)	Average Length (CM)	Average Weight (Kg)	No.	
	Latit.	Longit.								
1	2	3	4	5	6	7	8	9	10	11

1.
2.
3.

7. Place of surrendering the catch.
8. Conditions of the catch at the time of surrendering.
9. Comments of the Master/Skipper.

Signature of owner/owners representatives

[See rule 5(l)(h)(iv)]

Data on quantity of fish caught in excess of permitted quantum

1. Name and address of the fishing company:
2. Particulars of fishing vessels:
Name:
Size:
Horse Power of Main Engine:
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised in the licence:
5. Species-wise quantity of fish permitted in the licence.
6. Details of catch particulars:

No.	Location of fishing vessel	Date & Time	Fishing Zone	Length & mesh size of fishing gear	Species Caught	Raw weight (Kg.)	Processed products prepared on board the vessel if any	Weight (Kg.)	Total catch (Kg.)
1	2	3	4	5	6	7	8	9	10

7. Details of excess catch.

SI No.	Location of fishing vessel	Date & Time	Fishing Zone	Depth (Metres)	Species Caught in excess	Average weight (Kg.)	Average length (cm)	Condition of fish	Reasons for excess catch
1	2	3	4	5	6	7	8	9	10

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8. Particulars of excess catch surrendered.

Species	Weight (Kg.)	Place of Surrendering	Authority to whom surrendered
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9. Remarks of Master/Skipper.

Signature of owner/owners representatives

FORM E

[See Rule 5(1)(h)(vi)]

Daily Cumulative catch Log

1. Name and address of the fishing company:
2. Particulars of fishing vessels:
Name:
Size:
Horse Power of Main Engine:
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised:
5. Species-wise quantity of fish permitted in the licence:
6. Fishing Area:
7. Date of entry to Indian Exclusive Economic Zone:

No.	Vessel No.	Position	Date & Time	Time of shooting gear	Time of hauling gear	Hours of fishing	Depth (metre)	Type of gear
1	2	3	4	5	6	7	8	9

Mehs size	Species caught	Quality	Disposition	Cumulative total	Cumulative disposition	Details of transshipment
10	11	12	13	14	15	16

Details of Disposition of catch

Items Quality (Kg.)

- (a) Consumption:
- (b) Fish gutted:
- (c) Head on (or off):
- (d) Dilletted.
- (e) Deown.
- (f) Canned.
- (g) Fish meal.
- (h) Oil.

Signature of owner/owner's representative

FORM F

[See rule 5(1)(i)(iii)]

Particulars of transshipment

1. Name and address of the fishing company:
2. Particulars of fishing vessels:
 - Name:
 - Size:
 - Horse Power of Main Engine:
 - Base of operation:
3. Licence Number and period of validity:
4. Catch and Effort Data:

Area	Species	Number of Days fished	Catch (in Kg.)	Product from vessel
------	---------	-----------------------	----------------	---------------------

5. Licence Number and side number of vessel receiving transshipment.
6. Position at the time of transshipment:
 - Latitude
 - Longotide
7. Date of message from vessel:

8. Species and quantities transferred:

Species Gross weight (Kg.) Value

Signature of own .licencee/his representatives

FORM G

[See rule 5(1)(i)]

Particulars of processing operations on board the vessel under licence

1. Name and address of the fishing company:
2. Particulars of fishing vessels:
Name:
Size:
Horse Power of Main Engine:
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised in licence:
5. Name of the port to be used as base:
6. Processing Machinery and Equipment:

Type	Number of Units	Specifications and daily capacity	Percentage utilization of capacity
------	-----------------	-----------------------------------	------------------------------------

8. Store and holding Nature of storage	Number of species	Dimensions/volume of fish hold
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9. Processing details

Species	Area of Operation	Date of Operation	Duration of Operation From	Catch particulars To	Products prepared on vessel & quality (Kg.)
---------	-------------------	-------------------	----------------------------	----------------------	---

(Enter in this column, types of products processed on board the vessel by species, viz.: fish gutted, head on (or off) filleted, salted, frozen, canned, meal & oil, etc.)

10. Position and time of reporting:

Latitude
Longitude
Time
Date

Signature of owner/owner's representative

FORM H

[See rule 6(2)]

Form of Application for "Permit"

Outline Details Required for Proposed Operations

1. Name of the applicant and postal address.
2. Whether the applicant is a registered company under the Companies Act, if so, furnish the following particulars:
 - (a) Date and number of Registration and Place.
 - (b) Authorized, Subscribed and paid up share capital.
 - (c) Attach latest Balance-sheet.
 - (d) If the company comes under the provision of Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), please state whether necessary clearance is available.
3. The foreign collaborator's name, address, telephone number, telex number and name of Bankers and their activities in India and in other countries.

4. Present activities of the applicant, if any:
 - (a) Specified activities undertaken;
 - (b) Details of fishing vessels/fish processing units and fish export made during the past three years.
 - (c) Name of all Directors/Chief Executive/Operations Manager/other employees of the Indian Company, their experience in marine fisheries indicating specified fields.
5. Details of the Project proposed to be taken up (enclose project report covering particulars on fishing vessels, anticipated fish production, processing and marketing organisation, management, including financial sources, economics of operation, area and base of operation, identity of fishery resources to be exploited, catching methods, gear to be employed, etc.)
 - (a) Type of vessels, type of gear and number of vessels proposed to be chartered (Enclose detailed specifications and general arrangement drawings and also a full list of machinery and equipment, navigational lights, life saving appliances, fire fighting equipment, inventory items, etc.).
 - (b) Description of the vessel, equipment and crew complement (Enclose certificate given by competent authorities regarding valuation and sea worthiness of the vessels):
 - (i) Name of the vessel
 - (ii) Flag state and home port of vessel
 - (iii) Country and port of registration
 - (iv) Registration number
 - (v) Radio call sign/signal letter/radio frequencies
 - (vi) Name of owner and master of the vessel
 - (vii) Nationality and address of owner and master
 - (viii) Purpose of vessel (kind of vessel)
 - (ix) Kind of Vessel's hull
 - (x) Vessel year (date of construction and date of launching)
 - (xi) Number of deck
 - (xii) Number of mast
 - (xiii) Registered length
 - (xiv) Registered breadth
 - (xv) Registered depth (draft)
 - (xvi) Gross tonnage and net tonnage
 - (xvii) Fish Hold capacity and refrigeration capacity
 - (xviii) Kind of main engine, name and place of main engine manufactured
 - (xix) Rated Horse Power of main engine
 - (xx) Kind of propeller
 - (xxi) Class of equipments (list)
 - (xxii) Certified crew capacity
 - (xxiii) Service limitations of the vessel
 - (xxiv) Name and address of the ship builder
 - (xxv) Value of vessel
 - (xxvi) Any other remarks

- (c) Number, classification and experience of foreign crew.
 - (d) Number and names of foreign personnel to be employed ashore.
 - (e) Enclose authenticated copy of the offer received from foreign collaborator.
6. Duration of charter.
 7. Annual rate of charterage or charterage for entire duration.
 8. Whether the charterer retains option to purchase vessels after the charter period and terms thereof.
 9. Whether the foreign collaborator is willing to assist in export of catches, if so, the terms and conditions.
 10. Arrangements for training of Indian-counterparts.
 11. Statement of foreign exchange inflow anticipated (excluding payments in foreign exchange out of total earnings by way of exports) for the duration of charter.
 12. Total income, total expenditure and net profit anticipated for the duration of charter.
 13. Form of charter party proposed to be entered into.
 14. Financial arrangements (Describe in detail).
 15. Proposals of shore establishment (if any).
 - (i) Intended location and description of any shore based plant.
 - (ii) Proposal for registration and date of completion of any shore based plant as a Registered Export Establishment.
 - (iii) Arrangements for processing catch.
 - (iv) Estimated annual output of the plant.
 - (v) Percentage of total catch to be processed and/or exported.
 - (vi) Export market and marketing arrangements for total catch.

DECLARATION

I/we by this declaration subscribed by me/us pursuant to and in compliance with section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, (42 of 1981), fully understand all the provisions of the said Act and Rules and orders issued thereunder and agree to abide by them.

I/we further declare that the particulars furnished in the above application are true to the best of my/our knowledge.

Signature of the applicant(s)

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FORM I

[See rule 6(4)]

Government of India

MINISTRY OF AGRICULTURE

Department of Agriculture and Cooperation

New Delhi

No.

Dated:

Permit to Fish in the Exclusive Economic Zone of India

1. This Permit is granted in pursuant to section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981).

2 is hereby permitted to use the foreign fishing vessels under charter described hereunder for the purposes specified in paragraph 5 of this permit and in accordance with the conditions set out in paragraphs 8 and 10 of this permit and shall be subject to all the Indian laws that apply to the vessels in the Maritime Zone of India.

3. Description of the vessel:

- (i) Name of the vessel
- (ii) Type of vessel
- (iii) Country of registration
- (iv) Registration number
- (v) Overall length:
- (vi) Gross tonnage:
- (vii) International radio call sign and radio frequency
- (viii) Name and address of the master
- (ix) Name and address of the foreign collaborators.

4. Details of charter fee, mode of payment and any other stipulation.

5. The purposes for which the vessel may be used.

6. Base and area of operation.

7. Period of operation of the vessel.

8. The permit holder shall bound by the terms and conditions specified in rule 8 and the additional conditions/restrictions specified in paragraph 10.

9. Exemptions in the terms and condition if any.

10. Additional conditions.

11. Names of foreign crew.

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12. Subject to the provisions of the Maritime Zones of India (Regulation by Foreign Vessel) Rules, 1982, this permit is valid from the day of198 to the day of198...

13. This permit is not transferable.

Dated:

Secretary of the Government of India

FORM J

[See rule 8(1)(p)]

Voyage-wise Statement to be Furnished by the Charterer

1. Name and address of the Charterer:

2. Particulars of fishing vessels:

Name:

Size:

Over length:

Gross Registered Tonnage:

Horse Power of Main Engine:

Base of operation:

3. Number of crew:

Foreign

Indian

4. Period of voyage:

(i) Date of departure from foreign port:

(ii) Date of entry into the Maritime Zone of India:

(iii) Date of reporting at the base of operation:

(iv) Period of fishing: From To

(v) Date of departure from the base of operation:

(vi) Date of leaving the Maritime Zone of India:

5. Details of each fishing operation (for each haul).

(i) Haul Number:

(ii) Type and size of Gear:

(iii) Position

Shotting

Hauling

Latitude

Longitude

(iv) Time

Shot

Hauled

(v) Depth (metres)

(vi) Total catch (in kilograms)

Maintain species caught

Weight (kilograms)

1.

2.

3.

4.

5.

6.

etc.

6. (i) Value declared at customs for the total catch and for each variety (in foreign currency)

(ii) Value realised on domestic marketing for each variety (in Indian rupees).

7. Quantity, value and country to which each item was exported.

8. Payment made to foreign collaborator:

In foreign exchange.

In Rupees.

9. Payment received from foreign collaborator

In foreign exchange

In Rupees.

Signature of the Charterer

(h) Notification by Ministry of Agriculture, (19 February 1933)

S.O. 127(E). - In exercise of the powers conferred by sub-section (1) of Section 9 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1931 (42 of 1981), the Central Government hereby authorises all Officers of the Coast Guard constituted under the Coast Guard Act, 1978 (30 of 1978) and the Commissioned Officers of the Indian Navy to exercise powers under sub-section (1) of Section 19 of the said Act,

INDO (i)

/INDONESIA/

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4. SUPPLEMENTARY LEGISLATION
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* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Act N° 4 Concerning Indonesian Waters, 18 February 1960

Article 1. - (1) The Indonesian waters consist of the territorial sea and the internal waters of Indonesia.

(2) The Indonesian territorial sea is a maritime belt of a width of 12 nautical miles, the outer limit of which is measured perpendicular to the baselines or points on the baselines which consist of straight lines connecting the outermost points on the low water mark of the outermost islands or part of such islands comprising Indonesian territory with the provision that in case of straits of a width of not more than 24 nautical miles and Indonesia is not the only coastal state the outer limit of the Indonesian territorial sea shall be drawn at the middle of the strait.

(3) The Indonesian internal waters are all waters lying within the baselines mentioned in paragraph (2).

(4) One nautical mile is one sixtieth of a degree of a meridian.

Article 2. - On the map annexed to this Act is indicated the position of the points and baselines mentioned in article 1 paragraph (2).

Article 3. - (1) Innocent passage through the internal waters of Indonesia is open to foreign vessels.

(2) The innocent passage as mentioned in paragraph 1 shall be regulated by Government Ordinance.

Article 4. - (1) This Act comes into force on the date of its promulgation.

(2) Article 1 paragraph 1 sub-paragraph 1 to 4 of the Territorial Sea and Maritime Circles' Ordinance of 1939 is no longer valid as from the date mentioned in paragraph 1.

In order that the Act be known to everybody whomsoever it is instructed that this Act be promulgated by publication in the Government Gazette.

LOCATION OF POINTS OF BASELINES
OF THE INDONESIAN WATERS

Note

U - Utara - North
S - Selatan - South
T - Timur - East
B - Barat - West

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
1.	01° - 13.8 U	104° - 35.6 T	Tg. Berakit.
1A	01 - 02.9 U	104 - 40.7 T	Sentut.
2.	00 - 56.0 U	104 - 55.8 T	Merapas.
3.	00 - 24.4 U	104 - 33.7 T	Kuju.
4.	00 - 18.0 S	105 - 01.0 T	Meranti.
5.	00 - 45.7 S	104 - 56.2 T	Sa ja.
6.	01 - 08.5 S	105 - 16.9 T	P. Pekatjang.
7.	00 - 54.5 S	105 - 45.4 T	Toty.
8.	02 - 36.0 S	106 - 03.0 T	Punggul.
9.	02 - 16.4 S	106 - 26.7 T	-
10.	02 - 24.1 S	107 - 04.8 T	Gaspar.
11.	02 - 31.8 S	107 - 37.0 T	Langkuas.
12.	02 - 31.4 S	107 - 49.1 T	Tg. Siantu.
13.	02 - 38.5 S	108 - 12.2 T	Busung Serlang.
14.	01 - 42.0 S	108 - 41.1 T	Serutu.
15.	01 - 16.9 S	108 - 52.4 T	Leman.
16.	00 - 07.2 U	108 - 36.1 T	Datu.
17.	00 - 14.7 U	108 - 01.5 T	Pengiki.
18.	00 - 05.9 U	107 - 14.0 T	Pendjantan.
19.	00 - 33.1 U	106 - 58.2 T	Anak Awur.
20.	00 - 55.2 U	106 - 44.5 T	Tokong Kemudi.
21.	01 - 32.2 U	106 - 26.6 T	Kaju Ara.
22.	02 - 18.1 U	105 - 35.5 T	Malang Biru.
23.	02 - 44.6 U	105 - 23.0 T	Damar.
24.	03 - 05.5 U	105 - 35.0 T	Mangkai.
25.	03 - 19.8 U	105 - 57.0 T	Nanas.
26.	03 - 26.5 U	106 - 16.0 T	Balajar.
27.	03 - 18.0 U	107 - 33.9 T	Noord Hooiberg.
28.	03 - 55.0 U	107 - 54.0 T	Salor.
29.	04 - 31.1 U	107 - 43.9 T	Semioen.
30.	04 - 48.0 U	103 - 01.9 T	Sekatoeng.
31.	04 - 01.1 U	108 - 25.9 T	Senua.
32.	03 - 03.3 U	108 - 52.2 T	Subi.
33.	02 - 38.5 U	109 - 10.5 T	Kepala.

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
34.	02° - 04.1 U	109° - 06.9 T	Merundung.
35.	02 - 05.2 U	109 - 38.3 T	Tg. Datu.
36.	04 - 10.0 U	117 - 53.7 T	Tg. Saima.
36A	04 - 07.6 U	117 - 55.3 T	-
36B	04 - 03.7 U	117 - 55.5 T	-
37.	03 - 28.5 U	117 - 52.5 T	Tg. Arang.
38.	02 - 22.2 U	118 - 12.2 T	Pandjang.
39.	02 - 19.0 U	118 - 33.8 T	Tg Bui Tuwattan
40.	01 - 46.4 U	119 - 01.7 T	Sambit.
41.	01 - 01.3 U	118 - 59.5 T	Tg Mangkalihat
42.	00 - 35.5 U	119 - 47.9 T	Tuguan.
43.	01 - 00.5 U	120 - 12.8 T	Lingian.
44.	01 - 20.5 U	120 - 47.6 T	Straat Kapar.
44A	01 - 22.6 U	120 - 53.5 T	Dalangan.
45.	01 - 19.2 U	121 - 28.1 T	H. Kandi.
46.	01 - 02.2 U	122 - 27.0 T	Tg. Sumalata.
47.	00 - 58.0 U	123 - 15.0 T	Tg. Dulang.
48.	01 - 09.6 U	124 - 20.1 T	Tg. Lainpangi.
49.	01 - 45.2 U	124 - 43.9 T	Yanterawu.
50.	02 - 21.5 U	125 - 17.6 T	Pasige.
51.	02 - 44.5 U	125 - 9.5 T	Makalehi.
52.	03 - 42.9 U	125 - 23.9 T	Tg. Talawid.
53.	04 - 14.0 U	125 - 19.1 T	Kawalusu.
54.	04 - 40.4 U	125 - 25.6 T	Kawio.
55.	04 - 44.5 U	125 - 28.5 T	Marore.
56.	05 - 34.8 U	126 - 36.5 T	Miangas.
57.	04 - 45.0 U	127 - 09.0 T	Marampit.
58.	04 - 37.4 U	127 - 09.2 T	Kakarutan.
59.	03 - 45.4 U	126 - 51.2 T	Darnau.
60.	02 - 38.5 U	128 - 33.5 T	Tg. Sopi.
61.	02 - 30.2 U	128 - 40.4 T	Tg. Gorango.
62.	01 - 32.7 U	128 - 43.9 T	Gam Tjaka.
63.	00 - 43.5 U	129 - 08.1 T	Jiew.
64.	00 - 20.8 U	129 - 52.4 T	Ai.
65.	00 - 32.0 U	130 - 44.0 T	Budd.
66.	01 - 04.7 U	131 - 15.6 T	Fani.
67.	00 - 36.0 U	131 - 11.9 T	Aju eiln.
68.	00 - 11.0 S	131 - 18.8 T	H. Lamarche.
69.	00 - 43.5 S	131 - 32.5 T	Dore Hoem Bi.
70.	00 - 20.2 S	132 - 10.5 T	Mios Soe.
71.	00 - 21.8 S	132 - 43.0 T	Valsche Kaap.
72.	00 - 56.8 U	134 - 17.2 T	Mapia Eil.
73.	00 - 11.6 S	134 - 59.1 T	Ajawi.

INDO 4

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
74.	00° - 23.5 S	135° - 16.1 T	Bepondl.
75.	00 - 41.4 S	135 - 23.5 T	Tg. Imbieri.
76.	00 - 42.1 S	135 - 48.. 5 T	Tg. Praisbari.
77.	01 - 04.9 S	136 - 23.3 T	Tg. Warari.
78.	01 - 27.8 S	137 - 55.0 T	Hoek d*
79.	01 - 35.5 S	138 - 43.0 T	Uriville Liki.
80.	02 - 18.5 S	140 - 07.0 T	Tg. Kamdara.
80A	02 - 26.2 S	140 - 36.9 T	-
81.	02 - 36.2 S	141 - 00.0 T	Oinake.
82.	09 - 12.7 S	141 - 01.7 T	-
83.	09 - 00.4 S	140 - 49.9 T	Wanme.
84.	08 - 09.9 S	139 - 52.8 T	Biak R.
85.	08 - 12.8 S	139 - 20.0 T	Weleb.
86.	08 - 22.9 S	138 - 54.6 T	Kaap Kaol.
87.	08 - 25.1 S	138 - 47.7 T	Mom Boem.
88.	08 - 27.0 S	137 - 35.1 T	Kaap Valsch.
89.	06 - 55.1 S	138 - 32.5 T	De Jong's punt.
90.	06 - 22.0 S	138 - 24.5 T	-
91.	05 - 43.1 S	138 - 05.0 T	Cook R.
92.	05 - 22.5 S	137 - 43.0 T	Laag E.
93.	04 - 55.0 S	136 - 49.8 T	Kp. Steenboom.
94.	04 - 38.8 S	136 - 07.0 T	Amarapaja.
95.	04 - 27.7 S	135 - 12.8 T	Tg. Namaripi.
96.	05 - 19.3 S	134 - 35.0 T	Warilade.
97.	05 - 22.4 S	134 - 44.1 T	Djedah Eil.
98.	06 - 04.5 S	134 - 52.0 T	Kawaera ell.
99.	06 - 19.7 S	134 - 52.2 T	Penambulai.
100.	06 - 52.5 S	134 - 43.4 T	Kultu bal.
101A	07 - 01.8 S	134 - 40.1 T	Karang.
101.	07 - 07.0 S	134 - 28.9 T	Enu.
102.	06 - 57.2 S	134 - 10.6 T	Tg. Ngabordamlu
103.	06 - 00.5 S	132 - 50.2 T	Tg. Weduar.
104.	07 - 15.0 S	131 - 59.0 T	Larat.
105.	08 - 03.8 S	131 - 17.5 T	Asutubun.
106.	08 - 08.0 S	131 - 10.5 T	Adaut.
107.	08 - 21.6 S	130 - 48.5 T	Bat Arkdusu.
108.	08 - 13.7 S	129 - 50.1 T	Masela.
109.	08 - 22.0 S	128 - 31.0 T	Meaty Mirang.
110.	08 - 14.9 S	127 - 38.0 T	Luhulele.
111.	08 - 06.4 S	127 - 09.5 T	Jen Tu.
112.	07 - 58.7 S	126 - 28.2 T	Eden.

INDO 5

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
113.	08° - 01.1 S	125° - 48.6 T	Pibla.
114.	08 - 59.0 S	124 - 24.0 T	-
115.	09 - 08.0 S	124 - 00.. 0 T	-
116.	09 - 28.0 S	125 - 05.1 T	Mota Massin.
117.	09 - 38.3 S	124 - 58.7 T	Tg. We Toh.
118.	10 - 09.1 S	125 - 00.0 T	-
119.	10 - 16.5 S	124 - 01.0 T	-
120.	10 - 49.6 S	123 - 13.4 T	Puleh.
121.	11 - 00.9 S	122 - 52.5 T	Dana.
122.	10 - 37.5 S	121 - 50.8 T	Tg. Merabu.
123.	10 - 50.0 S	121 - 17.0 T	Dana.
124.	10 - 19.0 S	20 - 27.2 T	Tg. Ngudju.
125.	10 - 20.6 S	120 - 06.8 T	Atangudu.
126.	09 - 48.0 S	119 - 23.6 T	Tg. Rua.
127.	09 - 45.5 S	119 - 11.6 T	Tg. Mambo.
128.	09 - 40.5 S	119 - 02.0 T	-
129.	08 - 53.6 S	118 - 29.9 T	Toro Doro.
130.	09 - 06.8 S	117 - 02.0 T	Tg. Talonan.
131.	08 - 54.9 S	116 - 00.0 T	Tg. Pangga.
132.	08 - 50.0 S	115 - 50.3 T	Tg Bt Gendang.
133.	08 - 49.4 S	115 - 35.9 T	Nusa.
134.	08 - 51.0 S	115 - 08.1 T	Tafelhock.
135.	08 - 46.4 S	114 - 30.9 T	Tg. Bantenas.
136.	08 - 44.5 S	114 - 20.8 T	Tg. Purwa.
137.	08 - 39.0 S	114 - 01.5 T	Mustaks.
138.	08 - 30.0 S	113 - 18.5 T	Barung.
139.	08 - 24.0 S	111 - 42.2 T	Skel.
140.	08 - 12.1 S	110 - 42.2 T	-
141.	08 - 08.5 S	110 - 33.0 T	Bt. Tugur.
142.	07 - 47.0 S	109 - 25.2 T	Kambangan.
143.	07 - 47.5 S	109 - 02.1 T	-
144.	07 - 49.0 S	108 - 26.1 T	Tg. Gedeh.
145.	07 - 44.9 S	107 - 50.0 T	Genteng.
146.	07 - 23.2 S	106 - 24.5 T	-
147.	07 - 01.2 S	105 - 31.6 T	Deli.
148.	06 - 50.5 S	105 - 14.5 T	Tg Goha Kolah.
149.	06 - 37.8 S	105 - 06.0 T	Ganaila.
150.	05 - 57.0 S	104 - 35.8 T	Balimbing.
151.	05 - 39.1 S	104 - 18.1 T	-
152.	05 - 14.5 S	103 - 54.5 T	Og. Walor.
153.	04 - 49.0 S	103 - 20.1 T	Tg. Bandar.
154.	05 - 33.1 S	102 - 19.0 T	-
155.	05 - 22.1 S	102 - 05.3 T	Tg. Kooma.
156.	04 - 02.0 S	101 - 02.1 T	Mega.

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
157.	03° - 21.3 S	100° - 27.8 T	-
158.	03 - 18.0 S	100 - 19.9 T	Baru - Baru.
159.	02 - 50.0 S	99 - 59.6 T	Tg. Ratai.
160.	02 - 18.0 S	98 - 36.2 T	Tg. Simailupa.
161.	01 - 41.0 S	98 - 52.8 T	Siberut.:
162.	01 - 12.4 S	98 - 35.0 T	Siberut.
163.	00 - 31.8 S	98 - 17.0 T	Tg. Hatik.
164.	00 - 05.5 S	97 - 51.0 T	Serauk.
165.	00 - 35.2 U	97 - 40.2 T	Laguadi.
166.	00 - 49.8 U	97 - 20.0 T	Bawa.
167.	01 - 12.0 U	97 - 04.7 T	Wunga.
168.	01 - 24.1 U	97 - 03.1 T	Tg. Tojolawa.
169.	02 - 04.1 U	96 - 37.5 T	Babi.
170.	02 - 38.0 U	95 - 47.0 T	-
171.	02 - 58.9 U	95 - 23.0 T	Kokos Eil.
172.	04 - 07.5 U	96 - 06.7 T	Meulaboh.
173.	04 - 36.9 U	95 - 34.0 T	Tjalang Bi.
174.	04 - 52.0 U	95 - 22.0 T	Roja.
175.	05 - 17.0 U	95 - 11.9 T	Rusa.
176.	05 - 48.0 U	94 - 57.5 T	Noord West E.
177.	06 - 05.0 U	95 - 07.0 T	Rondo.
178.	05 - 54.0 U	95 - 20.0 T	Ie Meule.
179.	05 - 30.4 U	95 - 53.0 T	Og. Pidie.
180.	05 - 16.5 U	96 - 49.5 T	Og. Peusangan.
181.	05 - 17.0 U	97 - 29.0 T	-
182.	04 - 53.0 U	97 - 55.0 T	Og. Peureula.
183.	03 - 55.3 U	98 - 40.2 T	Og. Temiang.
184.	03 - 47.4 U	99 - 29.6 T	Berhala.
185.	02 - 52.0 U	100 - 33.8 T	Noordrots.
186.	02 - 9.4 U	101 - 39.5 T	Tg. Medang.
187.	01 - 06.0 U	102 - 59.0 T	Tg. Kedabu.
188.	01 - 11.6 U	103 - 21.0 T	Iju Karimun.
189.	01 - 10.0 U	103 - 23.4 T	Nipa.
190.	01 - 09.2 U	103 - 39.3 T	-
191.	01 - 7.9 U	103 - 42.0 T	Berhantl.
192.	01 - 10.9 U	103 - 52.9 T	Nongsa.
193.	01 - 12.5 U	104 - 04.3 T	Tg. Sading.
194.	01 - 12.3 U	104 - 23.5 T	Tg. Berakit.

INDO 7

(b) Déclaration of an Indonesian Exclusive Economic Zone of 21 March 1980

1. The Exclusive Economic Zone of Indonesia is the area beyond the Indonesian Territorial Sea as promulgated by virtue of Law N 4 of 1960 concerning Indonesian Waters, the breadth of which extends to 200 nautical miles from the baselines from which the breadth of the Indonesian Territorial Sea is measured.
2. In the Exclusive Economic Zone, Indonesia has and exercises:
 - (a) sovereign rights for the purpose of exploring and exploiting, managing and conserving living and non-living natural resources of the sea-bed and subsoil and the superjacent waters and sovereign rights with regard to other activities for the Economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds,
 - (b) jurisdiction with regard to:
 - (1) the establishment and use of artificial islands, installations and structures;
 - (2) marine scientific research;
 - (3) the preservation of the marine environment;
 - (4) other rights based on international law.
3. The sovereign rights of Indonesia as referred to in paragraph 2 of this Government Declaration shall, with respect to the sea-bed and subsoil, continue to be exercised in accordance with the provisions of the laws and regulations of Indonesia concerning Indonesian Waters and the Indonesian Continental Shelf, international agreements and international law.
4. In the Exclusive Economic Zone of Indonesia, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines will continue to be recognized in accordance with the principles of the new international law of the sea.
5. Where the boundary line of the Exclusive Economic Zone of Indonesia poses a problem of delimitation with an adjacent or opposite State, the Indonesian Government is prepared, at an appropriate time, to enter into negotiations with the State concerned with a view to reach an agreement.
6. The above provisions will further be regulated by a law and regulations.

(c) Law N° 5 of 1983 on the Indonesian Exclusive Economic Zone

PART I - GENERAL REGULATIONS

Article 1. - What is meant in this Law by:

- (a) Natural living resources are all kinds of animals including also those that are found on the seabed and in the waters within the Indonesian Exclusive Economic Zone;
- (b) Natural non living resources are all the elements different from the living resources that are found on the seabed, in its subsoil as well as in the waters within the Indonesian Exclusive Economic Zone;
- (c) The scientific surveys are all the activities connected with research on all the aspects of sea surface, sea waters, seabed and its subsoil within the Indonesian Exclusive Economic Zone;
- (d) The conservation of the natural resources consists in all the efforts aiming at the protection and conservation of the natural resources in the Indonesian Exclusive Economic Zone;
- (e) The protection and preservation of the marine environment consist in all the efforts aiming at taking care of and safeguarding the wholeness of the maritime ecosystem in the Indonesian Exclusive Economic Zone.

PART II - THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Article 2. - The Indonesian Exclusive Economic Zone consists of the sealines external to and bordering on the Indonesian territorial waters within an outermost borderline as far as 200 sea miles from the baseline, as it is stipulated in the laws on the Indonesian waters, which include seabed, its subsoil and all the sea waters of Indonesia.

Article 3. - (1) In the event that the Indonesian Exclusive Economic Zone overlaps the exclusive economic zones of other coastal or facing states, the boundaries of the Indonesian Exclusive Economic Zone shall be fixed by means of international treaties between the Republic of Indonesia and the concerned foreign States.

(2) As long as the international treaties, mentioned in paragraph (1) herein, are not yet signed, and there are no particular situations requiring consideration, the boundaries between the Indonesian Exclusive Economic Zone and those of the coastal or facing foreign states shall be the mean line or a line equally far from the baseline of Indonesia or the farthest points off Indonesia and the baselines of the territorial sea or the farthest points off the foreign States, unless a provisional agreement connected with the boundaries of the Indonesian Exclusive Economic Zone has been established.

PART III - SOVEREIGN RIGHTS, OTHER RIGHTS, JURISDICTION AND RESPONSIBILITIES

Article A. - (1) In the Indonesian Exclusive Economic Zone, the Republic of Indonesia owns and carries out:

(a) The sovereignty rights to perform exploration and exploitation, to manage and protect the natural living and non living resources on the seabed, in its subsoil as well as in the waters, and to conduct all other activities connected with the exploration and the economic exploitation in the aforesaid zone, including the exploitation of energy from water, its currents and from the wind.

(b) Jurisdiction on:

- (i) Building and utilizing artificial islets, installations and other structures;
- (ii) Conducting scientific research on the sea;
- (iii) All other rights and responsibilities in accordance with the treaties connected with the International Law of the Sea.

(2) With regard to the seabed and its subsoil, the sovereignty rights, the other rights, jurisdiction and the responsibilities of Indonesia, as stipulated in section (1) herein, are exercised in accordance with the laws concerning the Indonesian Continental Shelf, with the agreements between Indonesia and the neighbouring countries, and with the International Law.

(3) In the Indonesian Exclusive Economic Zone, the freedom of navigation and overflight, laying submarine cables and pipelines is recognized according to the principles of the International Law of the Sea.

PART IV - THE ACTIVITIES IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Article 5. - (1) Without failing to recognize the provision in Article 4, section (2), anybody who conducts exploration and/or exploitation of the natural resources or other activities, such as drawing energy out of the waters, currents and wind, in the Indonesian Exclusive Economic Zone, is obliged to act in accordance with a permit or an international agreement with the Indonesian Government, and conform to the clauses of the permit or to the provisions of the international agreement.

(2) Without disregarding the provisions of section (1) herein, the exploration and/or exploitation concerning the natural living resources shall be conducted in accordance with the provisions on their administration and preservation enforced by the Government of the Republic of Indonesia.

INDO 10

(3) Without disregarding Article 4, section (2), the Government of the Republic of Indonesia shall licence foreigners, foreign entities or a foreign Government to explore and exploit a natural living resource in a definite area within the Indonesian Exclusive Economic Zone, provided that the number of catches allowed by the Indonesian Government for that type of catch exceeds the Indonesian capacity of utilization.

Article 6. - Anybody who builds and/or utilizes artificial islets or installations or other structures in the Indonesian Exclusive Economic Zone is obliged to act in accordance with a permit issued by the Government of the Republic of Indonesia, and to abide by the conditions established in the aforesaid permit.

Article 7. - Anybody who conducts scientific research in the Indonesian Exclusive Economic Zone is obliged to obtain a previous approval and to abide by the conditions stated by the Government of the Republic of Indonesia.

Article 8. - (1) Anybody who conducts activities in the Indonesian Exclusive Economic Zone is obliged to take the necessary steps to prevent, limit, bridle and suppress the damages of pollution in the marine environment.

(2) The disposai of waste in the Indonesian Exclusive Economic Zone can be carried out only if a permit is granted by the Government of Indonesia.

PART V - INDEMNITIES

Article 9. - Anybody who conducts actions contrary to the provisions of the Regulations of the Republic of Indonesia or to the international law of the sea, causing damages to artificial islets, installations and other structures in the Indonesian Exclusive Economic Zone, shall be liable for the payment of an indemnity to the owner of the aforesaid artificial islets, installations and other structures.

Article 10. - Without disregarding the provisions in Article 7, anybody who conducts scientific research in the Indonesian Exclusive Economic Zone, contrary to the provisions of the Régulations of the Republic of Indonesia and to the international law, causing damages shall be liable for the payment of an indemnity to the Republic of Indonesia.

Article 11. - (1) Without disregarding the provision in Article 8, and bearing in mind the maximum limits of a definite indemnity, anybody who causes the pollution of the marine environment and/or the spoiling of the natural resources shall be absolutely liable to pay quickly an appropriate indemnity for the rehabilitation of the marine environment and/or of the natural resources.

(2) The absolute responsibility stated in section (1) is excepted if the concerned party is able to prove that the pollution of the marine environment or the damage to the natural resources resulted from:

- (a) A natural event that cannot be controlled by it;

INDO 11

(b) Damages partially or wholly caused by an action or negligence caused by third persons.

(3) The form, kind and amount of the indemnity due because of the pollution of the marine environment and/or the spoiling of the natural resources shall be based on the results of ecological research.

Article 12. - The definition of the maximum limits of the indemnity, as stated in Article 11 herein, shall be regulated in accordance with the laws, as stated in Article 20 herein.

PART VI - THE ENFORCEMENT OF LAW

Article 13. - As regards the application of the sovereign rights, other rights, jurisdiction and the responsibilities, stated in Article 4, section (1), the officers of the Republic of Indonesia who are responsible for the enforcement of law are entitled to take the necessary measures in order to impose the observance of law, in accordance with the provisions of Law N 8 of 1981 on the Criminal Procedure Code, except that:

- (a) The capture of vessels and/or persons suspected of transgressions in the Indonesian Exclusive Economic Zone includes the measures of detaining a vessel and giving in charge the vessel and/or the persons to the authority of the nearest port where they can be prosecuted as soon as possible;
- (b) The aforesaid vessel and/or persons shall be placed in charge of authority as soon as possible within no more than 7 (seven) days, except the cases of force majeure;
- (c) In the interest of the detainees the penal measures as regulated in Articles 16 and 17 herein fall within the cases of penal measures stated in Article 21, section (4) (b) of Law N° 8 of 1981 on the Code of Criminal Procedure.

Article 14. - (1) The officers qualified to enforce the law and to conduct inquiries in the Indonesian Exclusive Economic Zone are the officers of the Indonesian Navy designated by the Commander-in-Chief of the Indonesian Armed Forces.

(2) The prosecutor is the Attorney at the Court, as designated in section 3.

(3) The Court qualified to try for the violations to this Law is the Court qualified for the area of the port where the vessel and/or the persons have been detained in accordance with Article 13(a).

Article 15. - (1) A request to bail on behalf of the vessel and/or the persons which are detained as suspected of a violation to this Law or to other provisions of regulations enforced on the basis of this Law, can be submitted in every moment before the Court delivers the sentence.

(2) The request to bail, as stated in section (1), shall be accepted if the party has paid the proper sum as fixed by the Court.

PART VII - PENAL PROVISIONS

Article 16. - (1) Anybody who conducts actions violating the provisions in Articles 5(1), 6 and 7 is liable to be sentenced to the payment of a maximum fine of 225,000,000 (two hundred twentyfive million) rupiah.

(2) the judge is authorized to order in the sentence the confiscation of the catch resulting from the violation, of the vessel and/or of other means used in the criminal action stated in section (1).

(3) Anybody who intentionally commits actions that cause the spoiling and/or pollution of the natural living environment in the Indonesian Exclusive Economic Zone is liable to be tried according to the Regulations on the preservation of the natural living environment.

Article 17. - Anybody who damages or destroys the objects used in committing a crime, which should be produced as evidence for the prosecution, as meant in Article 16, section (1), with the purpose of eluding the confiscation of the aforesaid objects during the inquire, is liable to be sentenced to the payment of a fine of no more than 75,000,000 (seventy-five million) rupiah.

Article 18. - The crimes are those mentioned in Articles 16 and 17.

PART VIII

Article 19. - All the provisions concerning the exploration and exploitation of the natural living resources, issued before the enforcement of this Law are still in force until they are modified by new regulations issued on the basis of this Law.

PART IX

Article 20. - (1) The application of the provisions of this Law shall be regulated in a more detailed way by the provisions of other laws.

(2) A Government Decree that shall regulate the application of the provisions of this Law can add a penal fine of no more than 75,000,000 (seventyfive million) rupiah for the violations of the aforesaid provisions.

Article 21. - This law shall be in force since its date.

2. BASIC FISHERIES LEGISLATION

Law N° 9 of 1985 on Fisheries

PART I - GENERAL REGULATION

Article 1. - In this Law there shall be understood by:

1. "Fisheries" - any activity the purpose of which is to exploit or make use of fishery resources;
2. "Fishery resources" - all species of fish, including all organisms living in the sea;
3. "Exploitation of the living resources of the sea" - ail the activities the purpose of which is to derive optimum benefits from fishery resources on a continuous basis;
4. "To exploit fishery resources" - the activity of fishing or fish breeding;
5. "Fishery activities" - any efforts by individuals or corporate bodies with a view to catching or breeding fish, including the catching and breeding of fish by way of trade;
6. "Fishing" - that activity where the purpose is to catch fish which are not being bred, by means of gear or whatever action, including the use of vessels for transportation, preservation, freezing, or otherwise processing fish;
7. "Fishing gear" - implements and tools or the means used in order to catch fish;
8. "Fishing vessel" - any ship or boat or other craft used for fishing, including any vessel used for survey and fish exploration;
9. "Fish breeding" - that activity where the purpose is to keep, raise and harvest fish;
10. "Fishermen" - persons whose means of subsistence is fishing;
11. "Fish farmers" - persons whose means of subsistence is breeding fish;
12. "Fish environment" - the waters in which fishery resources liye, including all other living organisms, and the natural features of their environment;
13. "Pollution of natural fishery resources" the introduction of any artifacts, extraneous substances, energy or other éléments into natural fishery resources by human action, so that those natural fish resources décline in abundance or in fitness or become a danger for those who are to exploit them;

INDO 14

14. "Spoiling of natural fishery resources" - any occurrence resulting in the depleting of the potential of fishery resources in such a way that the conservation of the aquatic environment is endangered as a consequence of the action of individuals or bodies corporate causing a disturbance in the biological equilibrium and in the living conditions of fishery resources;
15. "Pollution of the marine environment" - any living creatures, matter, energy or other things entering or introduced into the marine environment in such a way that the quality of the fishery resources is impaired to a degree at which they fail to respond less to their intended purpose;
16. "Spoiling of the marine environment" - the consequence of the action of any individual or body corporate causing any physical, chemical or other natural changes in the marine environment in such a way that it is impaired or destroyed as a habitat for living resources;
17. "The Government" - the Government of the Republic of Indonesia;
18. "The Minister" - the Minister responsible for fisheries.

PART II - THE FISHERIES TERRITORY

Article 2. - The fisheries territory of the Republic of Indonesia consists of:

- (a) the Indonesian maritime waters;
- (b) the rivers, lakes, reservoirs, swamps and other water-pools within the territory of the Republic of Indonesia;
- (c) the Indonesian Exclusive Economic Zone.

PART III - CONTROL OF FISHERIES

Article 3. (1) The purpose of the control of the fishery resources in the fisheries territory of the Republic of Indonesia shall be to secure the greatest possible benefit for the Indonesian people.

(2) For the purpose stated in subsection (1), the Government shall maintain a strict and guided regulation of fishery resources such as to secure their preservation together with the protection of the environment for the benefit and welfare of the Indonesian people.

Article 4. In the matter of the control of the fishery resources the Minister shall make regulations on:

1. fishing gear;
2. the technical specifications for fishing with which fishing vessels are required to conform in order to comply with the regulations designed to ensure safety of navigation;

INDO 15

3. the volume and type of catch as well as the size of the allowable catch;
4. fishing grounds, fishing areas, times and seasons;
5. the prevention of pollution and spoiling, the preservation and improvement of the fishery resources and of the environment;
6. the dissemination of new species of fish;
7. fish breeding and the protection of this activity;
8. fish disease and pest control;
9. any other matters needed for the control of fishery resources.

Article 5. Catching living fish in inter-island waterways or between the Indonesian waters and other countries shall come within the purview of the fish quarantine regulations.

Article 6. (1) All individuals and bodies corporate engaging in fishery activities or fish farming shall refrain from using equipment or materials liable to endanger the preservation of the fishery resources or the environment.

(2) The use of equipment or materials mentioned in subsection (1) in fishery activities or fish farming for scientific or related purposes shall conform to Government regulations.

Article 7. (1) Individuals and bodies corporate shall refrain from any actions causing the pollution or spoiling of the fishery resources or the environment.

(2) Research and other scientific activities conducted in accordance with Government provisions shall be exempt from the prohibition laid down in subsection (1).

Article 8. (1) For scientific or cultural purposes, and for the preservation of the aquatic environment, the Government shall prescribe the species of fish protected, and any fishing grounds intended as fish reserves, in the light of the peculiar species of fish or other characteristics encountered in the aquatic habitat.

(2) Under the provisions concerning the matter referred to in subsection (1) the Government shall be authorized to prescribe limitations on fishery activities, fish farming and any other activities in the grounds there mentioned.

Article 9. (1) Fisheries in the Indonesian fishing waters may be engaged in only by individuals or bodies corporate of Indonesian nationality.

(2) Exceptions to subsection (1) shall be allowed only for fishing, under the responsibility of the Indonesian State, as provided for in international treaties and in accordance with the principles of international law.

INDO 16

Article 10. (1) An individual or body corporate engaging in fishery activities shall be required to obtain a fishing permit.

(2) Fishermen and small-scale fish farmers or other persons that obtain their livelihood from fishery activities shall be exempt from the fish permit requirement prescribed in subsection (1).

(3) The provisions laid down in subsection (1) and (2) shall be a matter for Government regulations.

Article 11. (1) Every individual or body corporate engaging in fishing or fish farming activities in the sea or fresh waters within the territory under the sovereignty of the Republic of Indonesia shall be required to pay a fishing fee.

(2) Fishermen and small-scale fish farmers that obtain their livelihood from fishery activities shall be exempted from paying the fishing fee.

(3) The provisions laid down in subsections (1) and (2) shall be a matter for Government regulations.

Article 12. (1) Fishing vessels used by Indonesian subjects, whether individuals or bodies corporate, engaging in fishery activities within the fisheries territory of the Republic of Indonesia shall be required to fly the Indonesian flag.

(2) Research and other scientific activities in the fisheries territory of the Republic of Indonesia and fishery activities in the Indonesian Exclusive Economic zone shall be exempted from the provisions in subsection (1).

Article 13. Fishing and fish farming activities in the fisheries territory of the Republic of Indonesia for non-commercial purpose shall be regulated by the Minister.

PART V - DEVELOPMENT SUPPORT

Article 14. The Government shall organize an information system and shall undertake the collecting, processing and dissemination to the widest possible extent of both technical and production data on fisheries, with a view to providing support for the most efficient management possible of the fishery resources and the development of all fishery activities.

Article 15. (1) The Government shall organize and develop research and other scientific activities in fisheries.

(2) In the organization of the activities referred to in subsection (1) the Government shall be authorized to cooperate with national private institutions, and international and foreign institutions.

Article 16. (1) The Government shall be responsible for providing education, training, and developing information programmes in fisheries.

INDO 17

(2) In developing the programmes referred to in subsection (1), the Government shall be authorized to enlist the cooperation of the communities and the social rehabilitation institutions.

Article 17. The Government shall support, promote and protect the efforts of fishermen and fish farmers through fishing cooperatives, and fish farming cooperatives in particular.

Article 18. (1) The Government shall install and develop basic facilities for the fishing sector.

(2) The provisions for the establishment, the management and the use of the basic facilities referred to in subsection (1) shall be enforced by means of Government regulations.

Article 19. The Government shall prescribe rules for the fish trade and for improving the quality of fish products.

Article 20. The Minister is hereby authorized to make rules prohibiting the export or import of particular species of fish into or from the territory of the Republic of Indonesia.

PART VI - DECENTRALIZATION OF AFFAIRS AND LOCAL COLLABORATION

Article 21. The transfer of certain fishery affairs to the local governments and any recall thereof to the Central Government shall be a matter for Government regulations.

Article 22. The Central Government is hereby authorized to call on the collaboration of local governments in fishery affairs.

PART VII - CONTROL AND SUPPORT

Article 23. (1) In order to secure the implementation of the- control and exploitation of the fishery resources in a profitable and efficient manner, attentive care and guidance of fishery activities shall be required.

(2) Rules In furtherance of the aims referred to in subsection (1) shall be introduced by Government regulations.

PART VIII - OFFENCES AND PENALTIES

Article 24. Any person who in the fisheries territory of the Republic of Indonesia, within the meaning of section 2 (a_) and (b), contravenes section 6(1) and section 7(1) shall be guilty of criminal offence and shall be liable to be punished with a term of imprisonment of ten years or with a fine of 100 million rupiah or to both such imprisonment and fine.

IKDO 18

Article 25. Any person engaging in fishing activities in the territory of the Republic of Indonesia within the meaning of section 2 (a) and (b) without being in possession of a fishing permit as required by section 10 shall be liable:

(a) to a term of imprisonment of five years or to a fine of 50 million rupiah, if he makes use of a motor vessel of 30 GT or over;

(b) to a term of imprisonment of two years and six months or to a fine of 25 million rupiah, if he makes use of a motor vessel of less than 30 GT.

Article 26. Any person who engages in fish farming in the fisheries territory of the Republic of Indonesia within the meaning of section 2 (a.) and (b) without being in possession of a permit, as required by section 10, shall be liable to imprisonment for a term of six months or to a fine of 5 million rupiah fine.

Article 27. (1) Any person who contravenes section 4 shall be liable to a fine of 25 million rupiah.

(2) Any person who contravene section 20 shall be liable to a fine of 5 million rupiah.

Article 28. (1) Offences under sections 24 and 25 shall be criminal offences.

(2) Offences under sections 26 and 27 shall be lesser offences.

Article 29. Any objects used in committing offences under sections 24, 25, 26 and 27, as well as those obtained by means of any actions associated therewith may be seized on behalf of the Indonesian State.

Article 30. Any person who contravenes this Law in the Indonesian Exclusive Economic Zone shall be prosecuted in accordance with Law No. 5 of 1983¹.

PART IX - FURTHER PROVISIONS

Article 31. (1) The officers qualified to investigate offences under this Law in Indonesian waters shall be those mentioned in section 14 (1) of Law No. 5 of 1983¹ on the Indonesian Exclusive Economic Zone.

(2) Powers to investigate offences under this Law may be assigned to public officers qualified in fishery matters.

(3) Public officers qualified in fishery matters referred to in subsection (2) shall for the purposes of their assignment have authority;

(a) to receive reports or note any accusations referring to offences under this Law;

INDO 19

- (b) to summon or to inspect persons suspected of contravening this Law;
 - (c) to search any fishing vessel, means of transport and any facilities for storing, fish icing and long-term préservation suspected of being placed where this Law is contravened;
 - (d) to confiscate fish obtained by means of any act contravening this Law together with the fishing gear and documents used for that purpose.
- (4) The aforesaid investigations and powers shall conform to Law No. 8 of 1981 and to the criminal procédure régulations.

PART X - TRANSITIONAL PROVISIONS

Article 32. All the provisions in the laws and régulations on fishery activities hitherto in force shall, where not in conflict with this Law, remain in force pending the making of new régulations.

PART XI - FINAL PROVISIONS

Article 33. At the time that this Law enters into force:

- (a) the General Régulations on pearl, mother-of-pearl, trepang and sponge fishing within not more than three seamiles off the coasts of the Netherlands Indies (Officiai Journal 1918, No. 157);
- (b) the Régulations for the protection of the fish resources (Officiai Journal 1920, No. 396);
- (c) the General Régulations on fisheries within the water territory of the Netherlands Indies (Officiai Journal 1927, No. 144);
- (d) the General Regulations on whaling within not more than three seamiles off the coasts of the Netherlands Indies (Officiai Journal 1927, No. 145);
- (e) the Régulations on fishing within the territorial sea and the maritime boundaries (Officiai Journal 1939, No. 442), except as regards the provisions on maintenance of justice on the seas; as amended, shall cease to be in force.

Article 34. All matters not sufficiently provided for by this Law shall be regulated by Government decree.

Article 35. This Law shall enter into force from the date of its enactment. In order to give notice to everybody this Law shall be published in the Officiai Journal of the Republic of

3. REGULATIONS

(e) Decree of the Minister for Agriculture N° 607/Kpts/Um/9/1976 on Fishing Areas

PROVISION I

Without disregarding the provisions on the shipping lanes enforced by the Government, the following fishing areas are established:

1. Along the northern-eastern-southern coasts of Sumatra from Ule Lhee, Aceh (95° 17' east longitude) to Tanjung Cina, Lampung (5° 56' south latitude), including the islands of We, Breueh and Panasi/Dedap, Riau Archipelago, the islands of Bangka and Biliton;
2. Along the western coast of Aceh between 3 north latitude and 4 north latitude, and the waters around the island of Nias;
3. Along the northern and eastern coasts of Java from east of Merak (105 57' east longitude) to Tanjung Sloko, Blambangan (115 35' east longitude) and along the coasts of the island of madura;
4. Along the southern coast of Java, from 108 east longitude to 111 east longitude;
5. Along the coasts of Bali;
6. Along the western-southern-eastern coasts of Borneo from Tanjung Datu (2° 4' north latitude) to the surroundings of Ambarawang (117° east longitude), including the islands Laut and Sebuku;
7. Along the coast of North Celebes in the east of 122 east longitude;
8. Along the coast of South Celebes from Tanjung Rangas (118 57' east longitude) to Ujung Lasa (120 29' east longitude) including the island of Salayar;
9. Along the coast of the island of Ambon, as follows:
 - (a) The I Fishing area consists of the coastal waters with a 3 mile width measured from the deepest point at low tide;
 - (b) The II Fishing area consists of the waters with a 4 mile width measured from the outer bordeline of I fishing area;
 - (c) The III fishing area consists of the waters with a 5 sea-mile width, measured from the outer borderline of the II fishing area;
 - (d) The IV fishing area are the waters out of the III fishing area.

PROVISION II

The use of vessels and fishing gears in each of the fishing areas established above, is regulated as follows:

- (a) The I fishing area is out-of-bounds for:
 - 1. Fishing vessels with inboard engine a size of more than 5 GT, or fishing vessels with outboard motor with more than 10 HP;
 - 2. All types of trawl nets: beam trawl, otter trawl, pair (bull) trawl;
 - 3. All nets with ring or belt meshes and similar purse-seine nets;
 - 4. Incircling gill nets and drift gill nets;
 - 5. Drag-nets, lark-nets, clap-nets, lampara nets, casting nets with a more than 120 m. length from the rim of a wing to the opposite wing rim.
- (b) The II fishing area is out-of-bounds for:
 - 1. Fishing vessels with inboard engine and a size of more than 25 GT or fishing vessels with inboard engine of more than 50 GT HP;
 - 2. Trawl nets with otterboard having upward/downward ropes longer than 12 meters;
 - 3. Mid-water trawl (or pelagic trawl) and pair (bull) trawl (nets pulled by two craft);
 - 4. All nets having ring or belt meshes or similar types, longer than 300 meters.
- (c) The III fishing area is out-of-bounds for:
 - 1. Fishing vessels with inboard engine over 100 GT or fishing vessels with inboard engine of more than 200 HP;
 - 2. Sea-bed trawl nets with otterboard having upward/downward ropes longer than 20 meters;
 - 3. Pair (bull) trawl;
 - 4. All nets having ring or belt meshes, or similar types, longer than 600 meters.

INDO 22

(d) The IV fishing area is allowed to:

All types of vessels and legitimate fishing gears, except pair (bull) trawl, which are allowed to operate only in the Indian Ocean.

PROVISION III

All nets with mesh size lesser than 25 mm. and the tuna fishing purse seine with meshes measuring less than 60 mm. are prohibited in all the fishing areas.

PROVISION IV

Beside what is provided by provisions II and IV herein, in the waters of the Strait of Madura and of the Strait of Bali the use of beam trawl, otter trawl, bull (pair) trawl for catching sea-bed or pelagic fish is prohibited.

PROVISION V

The prohibitions in the II and IV Provisions herein do not apply to:

"The fishing motor vessels conducting their activities on behalf of the Directorate General of Fisheries, fishing services of local governments and other scientific organizations operating with the agreement of the Directorate General of Fisheries in the fields of fishing training, research/survey, exploration/exploitation specially aimed at the development of fishery".

PROVISION VI

A particular regulation shall be enacted for the fishing vessels owned by the State fishing entities when operating for the development of the people's fishery.

PROVISION VII

The prohibition to enter fishing areas not allowed to certain fishing vessels shall be annotated in the fishing permits granted to the fishing entities and in the fishing permits delivered to the vessels.

PROVISION VIII

The fishing vessels referred to in the Provision VII which violate the provisions regulating their activities are liable to withdrawal of their fishing permits.

PROVISION IX

The application of the provisions of this Decree shall be regulated in more details by the Director General of Fisheries.

PROVISION X

With the enforcement of this Decree the Decree of the Minister for Agriculture N° 317/Kpts/Um/7/1975 on PROVISIONS FOR THE UTILIZATION OF THE FISH RESOURCES IN THE WATERS OF THE NORTHERN COASTS OF JAVA AND MADURA are abrogated.

PROVISION XI

This decree shall come into force on the 30th September of 1976.

- (f) Decree of the Minister for Agriculture N° 609/Kpts/Um/9/1976 on the Fishing Areas for sea-bed trawlers

PROVISION I

Without disregarding the provisions on the fishing areas established by the Government, THE SEA-BED (DEMERSAL) FISHING WATERS IN THE MARINE ENVIRONMENT OF INDONESIA ARE DIVIDED INTO THE FOLLOWING AREAS:

I. Fishing area A:

The waters of the Indian Ocean adjacent the western and southern coasts of Sumatra, the southern coasts of Java and the Nusa Tenggara Islands as far as Timor, delimited by:

- 95 17' east longitude (Ule Lhee) to the borderline of the Indonesian waters between the coordinate points 6 south latitude - 104° 30' east longitude and 6° 50' 30" south latitude - 105° east longitude (Sunda Strait);
- 8° 30' south latitude along the islands of Nusa ATenggara southwards;
- 125 east longitude (from the island of Timor to the borderline of the Indonesian waters);

II. Fishing area B:

Parts of the Indian Ocean, of the Straits of Malacca, the Southern part of the Southern Chinese Sea, delimited by the following lines:

- North: the borderline of the waters of the Republic of Indonesia;
- East: the coast of Borneo;
- South: 1 south latitude;
- West: 95° 17' east longitude.

III. Fishing area C;

The straits of Karimata, Java Sea, and the Straits of Macassar, delimited by the following lines:

- North; 1° south latitude (West of Borneo), and the borderline of the waters off Indonesia;
- East: 120° 20' east longitude;
- South: 8° 30' south latitude;
- south-west between the coordinate points 6° south latitude - 104 ° 30' east longitude and 6° 50' 30" south latitude - 105° east longitude (Straits of Sunda);
- West: the coast of Sumatra.

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IV. Fishing area D:

The eastern waters delimited by:

- North: the borderline of the Indonesian waters;
- East: the borderline of the Indonesian waters;
- South: 8 30' south latitude, as far as it crosses 125 east longitude and the borderline of the waters of the Republic of Indonesia, east of 125 east longitude;
- West: 120° 20' east longitude.

PROVISION II

The delimitation of the fishing areas as established in the first provision herein, is applied only to sea-bed trawl fishing vessels, that shall be allowed only to catch fish in the area or the part of an area as stated in their fishing permits.

PROVISION III

- (a) Every trawl vessel is obliged to have a coloured mark showing the fishing area designated for its fishery activities:

"In the midst of the side of the vessel between bow and stern, a tenth part of the length of the ship shall be painted in a defined colour, with 10 (ten) cm. wide edges."

- (b) The fishing area identification colours shall be as follows:

- | | | |
|------|--------------|-----------------|
| I. | Fishing area | A: dark red; |
| II. | " " | B: dark green; |
| III. | " " | C: deep yellow; |
| IV. | " " | D: black. |

PROVISION IV

The trawl vessels referred to in the second provision herein, which have been granted a regular permit by the qualified authority, are allowed to conduct their fish catching operations by means of different legitimate gears, with the limitation that they are allowed to operate only in the fishing area or in the part of a fishing area as assigned.

PROVISION V

The sea-bed trawl vessels operating on behalf of the Directorate General of Fisheries, of the Fishery Services of local governments, or of other scientific organizations, with the agreement of the Directorate General of Fisheries, in the field of fishing training, research/survey/exploration/exploitation for the development of fishery, are exempted from the provisions of this Decree.

PROVISION VI

The trawl vessels mentioned in provisions IV and II herein, that violate any provision referring to them are liable to withdrawal of their fishing permits.

PROVISION VII

The control and guidance of the level of intensity for fishery in the fishing areas shall be regulated in a more detailed way by the Director General of Fisheries.

PROVISION VIII

The application of the provisions of this Decree shall be regulated by the Director General of Fisheries.

PROVISION IX

This decree shall come into force on the 30th September, 1976.

- (g) Government Decree N 15 of 1984 on Fisheries Resources Management in the Indonesian Exclusive Economic Zone

PART I - GENERAL

Article 1. In these Regulations there shall be understood by:

- (a) "Management" - all efforts and actions by the Government with a view to directing and controlling the benefits that are obtainable from the natural resources in the Indonesian Exclusive Economic Zone;
- (b) "Conservation of natural resources" - all efforts with a view to protecting and rendering self-sustaining the natural resources of the Indonesian Exclusive Economic Zone;
- (c) "Fishing activities" - activities directed to catching fish, other than fish raised in fish farms, from the waters by means of gear or in any manner, and includes activities entailing the use of vessels for transport, preservation, cold storage, long term conservation and management;
- (d) "Fishing vessels" - vessels or boats or other craft used to carry out fish catching, and includes vessels, boats and other craft used for fisheries surveys or exploration;
- (e) "Allowable catch" - quantity of natural resources that may be taken compatibly with their conservation in the Indonesian Exclusive Economic Zone;
- (f) "Fishing fee" - the sum that a foreign fishing firm that has obtained a fishing permit for the Indonesian Exclusive Economic Zone is required to pay to the Indonesian Government.

PART II - UTILIZATION

Article 2. (1) The natural resources in the Indonesian Exclusive Economic Zone shall be utilized for the development of Indonesian fisheries.

(2) Pursuant to sub-regulation (1), the Government shall organize facilities with a view to increasing the capacity of the Indonesian fisheries.

(3) In order to achieve optimum utilization of the natural resources of the Indonesian Exclusive Economic Zone, individuals and bodies corporate of Indonesian nationality shall be allowed to operate together with foreign nationals or bodies corporate in joint ventures or under other kinds of cooperation in accordance with the law.

Article 3. Foreign nationals or bodies corporate shall be admitted to engage in fishing activities in the Indonesian Exclusive Economic Zone if the Indonesian nationals or bodies corporate engaging in fishing activities are unable to make complete use of the catch volume allowed by Government regulations.

PART III - CONSERVATION

Article 4. (1) The Minister for Agriculture shall determine the allowable catch for each species of fish resource in the Indonesian Exclusive Economic Zone.

(2) The allowable catch shall be determined in the light of the findings of research, surveys, evaluation of fishing activities.

Article 5. The Minister for Agriculture shall determine the number of fishing vessels and the fishing gear allowed to each vessel bearing in mind the allowable catch determined pursuant to regulation 4.

Article 6. In order to ensure the conservation of natural resources it shall be prohibited to engage in fishing activities in the Indonesian Exclusive Economic Zone by means of explosives, poisons, electricity and other dangerous matters or tools.

PART IV - PERMITS

Article 7. Individuals or bodies corporate engaging in fishing activities in the Indonesian Exclusive Economic Zone shall be required to be in possession of a permit issued by the Government of the Republic of Indonesia.

Article 8. Permits to engage in fishing activities in the Indonesian Exclusive Economic Zone shall be granted to individuals and bodies corporate of Indonesian nationality engaging in fishery activities in accordance with the fisheries laws.

Article 9. (1) Permits to engage in fishing activities in the Indonesian Exclusive Economic Zone shall not be granted to individuals or bodies corporate, as stated in regulation 3, unless an agreement has been first signed between the Government of the Republic of Indonesia and the foreign country whose nationals such individuals or bodies corporate are.

(2) The permits mentioned in sub-regulation (1) shall be granted only if the nationality of the fishing vessel or vessels is the same of the foreign individuals or foreign bodies corporate concerned.

Article 10 (1) Foreign individuals or bodies corporate intending to engage in fishing activities in the Indonesian Exclusive Economic Zone shall be required first to apply to the Minister for Agriculture or to an official designed by that Minister for a fishing permit.

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- (2) In the letter of application referred to in sub-regulation (1), the applicant shall state:
1. the number of vessels to be used;
 2. name, address and nationality of the owner of the vessel or vessels;
 3. the name of the vessel or vessels;
 4. the call-sign used to identify the vessel or vessels;
 5. country of registration, registration number and the flag flown by the vessel or vessels;
 6. overall length of the vessel or vessels;
 7. gross tonnage of the vessel or vessels;
 8. horsepower rating of the vessel or vessels;
 9. fish hold capacity of the vessel or vessels;
 10. name, address and nationality of the master;
 11. number of crew;
 12. kind and number of fishing gear used/transported by each vessel;
 13. intended fishing grounds.

Article 11. (1) The fishing permit for foreign individuals or bodies corporate allowed to fish in the Indonesian Exclusive Economic Zone shall be issued in the form of a letter by the Minister for Agriculture or by the official designated by the Minister.

(2) In the permit letter referred to in sub-regulation (1), the following data shall be annotated.

1. name and nationality of the vessel owner;
2. name of the vessel;
3. call-sign of the vessel;
4. country of registration, registration number and flag flown by the vessel;
5. overall length of the vessel;
6. gross tonnage of the vessel;
7. horsepower rating of the vessel;
8. fish hold capacity of the vessel;
9. name, address and nationality of the master;
10. number of crew;
11. kind and number of fishing gear transported or used by each vessel;
12. intended fishing grounds;
13. identification marks that the vessel is required to display;
14. port or other place of reporting;
15. conditions to be complied with as regards catch.

Article 12. (1) The fishing permit letter referred to in sub-regulation 11(1) shall be valid for one year.

(2) Foreign nationals or bodies corporate intending to continue fishing activities in the Indonesian Exclusive Economic Zone following the expiry of the fishing permit referred to in sub-regulation (1), shall be required to submit an application for a fresh permit in accordance with these Regulations, not less than 30 days before the previous permit expires.

Article 13. (1) The fishing permit shall be issued under the name of the applicant. Each vessel used for fishing must have its permit.

(2) The original fishing permit shall be kept on board at all times.

(3) The transfer of a fishing permit shall be prohibited.

Article 14. (1) Any foreign individual or body corporate using a fishing vessel and in possession of a fishing permit as referred to in regulation 13 shall report to the official appointed by the Minister for Agriculture, or by the official designated by the Minister, at the port or other place of reporting, before, during and following fishing activities.

(2) In the course of fishing activities in the Indonesian Exclusive Economic Zone any vessel used by the foreign individuals or bodies corporate shall take on board any inspectors appointed by the Minister for Agriculture or by an official designated by the Minister and allow them to inspect the vessel.

Article 15. Foreign nationals or bodies corporate that have been granted a fishing permit to operate in the Indonesian Exclusive Economic Zone in accordance with these Regulations, shall be required to appoint a legally established Indonesian firm to represent their interests, and to submit such appointment for the approval of the Minister for Agriculture or of an officer appointed by the Minister.

Article 16. (1) Foreign nationals or bodies corporate that have been granted a fishing permit to operate in the Indonesian Exclusive Economic Zone shall be required to pay a fishing fee in the amount and subject to formalities to be established by the Minister for Agriculture by agreement with the Minister for Treasury.

(2) The said fee shall comprise:

(a) a registration fee for each fishing vessel in respect of which a fishing permit is applied for;

(b) a fishing permit change fee, to be paid for every modification in the terms of the fishing permit;

(c) a fishing fee for each vessel used in fishing activities.

(3) In addition to the fees stated in sub-regulation (2), a fishing vessel shall pay anchorage dues when reporting in the port, in accordance with the regulations.

PART V - CRIMINAL REGULATIONS AND WITHDRAWAL OF PERMIT

Article 17. Any person engaging in fishing activities in the Indonesian Exclusive Economic Zone without being in possession of a fishing permit in accordance with these Regulations shall be prosecuted under section 16 (1) and (2) of Law No. 5 of 1983¹.

INDO 31

Article 18. Any person who damages or destroys objects used in committing the offence referred to in regulation 17, with the intention to elude their confiscation when the vessel is being inspected, shall be prosecuted in conformity with section 17 of Law No. 5 of 1983¹.

Article 19. The penalty for any fishing vessel making use of any gear or substances prohibited under regulation 6, for fishing in the Indonesian Exclusive Economic Zone, shall be a fine of not more than 75 million rupiah and the withdrawal of the fishing permit.

Article 20. If a fishing vessel used by an applicant who was granted a fishing permit in accordance with these Regulations violates the conditions laid down in the fishing permit, the penalty shall be a fine of 25 million rupiah and the withdrawal of the fishing permit.

Article 21. (1) Offences under regulations 17, 18 and 19 shall be criminal offences.

(2) An offence under regulation 20 shall be lesser offence.

PART VI - TRANSITIONAL PROVISIONS

Article 22. (1) Within not more than three months from the entry into force of these Regulations, all fishing permits granted to foreign fishing vessels to operate in the Indonesian Exclusive Economic Zone shall be renewed in accordance with these Regulations.

(2) For all the foreign fishing vessels renewing their fishing permits as required by sub-regulation (1), the applicants shall be required to pay the fishing fees provided for in regulation 16.

PART VII - FURTHER PROVISIONS

Article 23. The Minister for Agriculture shall In agreement with the Minister of Transport and the Commander-in-chief of the Armed Forces designate the port of reporting and shall prescribe the reporting formalities for foreign fishing vessels and the inspection procedures required by regulation 14.

Article 24. The Minister for Agriculture shall make detailed regulations for all the matters having to do with the use made of the natural resources in the Indonesian Exclusive Economic Zone not governed by these Regulations, in consultation with other Ministers on individual matters that fall within their respective terms of reference.

PART VIII - FINAL PROVISIONS

Article 25. These Regulations shall enter into force on the date of promulgation.

INDO 32

- (h) Decree of the Minister for Agriculture N° 473a/Kpts/IK.250.6/1985 on The Determination of Total Allowable Catch in the Indonesian Exclusive Economic Zone

REGULATIONS

Article 1. The number of allowable catch according to the genders of living natural resources in the areas belonging to the Indonesian Exclusive Economic Zone is established as follows:

POTENTIAL AND NUMBER OF LIVING NATURAL RESOURCES
IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Gender	Potential Tons/years	N° of allowable catch
Bonita (<i>Euthynnus pelamis</i>)	1.285.900	1.115.731
Tuna	83.435	75.915
Great Tuna (<i>Katsuwonus pelamis</i>)	98.760	88.884
Demersal fish catch	647.500	582.731

Article 2. The number of vessels allowable to operate in the Indonesian Exclusive Economic Zone will be established on the basis of the productivity of each of them according to the kind of gears they use and to the number of allowable catch for each gender of catch.

Article 3. The number of allowable catch as shown in the first regulation herein is subject to modification at all times according to the results of research, survey, evaluation and/or to the yield of fishing.

Article 4. This decree will be in force from its date.

INDO 33

- (i) Decree of the Minister for Agriculture N° 475/Kpts/IK.120/7/1985 prescribing rules governing permits for fishing in the Indonesian Exclusive Economic Zone by Foreign Individuals and Bodies Corporate

RULES

The granting of permits for fishing in the Indonesian Exclusive Economic Zone by foreign individuals or bodies corporate shall be subject to the following rules:

Article 1. - (1) Applications for fishing licences in the Indonesian Exclusive Economic Zone by foreign individuals or bodies corporate shall be submitted by those concerned to the Director General of Fisheries through their diplomatic representatives.

(2) The said application may be submitted only if the foreign State to which the foreign individuals or bodies corporate belong has signed a fisheries cooperation agreement with the Indonesian Government.

(3) The application required by sub-rule (1) shall be compiled in conformity with the model appearing in Schedule I to this Decree.

Article 2. (1) The Director General of Fisheries shall refuse or accept the application mentioned in rule 1 in the light of the amount of allowable catch and of an evaluation of the benefit for Indonesian fisheries in the Indonesian Exclusive Economic Zone, and of international agreements referred to in Rule 1(2).

(2) If an application referred to in sub-rule (1) is accepted, the Director General of Fisheries shall issue a fishing permit on behalf of the applicant for each vessel in conformity with the model appearing in the Schedule II to this Decree, shall inform the applicant accordingly and shall by a letter require him to pay the registration fee, and by a further letter require him to pay fishing fees.

(3) Once the applicant has made the payments provided for in sub-rule (2), the Director General of Fisheries shall issue him with the fishing permit.

Article 3. (1) The holder of a fishing permit may apply to the Director General of Fisheries in order for the provisions in the fishing permit to be amended.

- (2) The possible changes in the fishing permit, as mentioned in sub-rule (1) shall be:
 - (a) in the master or the number of crew, as noted in the fishing permit;
 - (b) in the port of reporting as noted in the fishing permit;
 - (c) for replacing a fishing permit that has been lost or is so damaged that it cannot be read clearly.

INDO 34

- (3) If he accepts an application to amend the fishing permit the Director General of Fisheries shall issue a new fishing permit and inform the applicant and in writing require him to pay the fee for the change in the fishing permit.
- (4) The new fishing permit mentioned in sub-rule (3) shall be delivered to the applicant once the fee for the change in the fishing permit has been paid.

Article 4. (1) A fishing permit shall be valid for one year.

(2) If the fishing permit expires and the foreign individuals or bodies corporate intend to continue fishing activities in the Indonesian Exclusive Economic Zone they shall be required to apply for a new permit.

(3) The application referred to in sub-rule (2) should be submitted thirty days before the expiration of the fishing permit referred to in sub-rule (1).

Article 5. The original copy of the fishing permit shall be kept on board the vessel at all times.

Article 6. It shall be prohibited to transfer the ownership of a fishing permit or to use it in respect of another vessel.

Article 7. Foreign individuals or bodies corporate that have obtained fishing permits to operate in the Indonesian Exclusive Economic Zone shall be required to appoint an Indonesian fishing firm, subject to approval by the Director General of Fisheries, as their representative for the safeguarding of their interests.

Article 8. An applicant who has obtained a fishing permit shall be required to keep on board a vessel identification card in accordance with the model appearing in Schedule III to this Decree.

Article 9. The master of a vessel for which a fishing permit has been obtained shall:

- (a) report to the Port Officer or other official as indicated in the fishing permit, when the vessel begins fishing activities and during and after these;
- (b) accept on board an inspector to monitor fishing activities;
- (c) accept the officials in accordance with this Decree of the Ministry of Agriculture prescribing rules for fishing activities in the Indonesian Exclusive Economic Zone.

Article 10. No vessel for which a fishing permit has been obtained shall:

- (a) fish by means of explosives, poison, electricity or other devices or gear that are dangerous or contravene the rules indicated in the fishing permit;

INDO 35

- (b) take on board persons or goods not listed in the fishing permit, at the moment it begins fishing, during fishing, while leaving the Indonesian Exclusive Economic Zone, and while proceeding to or leaving the designated port of reporting.

Article 11. A fishing permit shall cease to be valid:

- (a) after its expiry date; or
- (b) if revoked because the vessel has contravened the rules indicated in the fishing permit; or, again
- (c) it is so damaged that it cannot be read clearly, or has been lost.

Article 12. (1) Offences under rule 10, viz.:

- (a) fishing by means of explosives, poison, electricity and other devices and gear that are dangerous, shall be criminal offences pursuant to regulation 19 of Government Decree No. 15 of 1984; and
- (b) fishing in contravention of the rule indicated in the fishing permit shall render the person concerned liable to criminal indictment in accordance with regulation 20 of the Government Decree No. 15 of 1984.

(2) All regulations on fishing licencing for foreign individuals or bodies corporates in the Indonesian Exclusive Economic Zone prior to this Decree are hereby repealed.

- (3) This Decree shall enter into force on the date of promulgation.

SCHEDULE I

To:

The Director General of Fisheries

Department of Agriculture

Jl. Saleraba Raya N° 16

Jakarta Pusat

Indonesia

_____, _____ 19__

Dear Sir,

On behalf of the Government of _____, I hereby apply for fishing permit(s) for fishing in the Exclusive Economic Zone of Indonesia for ___vessel(s) data relating to which are appended hereto.

The owner of each vessel will comply with all Regulations concerning fisheries in the Indonesian Exclusive Economic Zone.

For the Government

(_____)

APPLICATION FOR FISHING PERMIT IN THE EXCLUSIVE ECONOMIC ZONE OF
INDONESIA

1. Name of owner of vessel: _____
Address: _____
Nationality: _____
2. Name of vessel: _____
Registration N : _____
Port of registration: _____
Callsign: _____
Flag: _____
Length overall: _____
Gross tonnage: _____
Horsepower rating: _____
Fish hold capacity: _____
Type and number: _____
3. Name of master: _____
Address: _____
Nationality: _____
Number of crew: _____
4. Fishing ground: _____
Home port: _____
Port of reporting: _____
Species to be caught: _____
Particulars of vessel and general layout enclosed.

Applicant

SCHEDULE II

GOVERNMENT OF THE REPUBLIC OF INDONESIA
PERMIT FOR FISHING IN EXCLUSIVE ECONOMIC ZONE OF INDONESIA

N° _____

1. Owner/Company
 - a. Name: _____
 - b. Nationality: _____
2. Vessel
 - a. Name: _____
 - b. Registration N°: _____
 - c. Call sign: _____
 - d. Flag: _____
 - e. Length overall: _____
 - f. Gross tonnage: _____
 - g. Horsepower rating: _____
 - h. Fish hold capacity: _____
3. Master
 - a. Name: _____
 - b. Address: _____
 - c. Nationality: _____
 - d. Certificate: _____
4. Number of crew: _____
5. Type of fishing gear: _____
6. Fishing ground: _____
7. Identification of vessel: _____
8. Port of reporting: _____
9. Validity of permit: _____

Issued in: _____

On: _____

Director-General of Fisheries

The conditions to be performed

- a. The original permit is to be kept on board and shall be produced for the Indonesian Government officer for inspection.
- b. The Permit is not valid for other vessels and may not be transferred.
- c. The vessel may be inspected by an Indonesian Government officer any time.
- d. The use of explosives, poisons, electricity or other dangerous substances or devices is prohibited.
- e. It is prohibited to carry or use any type of fishing gear other than as stated in the permit.
- f. Not later than 24 hours before entering Indonesian Exclusive Economic Zone, the master shall inform the port officer by means of electronic communication equipment.
- g. Before or after fishing operations, the master of any vessel obliged to enter the designated port shall report to the officer in the port stated in the permit.
- h. The master or owner of the vessel shall complete the report forms and submit these to the port officer or the officer designated by the Director General of Fisheries.
- i. For as long as the vessel is engaged in fishing operations, the master shall every 24 hours, or upon the request by the Indonesian Government officer, inform the officer of his position by means of his electronic communication equipment.
- j. Not later than 72 hours before the foreign fishing vessel leaves the Indonesian Exclusive Economic Zone, the master shall report to the port officer on the vessel's position and fishing data, using the report forms for this purpose.
- k. While in transit through Indonesian territory all fishing gear on the vessel concerned must be stowed in the hold or other place provided for that purpose.
- l. Other.

SCHEDULE III

REGULATIONS OF THE MINISTER FOR AGRICULTURE

N° 475/Kpts/IK.120/7/1985 OF 1 JULY 1985

relative to

PERMITS FOR FISHING BY FOREIGN INDIVIDUALS OR BODIES
CORPORATE IN RESPECT OF FISHERY ACTIVITIES IN THE
INDONESIAN EXCLUSIVE ECONOMIC ZONE

REGULATIONS ON IDENTIFICATION CARDS FOR FOREIGN FISHING VESSELS THAT
HAVE A PERMIT TO FISH IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE
ACCORDING TO THE TYPE OF FISHING GEAR USED AND
THE PERMIT NUMBER

- 1) 1/3 of the bows of the ship (port and starboard) should be painted yellow;
- 2) on that part the numbers should be painted in black and as large and clear as possible;
- 3) the first number shows the fishing gear used by the vessel;
- 4) the following numbers show the permit number;
- 5) code numbers for the fishing gear are as follows:
 - (a) Number 1 for Longline;
 - (b) Number 2 for Pole and Line;
 - (c) Number 3 for Purse Seine;
 - (d) Number 4 for Gillnet;
 - (e) Number 5 for other types of gear.

Explanations:

1 : Longline;

006 : permit number 6

2 : Pole & Line;

009 : permit number 9

INDO 41

- (j) Decree of the Minister for Agriculture N° 476/Kpts/IK.121/7/1985 on the Reporting Stations for Licensed Fishing Vessels Fishing in the Indonesian Exclusive Economic Zone

REGULATIONS

1. The report stations for foreign vessels allowed to fish in the Indonesian Exclusive Economic Zone and the procedures of their reporting are regulated as follows:

Article 1. - The report stations for the foreign vessels at the moment they begin, during and after their fishing operation are established as follows:

- (a) The general port of Tanjung Pinang, province of Riau.
- (b) the general port of Tarakan, province of East Borneo.
- (c) The PN-Perikani Sulawesi Utara/Tengah fishing harbour, at Bitung, North Celebes.
- (d) The general port of Biak, West New Guinea.
- (e) The fishing harbour PT Samudera Besar, Bena, Bali.
- (f) The general port of Bena, Bali.
- (g) The fishing harbour Samudera Jakarta, Jakarta.
- (h) The fishing harbour PN, Samudera Besar, Sabang, Special Territory of Aceh.

Article 2. - The foreign fishing vessels are subject to report at the beginning, during and after their fishing operations to the port officer in one of the ports listed in Article 1 herein, as stated in their permit, in accordance with the following procedure:

- (a) Not later than 24 hours before entering the Indonesian Exclusive Economic Zone, the master is obliged to inform the officer of the port by electronic communication instruments (radio, telex, telegraph or SSB);
- (b) A foreign fishing vessel which, because of the position of its fishing ground, as stated in its permit, will cross the Indonesian waters or shall take aboard an inspector, is obliged to enter the designed port;
- (c) During its fishing operation, the master is obliged to report by electronic instruments the position of the vessel to the port officer every 24 hours or at every moment when requested by the port officer;

INDO 42

- (d) Not later than 72 hours before the foreign fishing vessel leaves the Indonesian Exclusive Economic Zone, the master shall report his position and the fishing data according with the report form that he received with the fishing permit, in order to make easier inspection as well as the delivering of the permit;
- (e) The foreign fishing vessels meant in section (b) herein are obliged to enter the designed port in order to take back an inspector or to deliver a form after filling it.

Article 3. - A foreign fishing vessel which because of the position of its fishing ground shall cross the Indonesian waters following the course stated in its fishing permit is obliged to own a sailing permit issued by the Directorate General of Sea Communications and a security clearance issued by the Headquarters of the Indonesian Armed Forces.

Article 4. - The officer who ascertains a fact that can be considered as an infringement of whatever regulation concerning fishery or whatever else shall report to the concerned authority for further investigation.

Article 5. - Before, during and after fishing operation in the Indonesian Exclusive Economic Zone the foreign fishing vessels are obliged to take aboard the officers of the Indonesian security service for inspection, in accordance with Article 14 of Law N° 5, 1983.

Article 6. - (1) In order to carry out a technical and administrative control of the foreign fishing vessels operating in the Indonesian Exclusive Economic Zone the Director General of Fisheries shall set up a team for technical/administrative surveillance, composed of members from the Directorate General of Fisheries, the Headquarters of the Indonesian Armed Forces, the Directorate General of Sea Communications, the Directorate General of Taxes and Customs, the Directorate General of Immigration.

(2) The Director General of Fisheries shall assign officers from the Directorate General of Fisheries to the report ports in order to collect the reports and to inspect aboard the foreign fishing vessels that bear fishing permits.

(3) The Director General of Fisheries shall assign the tasks and work procedures to the team for technical/administrative surveillance, the port officers and the inspectors.

Article 7. - The Director General of Fisheries shall establish the terms of accommodation, meals and daily allowance for the inspectors, to which the vessel owner shall provide.

2. This Decree is valid from its date.

INDO A3

- (k) Decree of the Minister for Agriculture N° 477/Kpts/IK.120/6/1985 on Fees charged for Foreign Individual or Foreign Legal Body engaged in Fishing in Indonesian Exclusive Economic Zone

REGULATIONS

1. The fishing fees levied on foreign individuals or bodies corporate operating in the Indonesian Exclusive Economic Zone are regulated as follows:

Article 1. - (1) The foreign individuals or bodies corporate authorized to fish in the Indonesian Exclusive Economic Zone are subject to fees.

- (2) The fees mentioned in section (1) consist of:
- (a) A registration fee for each vessel for which a fishing permit In the Indonesian Exclusive Economic Zone was requested,
 - (b) A permit modification fee for changing the specifications in a fishing permit or in order to obtain a new permit letter because of lost or deterioration of a previous permit letter.
 - (c) A catch fee for each vessel used in fishing in the Indonesian Exclusive Economic Zone.

Article 2. - The amount of the fees shall be regulated as follows:

- (a) Registration fee: US\$ 3.- for every GT vessel;
- (b) Modification fee: US\$ 100.- for each modification in the fishing permit;
- (c) Fishing fee, per year with the following rates:
 - (1) US\$ 69.- for every cubic meter of fish hold capacity, for vessels using long line;
 - (2) US\$ 82.- for every cubic meter of fish hold capacity, for vessels using pole & line;
 - (3) US\$ 85.- for every cubic meter of fish hold capacity, for vessels using purse seine;
 - (4) US\$ 44.- for every cubic meter of fish hold capacity, for vessels using gill net or other fishing gears, excluding trawl.

Article 3. - (1) The registration fee and the catch fee shall be paid before the fishing permit is delivered to the applicant.

(2) The permit modification fee shall be paid before the new fishing permit is delivered to the applicant.

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Article 4. - The payment of the fees is regulated as follows:

- (a) The Director General of Fisheries issues an order of payment of the fee for each applicant in four copies, specifying the amount due in US currency, of which:
 - (1) The first and second copies are sent to applicant.
 - (2) The third copy is sent to the Director General of Internal Finance, Ministry of the Treasury.
 - (3) The fourth copy is kept for office use.
- (b) The applicant shall make the payment at the Bank Indonesia Pusat into the account of Bendahara Umum Negara, N 502.000, as a State revenue, Fishery sector, and shall deliver the second copy of the order of payment.
- (c) The Bank Indonesia Pusat issues the receipt on three copies, of which:
 - (1) The first copy for the applicant/payer.
 - (2) The second copy for the Director General of Fisheries.
 - (3) The third copy for the Director General of Internal Finance.

Article 5. - The amount collected according to article 4, letter b. herein shall be immediately deposited into the account of the Department of the Treasury N 508.071 for Fishery development.

2. This Decree is valid from its date.

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* Title only

IRAN 1

1. LIMITS OF NATIONAL JURISDICTION

- (a) Act dated 12 April 1959 amending Act relating to the Breadth of the Territorial Sea and Contiguous Zone of Iran dated 19 July 1934

Article 1. - The sovereignty of Iran extends beyond its land territory and its internal waters to a belt of the sea adjacent to its coast, described as the territorial sea.

Article 2. - This right of sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

Article 3. - The breadth of the Iranian territorial sea is twelve maritime miles measuring from its baseline. The baseline will be determined by the Iranian Government in accordance with the established rules of International Law. A maritime mile is equal to 1,852 meters.

Article 4. - Where Iranian coasts are adjacent or opposite to the coast of another State, in the absence of agreement to the contrary, the boundary of the Iranian territorial sea and that State is the median line, every point of which is equidistant from the nearest points on the baseline of the other State.

Article 5. - Every island belonging to Iran, whether it is within or beyond the Iranian territorial sea, has its own territorial sea according to this law. Islands separated from each other by the distance of less than twelve maritime miles are considered as one single island and the baseline of its territorial sea measures from the islands which are farthest from the centre of the archipelago.

Article 6. - The waters between the Iranian coast and the baseline, as well as the waters between islands belonging to Iran, whose distance from each other does not exceed twelve maritime miles, are considered as internal water of the country.

Article 7. - The fishing rights and other rights of Iran beyond its territorial sea remain intact.

Article 8. - Articles contained in the Act of 24 Tir 1313 (Corresponding to 19 July 1934) and articles contained in any other acts which are incompatible with the present Act, are null and void.

....

IRAN 2

(b) Proclamation of 30 October 1973

Article 1. - The outer limits of the exclusive fishing zone of Iran in the Persian Gulf shall be the outer limits of the superjacent waters of the continental shelf of Iran.

- (a) In areas where the continental shelf of Iran has been delimited under bilateral agreements with other States, the outer limits of the exclusive fishing zone of Iran shall correspond to the outer limits of the continental shelf of Iran as specified in those agreements.
- (b) Where the outer limits of the continental shelf of Iran has not yet been delimited under bilateral agreements, unless otherwise agreed, the outer limits of the superjacent waters of the continental shelf of Iran shall be, for the purpose of delimitating the exclusive fishing zone of Iran, the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of the parties concerned are measured.

Article 2. - The outer limits of the exclusive fishing zone of Iran in the sea of Oman shall be 50 nautical miles from the baseline from which the breadth of the territorial sea of Iran is measured.

In areas where the exclusive fishing zone of Iran and that of another coastal state may overlap, unless otherwise agreed, the boundary shall be the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of the parties concerned are measured.

Article 3. - Fishing and all related activities by non-Iranians in the exclusive fishing zone of Iran are prohibited unless prior authorization is obtained from the Government of Iran.

Article 4. - The outer limits of the exclusive fishing zones of Iran in the Persian Gulf and the Sea of Oman shall be drawn on Maritime Charts.

Article 5. - The provisions of this proclamation shall be without prejudice to the right of international navigation exercised in accordance with the rules and principles of International Law.

IRAN 3

(c) Proclamation of 22 May 1977

The exclusive fishing zone of Iran in the Sea of Oman specified in the Proclamation of October 30, 1973 as 50 nautical miles from the baselines from which the breadth of the territorial sea of Iran is measured, shall hereby be extended to the median line of the sea of Oman, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Iran and Oman are measured.

The outer limits of the exclusive fishing zones of Iran in the Sea of Oman shall be drawn on maritime Charts.

3. REGULATIONS

- (a) Temporary Regulations for Catching Fish, Shrimp and other Sea Animals in Persian Gulf, Oman Sea and all Rivers of Southern Parts of Iran, 2 December 1973

CHAPTER I - LIMITS OF THE FISHING GROUNDS

Article 1. - The operating area for catching fish and shrimp and other sea animals, subject to these regulations is the Persian Gulf waters and Oman Sea and the rivers entering the said waters in the Iranian coasts.

CHAPTER II - CLASSIFICATION OF THE FISHERMEN

Article 2. - The fishermen who are engaged in fishing in the southern waters are divided in the following groups:

- (a) "Free fishermen" - Free fisherman is a person who is catching fish with his fishing gears for earning his livelihood;
- (b) There are some group of fishermen who are fishing with their motorized and non-motorized boats for someone else, and they are paid in cash or in kind (fish or foodstuff) or both;
- (c) "Fishermen of the fishing cooperatives" - They are a group of fishermen who are engaged in fishing according to the regulations and provisions of the cooperative societies under supervision of Shilat Jonoub Iran;
- (d) "Tenant fishermen" - They are some fishermen who rent the rivers in the south;
- (e) "Special fishermen of Shilat Jonoub Iran" - They are some fishermen who are fishing for Shilat Jonoub Iran and deliver their catch to Shilat Jonoub against payment;
- (f) Real and legal persons and companies of Iranian or foreign nationality, who might be fishing only by getting permission from Shilat Jonoub Iran or concluding contract with this company.

Article 3. - All of the fishermen mentioned in Article 2 should have fishing licence issued by Shilat Jonoub Iran. Request for fishing licence should be made either from Shilat Jonoub Iran's main office or its branches at the southern ports of Iran.

Note: From the date of approval of these regulations, the fishermen have at maximum three months time to refer to the offices mentioned in Article 3 and obtain new fishing licenses, and deliver their old licenses to Shilat Jonoub Iran.

IRAN 5

Chapter III - REGISTERING THE NAME AND PARTICULARS AND NUMBERING THE FISHING VESSELS AND BOATS

Article 4. - Any kind of the fishing vessels and boats or fish carriers should register their name and particulars in the books of Shilat Jonoub Iran, and obtain the number and relative signs from Shilat Jonoub against payment of the charges.

The said regulations includes the following fishing vessels and boats as well:

- (a) Fishing vessels and shrimpers and special vessels for processing the fishing products;
- (b) Motor launches for fishing fish and shrimp with trawls, and floater, hook and gargour, etc;
- (c) Motor boats and rowing boats which are fishing with gargour and or other fishing gear.

Note: All of the above mentioned fishing vessels and boats should have a licence issued by Shilat Jonoub Iran, so that the name of the owner, particulars of the vessel be mentioned therein. Besides the sign and number of each fishing vessel and boat should be written on both sides of the hull of the vessel (larger than 15 centimeters).

CHAPTER IV - FISHERY TRANSACTIONS AND FISH HEALTH AND HYGIENE

Article 6. - Any real or legal person who in different ways are authorized by Shilat Jonoub Iran to be engaged in the transactions and sale and purchase of the fish and other sea animals and fishery products of the Persian Gulf and Oman Sea as well as the fishing gears, should obtain special licence from Shilat Jonoub Iran. Furthermore no one can export the fish or other sea animals and fishery products, unless it is proved that the person or the firm who want to export the said products is qualified to provide and export the fishery products with due consideration of all hygienic principles.

In such case export permit would be issued by Shilat Jonoub Iran for the said exporter according to the regulations. The validity of this export permit is one year, and at its expiring date the eaxporter should request its extension from Shilat Jonoub Iran.

Note: The fishing licence is not transferable to any one else, unless Shilat Jonoub Iran, due to their policy, authorize such a transer.

Article 7. - Preparing the sea products and their sale and purchase by the person and firms mentioned in Article 6, should be done with due considerations of all hygienic principles, and for this purpose the following points should be considered carefully:

IRAN 6

- (a) The fishing boats should have refrigerator containing crushed ice, and the fishermen should wash and clean the fish immediately after catching and mix them with ice and place them in the refrigerator, and keep them there until delivery at the port or until their sale;
- (b) The vessels or boats used for carrying and transportation of the fish or fishery products should be equipped with refrigeration or cold store and or refrigerator containing crushed ice with necessary degree of temperature, so thata within the whole period of transportation of the said products could have necessary temperature to avoid apoilng or deterioration of the products. If the carrier is equipped with refrigeration for the frozen products its temperature should not be less than - 18 centigrade degrees;
- (c) The fishery products which are carried from the sea to the shore by vessels until they are distributed among the wholesalers, and also when the said products are sold to the retailers they should be kept mixed with crushed ice or to be kept in the refrigerators. The frozen fish should be carried by the refrigerated wagons and trucks, which their temperature should not be less than - 18 centigrade degrees.

Non-consideration of the provisions mentioned in paragraph (a), (b) and (c) of Article 7 for the first time causes of the confiscation of the offender's licence for a period of three months, and should the violation of the said provision is repeated the licence of the offender will be cancelled and their fishery activities will be stopped.

CHAPTER V - FISHING OPERATIONS OF THE FOREIGN NATIONALS AND FOREIGN VESSELS IN THE IRANIAN WATERS

Article 8. - Except the cases that some contracts and agreements had been signed with the foreign countries or foreign firms for the fishery exploitation in the southern waters of Iran, the foreign fishing vessels or boats, and persons having foreign nationality cannot be engaged to fishing operations in the Iranian waters.

Article 9. - The foreign fishing vessels and boats which according to the contracts and or agreements have the right to do fishing operation in Iranian waters should consider the provisions of the fishing regulations and other regulations of the Iranian government and governmental organizations completely, and Shilat Jonoub Iran has the right to control operations of the^o said vessels and boats in this respect.

CHAPTER VI - FISHING GROUNDS AND CONSIDERING THE FISHING PRINCIPLES

Article 10. - Until promulgation of new provisions the fishing grounds in all of the southern waters of Iran for everyone of the loal fishermen, with due consideration of the text mentioned in Article 2 and 3 these regulations, will be those fishing grounds in which they had fishing activities in the previous years.

IRAN 7

Article 11. - No fisherman has the right to run his fishing boat in the fishing ground of the other fishermen in which they have shoot their fixed and floating nets, or their other fishing gears as gargour etc. or by using his fishing gears cause tearing their net or destroying their fishing gears.

Article 12. - In the undetermined on non-specified fishing grounds i.e. the areas which are not related to special fishermen, those fishermen who started fishing operations before and have shoot their net ... have right to continue their fishing operations, and until the time they have not taken out their net from the water, another fisherman should not do fishing .operations in the said area, or cause tearing and destroying their net.

Note: The fishermen who intend to do fishing operations in the non-specified fishing grounds, they should use purse seine or floating nets and such fishermen have priority to those fishermen using fixed nets.

Article 13. - Any fisherman shooting his fixed or floating net in the sea, he should specify its location and put signs there. In day time this sign is to fix a flag to the buoys and floaters with at least 1.5 meters high from the sea water surface, and in night time by fixing flag and a long piece of wood on which a light is installed.

CHAPTER VII - FISHING GEARS

Article 14. - Floating fixed nets:

(a)	For the catch of Halva and Ghobad fish size of the mesh	60 mm
(b)	“ “ Shirmahi “ “ “	70 mm
(c)	“ “ Rashgoo “ “ “	50 mm
(d)	“ “ Saboor “ “ “	40 mm
(e)	“ “ Biah “ “ “	20 mm
(f)	“ “ Short “ “ “	20 mm
(g)	“ “ Sardine “ “ “	18 mm
(h)	“ “ Havoor and Zardeh “ “	70 mm

Article 15. - Coastal drift nets:

(a)	For catch of Biah fish size of the mesh to be	20 mm
(b)	“ “ Sardine “ “ “	18 mm
(c)	“ “ Shrimp “ “ “	15 mm
(d)	“ “ Other species of fish the minimum size	35 mm

Article 16. - Drift net with sack;

(a) The mesh size for Sardine 9 mm.

Note: The minimum mesh size in wings to be 18 mm.

Article 17. - Traps (Gargoor, Milan, Sokar):

- (a) Gargoor - for catch of bottom fish as Sangsar, Sorkhoo etc. the mesh size should be at least 50 mm;
- (b) Milan - the minimum distance between the two legs to be 30 mm;
- (c) Sokar - mesh size should be 30 mm.

Article 18. - Hooks:

- (a) Catch of shark is permitted with all kinds of hooks and in any season.
- (b) For catch of Shirmahi, Zardeh, Havoov etc. with hooks the principles which will be stipulated by Shilat Jonoub should be observed.

Article 19. - Personal gear including Mashk, Salik and sport gear:

- (a) Mashk is used for the coastal and river fishing. The minimum size to be 20 mm;
- (b) The sport fishing should be done according to Shilat Jonoub's rules.

Article 20. - Trawl nets (purse seine) specifications of the local trawl nets for catch of shrimp:

- (a) The mesh size in trawl sack 20 mm;
- (b) “ “ “ back 25 mm;
- (c) “ “ “ back 30 mm;
- (d) “ “ “ wings 35 mm;

Article 21. - Specifications of the local push trawl nets for shrimp:

- (a) The mesh size in the sack 20 mm (minimum);
- (b) “ “ mouth 25 mm.

Article 22. - Foreign companies having a contracta with Shilat for thea catch of shrimp should observe Shilat's regulations regarding the specifications of the fishing gear with due consideration to the climatic conditions of the Persian Gulf and the Sea of Oman.

Article 23. - The specifications of trawl nets used by foreign companies for catch of bottom fishes in Iranian waters:

- (a) The mesh size in the sack 60 mm;
- (b) “ “ back 65 mm;
- (c) “ “ wing 95 mm;

Note: 1. Measurement of the side of a net mesh: eleven knots of the thread of a wet neta must be measured and this must be divided by 10 to find the side of a mesh;

IRAN 9

2. Catch, purchase and sale of immature and semimature fish and shrimp in the Persian Gulf and Sea of Oman and the adjacent rivers are prohibited. The fishermen have to return these catches to the sea alive.

CHAPTER VIII - THE AUTHORIZED SIZE FOR CATCH OF FISH AND SHRIMP

Article 24. - Sardine: the minimum length 13 cm.

Article 25. - The minimum length of Havoor, Zardeh and Masghati should be 67, 62 and 58 respectively.

Article 26. - The authorized size for the catch of shrimp in Bander Abbas is 10 cm. in Ra'sol Motaf 12 cm. and in Hendijan 14 cm.

CHAPTER IX - PROHIBITED AREAS

Article 27. - Fishing is prohibited in the mouth of all the rivers in Iran that enter the Persian Gulf and Sea of Oman.

Article 28. - Catch of fish and shrimp and other sea life is prohibited in the spawning areas. The limits of these areas will be indicated later.

Article 29. - Catch of all species of fish and shrimp is prohibited in Gheshm, Khomair and other main coasts of the Persian Gulf which are the nursery areas for immature shrimp.

CHAPTER X - PROHIBITED SEASON

Article 30. - Catch of Sardine (Hashineh) is prohibited in the spawning season from 21st of April to 21st of June in Bander Abbas area.

Article 31. - Catch of shrimp is prohibited in the spawning season 21st of April to 6th of July in the Persian Gulf and Sea of Oman.

CHAPTER XI - DETRIMENTAL MATERIALS AND TOOLS

Article 32. - Catch of fish and shrimp and other sea life with explosives, chemicals or poisonous materials is prohibited in the Persian Gulf or the Sea of Oman and all of the rivers entering these seas in Iran.

Article 33. - Pouring of sewage and dumping of plant wastes, oil products and any other detrimental materials in the Persian Gulf and the Sea of Oman as well as adjacent rivers are prohibited. If the plants which pour unpurified sewage in the waters fail to take action for the purification of their sewage, within six months after the approval of this regulations, their operations would be stopped. In any case the rules governing the environmental control, whether accepted through bilateral agreements or enacted by Iranian government, are binding.

Note: Permit for industrial operations along the above coasts can be issued provided that the plant owners undertake to consider the rules regarding the environmental control.

CHAPTER XII - REGULATIONS PERTINENT TO THE RIVERS

Article 34. - Making any dam or wooden walls or any movable or immovable obstacles in the said rivers (except Milan trap under conditions mentioned in Article 17) which would prevent free movement of the sea life are prohibited.

Article 35. - Catch of fish by hooks, salik, fixed and floating nets as well as Milan near the mouth of the rivers and in the authorized seasons is free provided that all rules regarding the mesh size etc. are observed.

Article 36. - Catch, purchase and sale of immature fishes are prohibited. Fishermen are required to return the immature fishes to the sea alive.

Article 37. - No fisherman is authorized to carry out fishing in prohibited parts of the rivers or the gulfs.

Article 38. - Fishing is prohibited in rivers in certain periods of the year for fish preservation purposes.

Article 39. - Fishing is permitted in the free areas and during the free seasons by tenants and native fishermen etc.

Article 40. - All tenants or the fishermen fishing in the rivers should have fishing permit.

Article 41. - All people whether real or corporate who do not have a fishing permit are not allowed to catch fish or other sea life. The deviators will be treated according to the provisions of these regulations.

CHAPTER XIII - VIOLATIONS

Article 42. - No deviation is allowed from the provisions of the articles 27, 28, 29, 32, 34, 36, 37, 38 and 41, as well as the article pertaining to the usage of the nets with unauthorized meshes.

Article 43. - Making of dams and obstacles is prohibited in rivers.

Article 44. - The evidence for the deviation from the provision of these regulations is the procès verbal drawn up by the disciplinary officials and representative or representatives of Shilat Jonoub.

Article 45. - These regulations are enforced tentatively and are valid so long as they are not amended.

Article 46. - According to article 8 of the law of the establishment of Shilat Jonoub approved by the two houses in the year 1349 and article 2 of the company's articles of association approved by the council of ministers these regulations was propounded and approved in the session of 2/12/73 of Shilat Jonoub's general assembly.

IRAN 11

(b) Temporary Regulations for the Activities of Fishing Vessels (Traditional and Industrial) in the Persian Gulf and Oman Sea, as revised June 1984

A. Persian Gulf

1. Regulations for industrial fishing vessels

- 1.1. The maximum authorized gross registered tonnage (GRT) for bottom trawlers is 200 tons.
- 1.2. The total authorized tonnage for bottom trawlers for industrial fishing is 7000/tons per year.
- 1.3. The particulars of bottom trawls for the above vessels are as follows:
 - Mesh size in trawl wings and belly to be 95 to 100 mm.
 - " " "cod end 75 to 80 mm.
 - " " "apron 100 mm.
- 1.4. Fishing area for bottom trawlers in the Persian Gulf has been set beyond the 12 mile limit of territorial waters at water depths more than 20 fathoms at longitude 50°E to 52°E along the coastlines of Bandar Daylam as far as the limit of Ra'asalmetaf (Bandar Kangan) and also the area located at longitude 53°E to 56°E along the coast lines of Lavan Island as far as the coastlines of Hengam Island.
- 1.5. The activities of Industrial fishing bottom trawlers in the Persian Gulf is prohibited from mid April (First of Ordibehesht) to the beginning of June (Khordad) due to the spawning season of most fin fishes.

2. Regulations for shrimp catch by industrial fishing sector in the Persian Gulf

- 2.1. The overall number of present bottom trawlers for shrimp catch (whether industrial or private or belonged to P.G.F.C.) should be stabilized at present level.
- 2.2. The season for shrimp catch in the Persian Gulf (Bushehr area) starts from August (Mid-Mordad) and continues to February (Mid-Behman) by taking into account the shrimp growth conditions. The closure of season will be determined and announced by the Fishery Research Centre of Bushehr. The above season for the area of Hormozgan starts from October (beginning of Mehr) and continues to February (Mid-Bahraan) whose termination will be determined and announced by the fishery Research Centre of Bandar Abbas.
- 2.3. Industrial fishing vessels are authorized to catch shrimp by standard-nets beyond the limit of six miles from coastlines.

IRAN 12

- 2.4. The particulars of trawl nets for catching shrimp for industrial fishing vessels are as follows:
- Mesh size in trawl wings and belly to be 50 mm.
 - ""cod end to be 43 mm.
 - ""apron to be 75 to 100 mm.
3. Artisanal fishing in the Persian Gulf
- 3.1. Fishing activities for artisanal fishermen by using traditional fishing gears (e.g. gillnets, traps, cast nets, hook, etc.) is authorized throughout the year. Within the 12 mile limit of territorial waters in the Persian Gulf provided that the trap laying conditions for the waters of Bushehr are taken into consideration.
- 3.2. The exclusive trap laying areas within the waters of Bushehr is determined as follows:
- Daiyer area located at longitude 51°21' E to 52°9'E.
 - Bushehr area located at longitude 50°43' E to 51°18'E.
 - Genaveh area located at longitude 50°7' E to 50°39'E.
- 3.3. Using fixed - pound - net during the months of April to September (Farvardin to Shahrivar) is absolutely prohibited in the coastlines of Hormozgan province.
- 3.4. Using fixed - pound - net with mesh size of 70 mm. throughout the other months of the year (Mehr through Esfand) is authorized.
- 3.5. Using barrier nets in the estuaries of Hormozgan is absolutely prohibited.
- 3.6. Traditional bottom trawlers are authorized to catch fish within the limit of 3 to 6 miles from the coastlines provided that the water depth is more than 10 meters and the following standard mesh sizes are taken into account:
- Mesh size in trawl wings and belly to be 75 mm.
 - ""cod end to be 60 mm.
 - ""apron to be 60 to 70 mm.
- 3.7. In order to prevent the interference of industrial and traditional fishing gears in one another, the period for net casting is determined to be from five o'clock in the evening to the five in the morning for the traditional pelagic gillnetters and from five in the morning to the five in the evening for the industrial fishing trawlers.
4. Shrimp catch by traditional sector in the Persian Gulf
- 4.1. The particulars of nets for shrimp catch for traditional sector are as follows:

IRAN 13

- Mesh size in net belly and wings to be 45 mm.
- " " " net cod end to be 40 mm.
- " " " net apron to be 50 to 70 mm.

- 4.2. The time for catching shrimp by the traditional fishermen will be similar to that determined for the industrial fishing sector.
- 4.3. Shrimp catch by barrier nets with authorized mesh size of 50 mm. from November (beginning of Aban) to mid December (mid Azar) and from February (mid-Bahman) to mid March (mid Esfand) is authorized only in the estuaries of Mahshahr area (Khuzestan).
- 4.4. Shrimp catch is prohibited in all other areas throughout the year excluded in the said cases above.

B. OMAN SEA (GULF OF OMAN)

1. Industrial fishing activities in Oman Sea

- 1.1 Considering the potentiality of demersal fish resources of Oman Sea, the total gross registered tonnage for bottom trawlers in the above sea is determined to be 1000/ to 2000/ tons per year.
- 1.2 Catching fish by the bottom trawlers whose gross registered tonnage is more than 200 tons, is not authorized in Oman Sea.
- 1.3 The particulars of bottom trawls for the above vessels are as follows:
- Mesh size in trawl wings and belly to be 95 to 100 mm.
 - " " " cod end to be 75 to 80 mm.
 - " " " apron to be 100 mm.
- 1.4 Fishing area for bottom trawlers in Oman Sea is set beyond the twelve mile limit of territorial waters at longitude 60°E to 61°21'E (Bandar Govater).
- 1.5 Effective from the date the regulations are enforced, any fishing activity by bottom trawlers in the area located at longitude 57°40'E to 60°20'E is prohibited for one whole year so that the resources are revived.
- 1.6 The increase in total tonnage of fishing vessels in Oman Sea (over 2000 tons) is permitted on the condition that it is directed toward the development of exploitation of pelagic (sardine) and mesopelagic fish resources.

2. Catching shrimp by industrial fishing sector in Oman Sea

- 2.1. Shrimp catch by fishing vessels is authorized provided that the said cases for the shrimp catch in the Persian Gulf be taken into consideration.

IRAN 14

3. Catching fish and shrimp by traditional sector in Oman Sea
- 1.1 Catching fish by traditional fishing gears such as gillnet, traps, beachseine (for catching sardine) and hook is authorized throughout the year within the twelve mile limit of territorial waters in an area located between longitude 56°30'E to 60°E.
- 3.2 Using traditional bottom trawlers for catching fish in Oman Sea is authorized provided that this matter will not interfere the activities of traditional fishermen using traditional traps and that the following mesh sizes will be taken into consideration:
 - Mesh size in trawl wings and belly to be 75 mm.
 - " " "cod end to be 60 mm.
 - " " "apron to be 60 to 70 mm.
- 3.3. Standard mesh sizes for catching shrimp by traditional fishermen are as follows:
 - Mesh size in trawl net and belly to be 45 mm.
 - " " " cod end to be 40 mm.
 - " " "apron to be 75 to 100 mm.

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IRQ 1

1. LIMITS OF NATIONAL JURISDICTION

(a) Republican Ordinance N° 435 of 15 November 1958

Article 1. - The Iraqi territorial sea, its bed and subsoil and the air space above it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

Article 2. - The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water line of the Iraqi coast.

Article 3. - In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of international law or with such understanding as may be reached between the two States.

Article 4. - No provisions in this Ordinance shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Ordinance infringe the official announcements previously issued by the Iraqi Government in this respect.

IRQ 2

(b) Law N° 71 of 1958 delimiting the Iraqi territorial waters

Article 1. - The Iraqi territorial sea, its bed and subsoil and the air space about it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

Article 2. - The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water mark following the sinuosities of the Iraqi coast.

Article 3. - In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of International Law or with such understanding as may be reached between the two States.

Article 4. - No provisions in this Law shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Law infringe the official proclamations previously issued by the Iraqi Government in this respect.

2. BASIC FISHERIES LEGISLATION

Law N° 48 of 1976 for regulating and exploitation of aquatic life and its protection

CHAPTER ONE - BREEDING AND PROTECTION OF AQUATIC LIFE

Article 1. - The following shall be interdicted categorically:

- (1) The use of mass destruction methods for fishing aquatic life, such as poisons, explosive and chemical materials as well as electrical energy. Aquatic life shall mean the animals and plants living in public waters and of nutritive or commercial or scientific value or can be utilized by aquatics of economic value.
- (2) The use of fishing means and gear which may harm the eggs and frys which shall be specified by a proclamation issued by the State Fisheries Company and published in the Official Gazette.
- (3) To throw factory and laboratory wastes, sewerage, chemicals and petroleum in public waters if such are deteriorous to aquatic life.
- (4) To alter the course of flowing waters for the purpose of fishing.
- (5) To use certain gear which may close up water flow entirely.

Article 2. - (1) The State Fisheries Company shall undertake the following by means of a proclamation to be published in the Official Gazette and local administrations:

- (a) Determine closed seasons.
 - (b) Determine prohibited areas.
 - (c) Determine the type of fishing gears and its measurements.
 - (d) Determine the minimum size of fish to be caught.
 - (e) Determine the location where fish screen or fish ladders should be installed.
 - (f) To force owners of pumps installed on public waters to take necessary measures to prevent fish frys from going through.
- (2) The Company shall be exempted from the provisions of this Article for scientific purposes.
- (3) The Company may exempt certain scientific agencies from the provision of this Article or some of its Paras, in case of necessity according to the scientific research program submitted thereto.

IRQ 4

Article 3. - The owners of factories, laboratories and places of industrialization and dealing with chemical and petrochemical materials, petroleum pipes, sewerage and the like, should not draw off the waste containing poisonous materials to public waters except after removal of poisonous effect in cooperation with the Company.

Article 4. - The Company shall undertake breeding of aquatic life in public waters. Public waters shall mean inland waters including rivers, lakes, Hors, reservoirs, fish farms, temporary and permanent marshes, drains, irrigation canals, ponds, connected bays and streams as well as territorial waters and the Hors, marshesponds and bays branched therefrom.

Article 5. - The Minister of Agriculture and Agrarian Reform may, pursuant to a recommendation of Company, hire or designate any area of public waters to the public sector or cooperative or mixed sector for a limited period for the purpose of pisciculture if its product of aquatic life is uneconomical with due regard to the following:

1. The necessity of application of the technical instructions issued by the Company.
2. Priority in the cooperative sector shall be given to the cooperative societies of fishermen which enjoy material and technical efficiency.

Article 6. - (1) The Company may establish farms and ponds for the production and breeding of aquatic life on economical and scientific basis and for commercial and experimental purposes.

(2) Farms and ponds for breeding aquatic life may be established within the limits of the due portion of waters entitled to the lands with due regard to the following;

- (a) Obtaining of a licence from the Company.
- (b) The licensee should apply the technical instructions issued by the Company.

Article 7. - The Company shall have the right of production and importation and breeding improved categories of aquatic life and sale it to the public or cooperative or mixed or special sectors which are licenced for breeding aquatic life, it may import and breed and sale ornamental fish.

Article 8. - (1) The Company should establish certain centres for applied researches and training for breeding and increasing of aquatic life, it may render assistance to the public, cooperative, mixed and special sectors in this regard.

(2) The Company should render guidance services to the parties which are dealing with breeding of aquatic life when necessary free of charge.

CHAPTER TWO - ORGANIZING OF FISHING

Article 9. - Fishing in the territorial waters of the Arab Gulf shall be governed by a special regulation to be promulgated within one year from the date of promulgation of this Law.

Fishing shall mean catching of aquatic life from the public waters by any means and for any purpose.

Article 10. - The Company shall have the right of fishing in public and international waters.

Article 11. - (1) Every fishing boat should obtain a licence to be given to its owner in which the minimum and maximum number of fishermen shall be fixed, a number of juveniles may work on the boat who should not exceed one third of the fishermen working thereon for the purpose of training them on fishing profession with due regard to the Regulation N" (37) of 1972 for the Employment and Regulating of Juveniles Work.

A fishing boat shall mean any floating body with fishing supplies and fishing gear used in public or international waters whatever means used for its motion. It is provided that granting this licence shall be according to the following conditions:

- (a) The owner of the boat should obtain a navigation licence if such be deemed necessary according to the laws in force.
 - (b) The fishing boat should be in a suitable condition according to the conditions decided by the Company.
- (2) Numbering the boat by a registration number.
 - (3) The licence should be kept in the fishing boat and should be presented to the competent official when so required.
 - (4) The above mentioned shall not be considered as exception from the Registration of Vessels Law N" (19) of 1942 in case of fulfilment of its conditions in the same boat.

Article 12. - (1) Every professional fisherman shall be subject to obtain a personal fishing licence, a professional fisherman shall mean any person of full legal age practising fishing.

- (2) The Company may limit the number of the licences in any public waters area.
- (3) Fishing of amateurs and establishment of fishing clubs shall be according to certain instructions to be issued by the Minister.

IRQ 6

Article 13. - The Company or whom It may authorize shall keep in each fishing harbour as to sea fishing and in the centre of each administrative unit as to inland fishing waters, certain records of fishing boats, fishermen and quantity of catching and its kind according to the forms to be specified by the Company.

CHAPTER THREE - FISHING GEAR

Article 14. - (1) The public sector shall undertake fishing gear industry and all its other implements and their importation provided that it be according to certain specifications to be specified by the Company.

(2) Fishing gear shall not be sold except to persons licenced for fishing.

Article 15. - (1) All fishing gears which contradict the specifications of the Company shall be confiscated, and those who seize same or give information about it shall be remunerated with a financial remuneration of not less than 15 % of its value according to the Company's estimation.

(2) Seized materials shall be deposited at the Company in order to re-export it or damage it or to dispose therewith according to public interest exigencies.

CHAPTER FOUR - MARKETING AND INDUSTRIALIZATION OF AQUATIC LIFE

Article 16. - The Company shall undertake supervision over trading with aquatic life by wholesale or retail and to organize it and for purpose of realization same it may undertake the following measures:

(1) To organize purchase operations in wholesale and retail markets.

(2) To grant licence for the sale of aquatic life by wholesale or retail.

(3) To inspect and supervise aquatic life sale markets in coordination and cooperation with the competent authorities.

Article 17. - The Company shall have the right of trading with aquatic life by wholesale and undertake whatever measures relating therewith such as establishment of markets, cooling stores, ice plants and means of transportation and the like.

Article 18. - (1) Sale of aquatic life shall not be permissible except in the markets and places where health and commercial conditions are fulfilled.

(2) Purchasing of aquatic life shall be regulated on the basis of weight.

(3) Wholesalers of aquatic life should keep certain register showing the quantity of sold aquatic life classified according to its kinds in conformity with form to be proposed by the Company.

IRQ 7

Article 19. - Exportation and importation of aquatic life and its products by the mixed and private sectors shall not be permissible in any way or for any purpose except with the approval of the Minister pursuant to the recommendation of the Company.

Article 20. - The Company shall have the right to establish factories for industrialization of aquatic life and its products.

CHAPTER FIVE - DUES AND LICENCES

Article 21. - The Company or whom it may authorise shall grant the following annual licences and its renewal against payment the dues mentioned thereagainst:

- | | |
|---|--|
| 1) Fishing boat without motor | ID. 1/- One Dinar |
| 2) Fishing boat without board motor | ID. 2/- Two Dinars |
| 3) Fishing board in board motor exceeding h.p. | ID. 10/- Ten Dinars up to 100 h.p. for each |
| 4) Professional fishermen licence | ID. 2/- Two Dinars |
| 5) Matures fishermen licence | -/ 250 Fils |
| 6) Retailing of aquatic life licence | ID 5/- Five Dinars |
| 7) Wholesale of aquatic life licence | ID 20/- Twenty Dinars |
| 8) Establishment of fishing club licence for amatures | ID 50/- Fifty Dinars for the first time and shall be renewed against payment a due of ID. 20/- Twenty Dinars |
| 9) Establishment of aquatic life ponds licence | ID. 2/500 Two Dinars and five hundred Fils for each Donum of area of water for ponds, it shall be renewed against payment of a due of ID. 1/- one Dinar for each Donum annually. |

Article 22. - (1) Renewal of the licences mentioned in Article 31 of this Law shall be done on the first of January of each year.

(2) The licences granted according to this Law shall be considered as personal, relinquishment or sale or disposal with the licence shall not be permissible.

Article 23. - The Company may refrain from renewal of the licence mentioned in this Law, it may withdraw it or abolish it temporarily or permanently in case its owner shall breach against the duties stipulated in this Law and the Regulations, Instructions and Notifications issued accordingly, the decision issued in this respect may be objected at the Minister within 15 days from the date of notification therewith, the decision of the Minister in this regard shall be final.

IRQ 8

Article 24. - In case the licence shall be lost or destructed, then its owner should submit an application to the Company or whom it may authorize to obtain its substitute after payment of 50 % of its original value.

Article 25. - (1) The amounts collected for granting and renewal of the licences in accordance with this Law shall be registered as final revenue for the Company as well as the amounts resulting from confiscation of aquatic life, fishing gear and boats.

(2) Cooperative societies of fishermen and collective farms and its members shall be exempted from the dues of granting or renewal of the licence stipulated in this Law.

Article 26. - The licences stipulated in this Law shall be regulated according to certain instructions to be proposed by the Company.

Article 27. - When the Company shall undertake regulating operations of aquatic life sale by wholesale, it may collect service fees of 5 % of purchase value to be born by the seller when the Company shall not be a party in sale operation, the said percentage shall be reduced to half for cooperative societies and collective farms.

CHAPTER SIX - PENALTIES

Article 28. - (1) Whoever contravenes the provisions of this Law shall be punished with a fine not exceeding ID. 200/- or with imprisonment for a term not exceeding 9 months or with both and with confiscation of the catch.

2) Nothing in this Law which may prevent pursuit in accordance with other Law if the crime requisites severer punishment.

3) Fishing gear or its boat or aquatic life prepared for exportation or importation may be confiscated in case of recontravention the provisions of this Law, these materials may be disposed with it or with its prices according to the Law.

Article 29. - The court may consider the report submitted by an official entrusted to execute the orders issued according to this Law, as an evidence of conviction if it shall be supported by his testimony and after an oath, and if no prove shall be otherwise established.

Article 30. - The aquatic life seized because of contravention of the provisions of this Law, by the Company or whom it may authorize, shall be sold by a public auction a report should be prepared showing its quantity, kind and its sale price and stating the contravention. Its price shall be deposited in trust until the court shall issue its judgement in this regard and aquisition of this judgement its final stage.

IRQ 9

Article 31. - The competent officials of the Company and administrative authorities and police forces shall be authorized to arrest any person contravening the provisions of this Law and present him to the nearest police station for taking legal actions against him.

Article 32. - The competent officials of the Company or whom it may authorize, shall be authorized to enter the places, except dwelling houses, in the areas where there is no judge, for inspection, if they think, for justified reasons, that there are fishing gears contrary to the provisions of this Law provided that he should be accompanied by a policeman and write down an inspection report.

Article 33. - The Minister of Justice, pursuant to the proposal of the Ministers of Interior and Agriculture and Agrarian Reform, may authorize Mudir Al-Nahiya in the Nahiyas (Subdivisions) where there is no Magistrate Court, second class magisterial powers to issue the decisions of judgement for application of this Law.

CHAPTER SEVEN - GENERAL PROVISIONS

Article 34. - Regulations may be issued to facilitate the execution of the provisions of this Law.

Article 35. - (1) Law N° 32 of 1965 for Fishing of Aquatic Life and its amendments shall be repealed, the regulations, notifications and instructions issued accordingly which are not contravening this Law shall remain in force until the issuance of its substitute.

(2) The Provisions of any text which contradict the provisions of this Law shall not be valid.

Article 36. - This Law shall be published in the Official Gazette and the Competent Ministers shall undertake the execution of its provisions.

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* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Interpretation Ordinance 1954 (as amended)

PART I - GENERAL PRINCIPLES

Article 1. - In this Ordinance, and in all other enactments now in force or hereafter to be issued, all expressions which are contained in this Article shall have the meaning herein stated:

"Israel" includes the territorial waters of Israel;

...

"territorial waters" means any part of the sea along the coasts of Israel within three nautical miles from the low water mark on the coast;

...

(b) Territorial Waters Law of 1956

...

Article 1. - In the definition of "territorial waters" in section I of the Interpretation Ordinance (new version), the words "three nautical miles" shall be replaced by the words "six nautical miles".

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2. BASIC FISHERIES LEGISLATION

(a) Law N° 25 for the Organization of Fishing, 1943.

Article 1. - This Law is called (Law for Fishing) and will be implemented one month after its publication in the Official Gazette.

Article 2. - The expressions and words in the Law will have the following meaning:

The word "Fish" means every aquatic animal either from the fish species, or not, and comprising sponge, animals with scales, sea turtles and aquatic mammals.

"Fishing" means fishing in East Jordan and also bringing it to Jordan even if it was not fished there.

"Licensing Authority" means every authority that has the power to issue licenses for this Law.

"East Jordan Waters" means the part of the sea on the boundary of East Jordan and 3 miles from the nearest boundaries.

Article 3. - The regulations of this Law coincide with fishing in the sea only and is for those working in fishing for commercial purposes.

Article 4. - It is forbidden for any person to work in fishing unless he has a licence and pays a fee of 100 fils for each year.

Article 5. - Each person or company working in fishing should pay fees as shown below for each 3 kilo of fish brought to land or transferred from a boat to a ship, as follows:

a) Fish not cleaned and sponge	5 fils
b) Fish gutted and head remaining	6 fils
c) Fish gutted and head removed	7 fils
d) Sliced and dried fish	10 fils
e) Aquatic species with hard scales and turtles	3 fils

Article 6. - The Council of Ministers can allow a person or company to pay a yearly sum to be specified by them towards Article IV of this Law.

Article 7. - It is forbidden for any person fishing in the sea or in fresh waters to use any explosives for commercial fishing or otherwise.

JOR 2

Article 8. - For implementation of this Law, any legislative official, police or customs official or any other official with a permission from the Prime Minister can:

- (a) Ask any person working in fishing to show his licence, or question the implements used for fishing.
- (b) Board a boat or ship dealing with fishing and inspect the fish and equipment.
- (c) Arrest any person or ship suspected for crime and take them to the nearest police post or port,, keep them until a case in the court is heard, sell the fish and keep the money.
- (d) Ask any person with fish from where he got that fish.
- (e) Seize any fish fished by explosives or poison.

Article 9. - The Council of Ministers will issue regulations for: -

- (a) Appoint a licensing authority within this Law, the conditions for issuing licenses and payment of fees in accordance with Articles IV and V of this Law.
- (b) Changing of fees in accordance with Articles IV and V of this Law.
- (c) Implementing this Law on fishing in fresh waters.
- (d) Forbidding any methods of fishing that will harm fish maintenance and increase.
- (e) Declaring the places in which fishing is prohibited.
- (f) Forbidding the fishing of a special kind of fish.
- (g) Declaring the amount of fish to be sold.
- (h) Declaring the kind and mesh of fishing nets.
- (i) General execution of this Law.

Article 10. - Anyone transgressing Article VII of this Law and is found with fish that had been fished by explosives, will be punished:

- (a) By the Judge, for the first time, by imprisonment of 3 months or with a fine of JD. 20.
- (b) By the Judge, for the second time, by imprisonment of 3 months and with a fine of JD. 20 -50.

(c) For the third time, imprisonment for 6 months to 2 years and a fine of JD. 20 -100.

Article 11. - Anyone transgressing Articles IV and V of this Law will be imprisoned for a month or pay a fine of JD. 10.

Article 12. - Anyone transgressing this Law or any Regulation of it, will be imprisoned for 3 months or pay a fine of JD. 50, or both.

Article 13. - If a company transgressed Articles 10, 11, 12 of this Law, they will have to pay JD. 100 for each month of imprisonment set by the Law.

Article 14. - If Articles 10, 11 and 12 of this Law were transgressed, the Judge can confiscate the boat, ship or fish.

Article 15. - If the punishment was for Articles 10, 11 and 12 of this Law, the Licensing Authority can cancel the fishing license.

Article 16. - The Prime Minister can pay to any person giving information of any crime committed against this Law, he can give him a sum not exceeding JD. 100.

Article 17. - All Ottoman Laws and Regulations published in the official Gazette N° 559,375 will be cancelled.

(b) Code of Agriculture of 1973

PART IV - AQUATIC RESOURCES

Article 180. - For the purposes of this part:

The word "fish" indicates any water animal whether a fish or not, and includes sponge, molluscs, crustacea, water reptiles and mammal water animals.

The word "fishing" indicates fishing operations in the territorial waters and the landing of catch even if it were caught outside these territorial waters.

Article 181. - The provisions of the present part are applicable only to persons fishing for commercial purposes.

Article 182. - Fishing is forbidden without authorization from the Minister.

Article 183

(a) It is forbidden to use explosives, harmful or poisonous materials to catch fish whether for commercial purposes or otherwise.

(b) It is forbidden to damage or remove the coral rocks of the territorial waters.

Article 184. - The Minister will issue decisions on the following matters:

(a) Granting fishing authorizations.

(b) Limiting fishing areas in sea or fresh water.

(c) Prohibition of fishing methods and techniques which are likely to cause damage to fish fields and to effect their conservation and reproduction.

(d) Fixing the areas and seasons where fishing may be forbidden or be allowed only for specific kinds of fish.

(e) Fixing the size of catch from a specific kind of fish.

(f) Determination of the size of the mouth and mesh of nets which can be used in fishing.

(g) Any other matter relevant to the purposes of the present Part.

Article 185. - The Minister may give a financial reward to any person who provides information or helps in detecting violations of the provisions of the present Part on condition that the value of this reward does not exceed half the value of the fine and in any case not be less than five Dinars.

Article 186. - Any violation of Articles 182, 183 and 184 will be liable to a fine not less than ten Dinars and not more than 50 Dinars.

3. REGULATIONS

Ordinance of Fish Sale and Transportation (Ordinance N° 2) of 1954.

Article 1. - This Ordinance is called (Ordinance of Fish Sale and Transportation).

Article 2. - It is forbidden to sell or expose fresh fish except by fishmongers licensed from the Municipality subject to authorization from the Veterinary Department.

Article 3. - The issue of a license for fish exposition and sale is submitted to the following conditions:

- (1) All the walls of the shop must be covered, for at least 2 meters high, with white tiles (mosaic), with a permanent painting of the rest of the walls.
- (2) The shop must have running water and adequate sewages.
- (3) The shop must be supplied with a refrigerator for keeping and selling frozen fish. Boxes, with sufficient ice, could be used for fresh fish sold.

Article 4. - Fish transportation

- (a) Fresh fish must be transported only in refrigerated cars. It could be also transported in refrigerated boxes, conditioned to the use of large quantity of ice.
- (b) Frozen fish must be transported in refrigerated cars.
- (c) The Veterinary Department examines the fish before transportation and then supplies a free-of-charge license for transportation from one place to another according to the above mentioned means.

Article 5. - Fish and Fishmongers' shops check

- (a) Well trained employees of the Veterinary Department examine the fish before arriving to the shops and destroy those of bad quality.
- (b) No compensation is given for destroyed fish.
- (c) The veterinary decision is final unless in contradiction with the decision of another Veterinary.
- (d) In case of contradicted decisions, the Director of the Veterinary Department can be consulted. The decision of the Director is definite.

JOR 7

- (e) The Veterinary Department employees and the Inspectors in the Municipalities make the checking that fish sale is undertaken only in the licensed Fishmongers' shops.

Article 6. - This Ordinance abrogates every other ordinance in contradiction with it.

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* Title only

** Text not available in our collection

KEN 1

1. LIMITS OF NATIONAL JURISDICTION

(a) Territorial Waters Act (Cap. 371).

Article 1. - Short title. - This Act may be cited as the Territorial Waters Act.

Article 2. - Breadth of the territorial waters. - (1) Except as provided in subsection (4) of this section the breadth of the territorial waters of the Republic of Kenya shall be twelve nautical miles.

(2) The breadth of such territorial sea shall be measured in the manner set out in the Schedule to this Act calculated in accordance with the provisions of the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29th April, 1958.

(3) For the purposes of Article 7 of the aforesaid Convention Ungwana Bay (sometime known as Formosa Bay) shall be deemed to be and always to have been an historic bay.

(4) On the coastline adjacent to neighbouring States the breadth of the territorial sea shall extend to a Median Line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters of each of the respective States is measured.

Article 3. - Evidence. -If, in any proceedings before any court in Kenya, a question arises as to whether an act or omission takes place within or without the territorial waters of Kenya, a certificate to that effect signed by or on behalf of the Minister for the time being responsible for foreign affairs shall be received in evidence and be deemed to be so signed without further proof, and any such certificate shall constitute prima facie proof of the facts certified therein.

Article 4. - Modification of laws. - (1) Any reference occurring in any written law to the territorial waters shall be construed subject to the provisions of this Act.

(2) [Spent.]

SCHEDULE

(s. 2)

The area of the territorial waters of the Republic of Kenya extends on the coastline adjacent to the High Seas to a line twelve International Nautical Miles seawards from the straight baselines, low water lines or low tide elevations, hereinafter described as follows:

SCHEDULE. - (Contd.)

Commencing on the straight line joining Diua Damasciaca Island and Kiungamwina Island at the point at which this line is intersected perpendicularly by the Median straight line drawn from Boundary Pillar 29 (being the terminal pillar of the Kenya-Somalia land boundary).

thence continuing south westerly by a straight base line to Kiungamwina Island;

thence south westerly by a straight base line for about 7 km to an unnamed island;

thence south westerly by a straight base line for about 25 km to Little Head;

thence south westerly by a straight base line for about 11 km to Boteler Island;

thence south westerly by a straight base line for about 45 km to Ras Takwa;

thence south westerly by a straight base line for about 18 km to Kinyika Island;

thence south westerly by a straight base line for about 9 km to Tenewi Ya Juu Island;

thence south westerly by a straight base line for about 26 km to Ziwaiu Island;

thence south westerly by a straight base line across Ungwana Bay for about 56 km to the northernmost point of Ras Ngomeni;

thence continuing generally along the low water line to Ras Wasini [(provided that the following bays are internal waters and the inner boundary of the territorial sea shall follow the closing lines across their entrances

Sabaki River, Mida Creek, Kilifi Creek, Takaungu Creek, Mtwapa Creed, Mombasa and Kilindini Harbours, Mwachema River, Maftaha (Gazi) Bay, Funzi Bay)];

thence southerly across the Wasini Channel to Ras Kisinga Mkoni;

thence by the low water line to Mpunguti Ya Chini Island;

thence southerly by a straight base line for about 3 km to Mpunguti Ya Juu Island;

thence westerly by a straight base line for about 5 km to Kisite Island;

thence westerly by a straight base line for about 18 km to the terminal of the Kenya/Tanzania land boundary at Ras Jimbo.

KEN 3

(b) Proclamation by the President of the Republic of Kenya of 28 February 1979

Whereas the Law of Nations is in the process of development by the Third United Nations Conference on the Law of the Sea, to recognize the right of a coastal state to establish beyond and adjacent to its territorial sea an area commonly referred to as an Exclusive Economic Zone, and to exercise thereon sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources whether renewable or non-renewable, of the water column, sea-bed and sub-soil.

And whereas, it is already recognized by the said Law of the Sea Conference that the extent of the area referred to as the Exclusive Economic Zone, aforesaid, shall not exceed two hundred nautical miles measured from the same base line as the territorial sea.

And whereas, it is necessary that a declaration be made establishing the extent of the said Exclusive Economic Zone of the Republic of Kenya.

Now, therefore, I, Daniel Arap Moi, PRESIDENT AND COMMANDER-IN-CHIEF of the Armed Forces of the Republic of Kenya, do hereby declare and proclaim in accordance with the Constitution of the Republic of Kenya:

Article 1. - That notwithstanding any rule of law or any practice which may hitherto have been observed in relation to Kenya or the waters beyond or adjacent to the territorial Sea of Kenya, the Exclusive Economic Zone of the Republic of Kenya extend across the sea to a distance of two hundred nautical miles measured from the appropriate base line from where the territorial sea is measured as indicated in the Map annexed to this Proclamation. Without prejudice to the foregoing, the Exclusive Economic Zone of Kenya shall:

- (a) in respect of its southern territorial waters boundary with the United Republic of Tanzania be an eastern latitude north of Pemba island to start at a point obtained by the northern intersection of two arcs one from the Kenya Light-house at Mpunguti ya Juu, and the other from Pemba island Light-house at Ras Kigomasha.
- (b) in respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damasciace Island being latitude 1° 38° degrees South.

Article 2. - That this Proclamation shall not affect or be in derogation of the vested rights of the Republic of Kenya over the Continental Shelf as defined in the Continental Shelf Act 1973.

Article 3. - All states, shall subject to the applicable laws and regulations of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful/recognized uses of the sea related to navigation and communication.

Article 4. - That the scope and regime of the Exclusive Economic Zone shall be as defined in the schedule attached to this Proclamation.

KEN 4

SCHEDULE: THE SCOPE AND REGIME OF EXCLUSIVE
ECONOMIC ZONE

1 - In and throughout the zone Kenya exercises the following:

- (a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable of the water column, the sea-bed and the sub-soil thereof.
- (b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water currents, and winds.
- (c)
 - (i) Jurisdiction with respect to regulation control and preservation of marine environment including pollution control and abatement.
 - (ii) Exclusive jurisdiction with respect to authorization and control of scientific research.
 - (iii) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices including customs, fiscal, health, public order and immigration regulations pertaining thereto.
 - (iv) Other rights and duties compatible with international conventions or protocols to which Kenya is or may become party.

2. - Kenya may permit other States or Nationals of such states to fish in the zone on such terms and conditions and subject to compliance with such regulations as it may prescribe. In particular and without prejudice to the generality of the foregoing these may inter alia relate to the following:

- (a) Licensing of fishermen, fishing vessels and gear including payment of fees and other forms of remuneration.
- (b) Conservation measures to preserve and manage the exploitation of fisheries resources including measures relating to and determining the species which may be caught and fixing quotas per vessel over a period of time or to the catch by nationals of any State during a specified period.
- (c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used in the zone.
- (d) Fixing the age and size of fish and other species that may be caught.
- (e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports.

KEN 5

- (f) Requiring under the authorization and control of Kenya, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data.
- (g) The placing of Kenyan observers or trainees on board such vessels.
- (h) The landing of all or any part of the catch by such vessels in the ports of Kenya.
- (i) Terms and conditions relating to joint ventures or other co-operative arrangements.
- (j) Requirements for training personnel and transfer of fisheries technology including enhancement of Kenya's capability of undertaking fisheries research, management and development of the living resources of the zone.
- (k) Measures for the enforcement of Law and regulations in accordance with this Proclamation.

2. BASIC FISHERIES LEGISLATION

(a) Crown Fisheries Act.

Article 1. - Short title. - This Act may be cited as the Crown Fisheries Act.

Article 2. - Authorization necessary for certain fishing. L.N. 210/1957, L.N. 172/1960. - It is not lawful for any person, unless he is authorized by the Minister, to take, acquire, win, carry away or export:

- (a) pearls, pearl or mother-of-pearl shells, or shellfish containing or believed to contain pearls or mother-of-pearl;
- (b) bêche-de-mer (for commercial purposes);
- (c) ambergris,

in or from the fisheries, or from any shore or banks in or about Kenya or the territorial waters thereof.

Article 3. - Pearls, etc., to be mature. - A person so authorized in respect of pearls or mother-of-pearl shall not acquire, win, carry away or export pearl or mother-of-pearl shells or shellfish save those which have attained maturity, and are of a diameter of four-and-a-half inches or more.

Article 4. - Ambergris to be surrendered. - Any person who discovers any ambergris shall forthwith deliver the same to the nearest regional Government agent or other Government officer.

Article 5. - Concealment an offence. - Any person who conceals or is privy to the concealment of any ambergris, or who buys, sells or otherwise deals in any ambergris which has not been delivered to a Government officer, shall be guilty of an offence.

Article 6. - Power to make rules for sale of ambergris. G.N. 1681/1955, L.N. 173/1960. - The Minister may by rules prohibit the sale of ambergris except by licensed persons, and may regulate the sale thereof by those persons, and any breach of rules so made shall be an offence.

Article 7. - Penalties. - Any person who is guilty of an offence under this Act or any rules thereunder shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months, or to both, and the article in relation to which an offence has been committed shall be liable to forfeiture.

(c) fish Industry Act, 1968 (as amended)

Article 1. - This Act may be cited as the Fish Industry Act 1968.

Article 2. - (1) In this Act, except where the context otherwise requires:

"advisory council" means an advisory council established under section 4 of this Act;

"approved scheme" means a scheme prepared by the Minister with the approval of the Treasury under section 5 (1) of this Act;

"authorized officer" means a fisheries officer, a police officer of or above the rank of sub-inspector, an officer of the Kenya Navy or a person appointed by the Chief Fisheries Officer, by notice in the Gazette, to be an authorized officer for the purposes of this Act;

"fish" means vertebrate fishes (except trout) and marine invertebrates, and the spat, brood, fry, spawn, ova and young thereof, whether alive or dead;

"fish product" means any product obtained by processing fish and intended for animal consumption or use, and any portion of, or product secreted by, any fish which has a commercial or ornamental value.

"fisheries officer" means any person, appointed to the office in the public service of Chief Fisheries Officer, Senior Fisheries Officer, Fisheries Officer, Senior Fisheries Development Officer or Fisheries Development Officers, or an honorary fish warden;

"fishing vessel" means any vessel used for the purpose of catching, transporting or processing fish;

"honorary fish warden" means a person appointed honorary fish warden under section 8 of the Trout Act;

"loans committee" means a committee appointed under section 5 (3) of this Act;

"processing" in relation to fish means any action (including filleting, canning, freezing and fish meal production) taken to alter the shape, appearance or form of fish from that in which it was originally caught before it is sold for human or animal consumption or use;

"registered fishing vessel" means a fishing vessel registered under regulations made under this Act;

"trout" has the meaning assigned to it in the Trout Act.

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(2) A person shall be deemed to engage in the fish industry if he carries on the business of catching or landing fish, or if he carries on in Kenya the business of the cultivation of fish or of the selling of fish or fish products by wholesale or by retail or of processing fish.

Article 3. - For the purpose of reorganizing, developing and regulating the fish industry, the Minister shall have power to do all or any of the following things:

- (a) to carry on research and experiment, either alone or in collaboration with others, and for that purpose provide or acquire, equip and operate vessels or plants, and give financial assistance to others carrying on research or experiment;
- (b) to encourage persons engaged in the fish industry to make voluntary arrangements on a cooperative basis for the selling of fish or the buying of equipment, supplies and other requisites for the industry (including in particular gear, fuel and stores for fishing vessels), and to give financial or other assistance in bringing any such arrangements into operation;
- (c) to promote the export of fish by establishing or by encouraging, and giving financial or other assistance in the establishment of, selling agencies and storage facilities outside Kenya and by other means;
- (d) to provide or acquire and equip fishing vessels to be operated under charter from the Government;
- (e) to provide or acquire, equip and operate, either alone or in collaboration with others, plant for processing fish in Kenya in any locality in which the Minister thinks it necessary, so as to secure proper provision for the needs of the fishing industry;
- (f) to encourage, by means of publicity, advice and instructions, the improvement of conditions in the fish industry and the greater consumption of fish.

Article 4. - (1) The Minister may, if he thinks it expedient to do so, by notice in the Gazette establish one or more advisory councils to advise him on matters relating to the fish industry or any section thereof, either for the whole of Kenya or for a part thereof.

(2) An advisory council shall consist of not more than seven persons appointed by the Minister to represent such sections of the fish industry as he considers appropriate.

(3) The Minister may make rules for regulating the procedure of advisory councils, and subject to any such rules an advisory council may regulate its own procedure.

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Article 5. - (1) For the purpose of promoting modern fishing methods, the Minister may prepare a scheme, with the approval of the Treasury, providing for financial assistance by way of loans to fishermen in respect of expenditure incurred in the acquisition of fishing vessels or their gear, fishing nets and other equipment, and may provide financial assistance, in accordance with the scheme upon the conditions contained in the scheme.

(2) An approved scheme shall be published in such manner as the Minister thinks fit, and may be varied or revoked by him at any time.

(3) For the purpose of administering an approved scheme, the Minister may appoint one or more loans committees, and confer upon them such functions as he thinks necessary or expedient for that purpose.

(4) The Minister may give to a loans committee directions of a general or special character as to the exercise and performance of its functions (including its procedure), and the loans committee shall give effect to any such directions.

(5) Where the Minister has with the approval of the Treasury prepared a scheme of the kind described in sub-section (1) of this section which is in force immediately before the commencement of this Act, and has appointed a committee to administer it, that scheme shall upon such commencement be deemed to be an approved scheme, and the committee shall be deemed to be a loans committee.

Article 6. - The Minister may, with the consent of the Treasury:

- (a) make to an advisory council or loans committee such grants as may be necessary to enable it to discharge its functions under this Act;
- (b) pay to the members of an advisory council or loans committee (other than a member who is a public officer in receipt of a salary) such remuneration and travelling and other allowances as he may, with the approval of the Treasury, determine;
- (c) make such other payments as may be necessary to give effect to the provisions of this Act.

Article 7. - The Minister may make regulations for the reorganization, development and regulation of the fish industry, and for the protection of fish and the prevention of over-fishing, and, without prejudice to the generality of the foregoing, for all or any of the following purposes:

- (a) for regulating the manner in which any fish shall be caught, propagated or cultivated, for determining the times and seasons at which the catching of any fish shall begin and cease, and for protecting fish from any infection or disease;
- (b) for requiring fishing vessels and their gear to be registered, for regulating the construction and equipping of fishing vessels and for prescribing the form and construction of fishing nets, fishing gear and other equipment used in fishing;

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- (c) for regulating the handling and storage of fish on registered fishing vessels, for prescribing the places and times for the landing of fish and for regulating the handling of fish during or at any time after landing;
- (d) for timing landings of fish so as to secure regularity in the supply and prevent congestion in harbours and landing places, and for that purpose for requiring fishing vessels to land or delay landing their catch;
- (e) for regulating and directing the marketing, distribution, transportation, delivery, purchase or sale of fish or fish products, including the prescribing of specified markets and the organization of schemes for the allocation of markets or areas of operation to particular persons or classes of persons;
- (f) for prescribing the prices and grades, and the methods of analysis and testing, of any fish or fish product;
- (g) for regulating and controlling the processing of fish and prescribing the standards of quality for fish and fish products and limiting the purposes for which fish and fish products of a prescribed standard may be used;
- (h) for providing for the protection of any fish or fish product against contamination or infection, including prescribing standards and methods in relation to the processing, storage, packaging and treatment of fish and fish products;
- (i) for prescribing the receptacles, canning, labels, marking and descriptions for sale which may be used in relation to fish or fish products;
- (j) for requiring the registration of persons distributing or retailing fish or fish products and of any premises used for distribution or retailing;
- (k) for prescribing the accounts and records to be kept, and the information to be furnished, by producers, manufacturers, distributors or retailers of fish or fish products in relation to their business as such.
- (l) for regulating and controlling the taking or collection of corals and shells and other like fish products

Article 8. - Regulations made under section 7 of this Act may:

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- (a) make different provisions with respect to different cases or classes of case, with respect to different areas, seasons or circumstances, with respect to different kinds of fish (whether freshwater fish or sea fish), and with respect to persons who are and persons who are not citizens of Kenya, and may impose or provide for the imposition of conditions and restrictions and make or provide for the making of exceptions;
- (b) provide for the issue of licences upon or without conditions, and provide for the issue of a licence vesting in any person or persons, to the exclusion of all other persons, a right in respect of any matter referred to in section 7 of this Act in connexion with the catching or cultivating of any fish or the selling, purchasing, distributing, marketing and processing of any fish or fish product; and any such licence may relate to the whole of Kenya or any part thereof;
- (c) impose fees or charges for any licence, authority or registration issued or made, or any service performed or other thing done, under this Act or under the regulations;
- (d) prescribe the particulars, information, proof or evidence to be furnished as to any question or matter arising under this Act or under the regulations;
- (e) prescribe, in respect of any action required or permitted to be taken under this Act or under the regulations, the time and manner of taking that action, the procedure to be followed and the forms to be used;
- (f) impose, for breach of the regulations, a penalty not exceeding a fine of ten thousand shillings or imprisonment for a term not exceeding one year, or both such fine and such imprisonment;
- (g) impose on any person accused of an offence under the regulations the burden of proving particular facts (but not impose on any accused person any general burden of proving his innocence);
- (h) contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

Article 9. - (1) Without prejudice to any regulations made under this Act, no person shall catch or assist in catching fish in territorial waters otherwise than under and in accordance with the terms of a licence issued to him under regulations made under this Act and for the time being in force:

Provided that this sub-section shall not apply to:

- (i) a person employed by a licensee, or to a director of a company which is a licensee, in respect of any act done by him in the course of his employment or directorship, as the case may be though without prejudice to section 23 of the Penal Code; or

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(ii) a person catching fish for the consumption of himself or his family alone.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

Article 10. - Any person who receives any fish or fish product knowing or having reason to believe that an offence under this Act or any regulations made thereunder has been committed in respect thereof shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Article 11. - On convicting a person for an offence under this Act or any regulations made thereunder, the court may, in addition to any penalty otherwise imposed, order any fishing gear used in connexion with the offence, or any fish or fish product in respect of which the offence was committed, to be forfeited or, where the fishing gear, fish or fish product has been disposed of otherwise than under section 12 of this Act so that it is not available for forfeiture, that the convicted person pay to the Government a sum of money not exceeding the value of that fishing gear, fish or fish product:

Provided that no fishing gear, fish or fish product shall be so forfeited, and no such payment in respect thereof shall be ordered, if the owner thereof satisfies the court that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent its commission.

Article 12. - (1) An authorized officer shall have power without warrant to go on board any vessel within territorial waters or any registered fishing vessel outside territorial waters, or enter any premises which are not used only as a private dwellinghouse or board any vehicle where he has reasonable grounds for suspecting that fish or fish products are being kept, processed or carried for the purpose of ascertaining whether there is or has been on or in connexion with the vessel, premises or vehicle any contravention of this Act or of any regulations made thereunder and:

- (a) to carry out an inspection of the vessel, premises or vehicle and to take such samples and carry out such tests as he may reasonably require;
- (b) to require any person in occupation of the premises or any agent or servant of any such person, or any person in charge of the vessel or vehicle, to furnish all such information, to produce for inspection all such books, accounts and other documents and to furnish all such means of inspection as he may reasonably require for the purpose aforesaid;

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- (c) to seize or take copies of any books, accounts or documents which he has reasonable grounds for suspecting to afford evidence of an offence under this Act or any regulations made thereunder;
- (d) to seize or detain any fish, fish product, fishing gear, vessel, vehicle or other article which he has reasonable grounds for suspecting to afford evidence of an offence under this Act or any regulations made thereunder, and to remove, or order any person in charge thereof to remove, the same to such place of security as he may determine.

(2) At the time when anything is seized under this section, the person in whose custody or possession it then is shall be given a written receipt for it.

(3) Anything seized under this section shall, where practicable, be brought before a court, and section 121 of the Criminal Procedure Code shall apply as if it had been seized and brought before a court under that Code, but if no prosecution is brought, or having been brought fails, in respect of an offence to which the seizure relates, such thing shall be returned, or, if it has been disposed of under sub-section (4) or sub-section (5) of this section, the value thereof shall be paid to the person to whom it belonged.

(4) Where any fish or fish product seized under this Act is of a perishable nature, an authorized officer may, if that fish or fish product is of marketable quality and it is reasonably practicable in all the circumstances so to do, dispose of it by sale or otherwise, and the authorized officer shall, subject to any order made by the court under this section or under section 11 of this Act, be accountable to the owner for the reasonable value thereof.

(5) Without prejudice to the powers of an authorized officer under sub-section (4) of this section, any court may, on the application of an authorized officer, order any fish or fish product to be disposed of in such manner as it may determine (including the destruction thereof), and determine the reasonable value thereof for the purposes of sub-section (4) of this section.

Article 13. - (1) Any person who:

- (a) wilfully delays or obstructs an authorized officer in the exercise of his powers under section 9 of this Act; or
- (b) refuses or fails to answer any question, to furnish any information, to produce any document or to furnish any means of inspection, when required to do so under section 9 of this Act.

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:

Provided that no person shall be required under this section to answer any question tending to incriminate him.

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(2) If a person exposing any fish or fish product for sale refuses to sell to an authorized officer the quantity of fish or fish product which he requires as a sample, after the officer has tendered the price for that quantity, or if a person having for the time being charge of any fish or fish product refuses to sell to the officer the quantity which he requires as a sample, then that person shall be deemed for the purposes of sub-section (1) of this section to have wilfully obstructed the officer:

Provided that, where any fish or fish product is exposed for sale in an unopened container, no person shall be required to sell" it except in the unopened container in which it is contained.

Article 14. - (1) The Fish Protection Act and the Control of Nets (Nyanza Province) Act (in this section referred to as the repealed Acts) are hereby repealed.

(2) Any subsidiary legislation made under either of the repealed Acts and in force immediately before the commencement of this Act shall continue in force after such commencement as if made under a corresponding provision in this Act.

(3) Any licence, authority or other document issued, given or made under either of the repealed Acts or under any subsidiary legislation made thereunder, and in force immediately before the commencement of this Act, shall continue in force after such commencement as if made under a corresponding provision in this Act or in subsidiary legislation made thereunder.

Article 15. - The Penal Code is amended by inserting, immediately after section 278A thereof, a new section as follows:

278B. If the thing stolen is a fishing net or fishing gear used in connexion with the catching of fish within the meaning of the Fish Industry Act 1968, the offender is liable to imprisonment for five years together with corporal punishment.

3. REGULATIONS

- (a) Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules (Cap. 378) (as amended)

Article 1. - These Rules may be cited as the Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, and shall apply to the whole of Kenya and the territorial waters (excluding inland waters).

Article 2. - In these Rules, except where the context otherwise requires:

"boat" means any vessel of any description;

"District Commissioner" includes any Assistant Regional Government Agent, Liwali or Mudir authorized by a District Commissioner to exercise the functions of a District Commissioner under these Rules;

"fishing" means capturing, killing, snaring or trapping any fish, and includes any action taken preliminary or immediately subsequent to such capturing, killing, snaring or trapping, but does not include the capture of fish by means of rod and line (held in the hand);

"register" means the register of registered fishing boats maintained by a fisheries officer or District Commissioner under these Rules.

Article 3. - (1) Every fisheries officer shall maintain a register of boats registered by him under these Rules in the form of duplicates of each certificate of registration issued by him hereunder; each District Commissioner to whom an application for registration is made shall upon the first approved application made to him hereunder likewise maintain such a register.

(2) Any cancellation of a registration and any approved change of ownership shall be noted by endorsement upon the relevant duplicate certificate in the register.

Article 4. - No person shall use for fishing any boat the owner of which engages in fishing wholly or partially for a livelihood, unless such boat is for the time being registered with a fisheries officer or a District Commissioner in accordance with the provisions of these Rules.

Article 5. - (1) Upon the registration of a boat, the fisheries officer or District Commissioner shall allot letters and a distinctive number or numbers (hereinafter called the identification marks) to the boat, and shall issue to the owner of such a boat a certificate of registration in Form A in the First Schedule to these Rules.

(2) Subject to the provisions of these Rules, registration shall remain effective until the 31st December next after the date of registration, and immediately thereafter application for re-registration shall be made; every re-registration shall expire on the 31st December next after application therefor.

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Article 6. - (1) Immediately upon registration of a boat, the owner thereof shall cause the identification marks to be clearly painted in Latin characters in black on a light background or white on a dark background on both sides of the bows of the boat; each letter and figure shall be at least nine inches in height, and the painted strokes thereof shall be at least one and a half inches in breadth.

(2) The owner of a boat for the time being registered under these Rules shall maintain the identification marks of the boat in proper and legible condition at all times.

(3) No person using any boat for the time being registered under these Rules shall cause or permit the identification marks of the boat to be effaced, covered or concealed in any way whatsoever.

Article 7. - Upon the change of ownership of any registered boat (including any interest or share therein), application shall be made by the registered owner to the fisheries officer or District Commissioner by whom the certificate of registration was issued for endorsement of such change upon the certificate; any such application shall be made in Form B in the First Schedule to these Rules.

Article 8. - Any fisheries officer or District Commissioner may, if he considers it in the interests of the conservation of fish so to do, refuse to register any boat or change of ownership as aforesaid or cancel the registration of any boat:

Provided that any person aggrieved may appeal against such refusal or cancellation to the Civil Secretary of the Coast Region whose decision shall be final.

Article 9. - In the event of a holder of a certificate of registration losing his certificate, he shall, on application to the fisheries officer or District Commissioner by whom the certificate was issued, be issued with a certified copy thereof.

Article 10. - The owner or any other person for the time being in possession or in charge of any boat shall, if called upon to do so by a fisheries officer, an administrative officer, a customs officer of a rank not below that of junior examining officer or preventive officer, a police officer of a rank not below that of sub-inspector or any person duly authorized in writing by a fisheries officer, produce the certificate or certified copy certificate of registration of the boat.

Article 11. - (1) In any proceedings taken for a contravention of these Rules, the register shall be conclusive evidence of the matters therein contained.

(2) In any such proceedings, the averment that a boat is an unregistered boat shall, until the contrary is proved, be sufficient evidence that the boat is one which was at the date of the offence required to be registered under these Rules and was not so registered.

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Article 12. - The fees specified in the Second Schedule to these Rules shall be payable in respect of the several matters therein specified.

Article 13. - Any person who contravenes the provisions of any of rules 4, 6, 7 and LO of these Rules shall be guilty of an offence and liable to a fine not exceeding one thousand shillings, or in default of payment to imprisonment for a period not exceeding three months.

FIRST SCHEDULE

FORM A

(r. 5)

Certificate No.

CERTIFICATE OF REGISTRATION OF BOAT

The boat [name of boat] owned
by [name of owner] resident at [place of
residence of owner] has been
registered in the Fishing Boats Register at [place of issuing certificate] ..
..... for the purpose of fishing
according to the Fish Protection Ordinance, and has been allotted the number of

Particulars of Boat

Description of boat [if native, give Swahili name of type of craft]

.....

Length (overall)

Beam (greatest width)

Depth (greatest depth)

Tonnage (if known)

Method of propulsion [state: sail, paddle/oars, engine and sail, engine alone,
etc.]

Date of issue

Fee paid

This certificate of registration expires on the 31st day of December, 19

Registering Officer

Note to officer effecting registration of this craft: Where possible this boat should be given the same registration number as last year.

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FORM B

(r. 7)

APPLICATION FOR ENDORSEMENT OF CERTIFICATE OF REGISTRATION OF BOAT

I, of
hereby authorize the transfer of my fishing boat [name of boat]
..... Registration No to the
ownership of of [place
of residence]

Witness to the transfer

Signed

Date

The original and duplicate copy of certificate should be amended accordingly by the Registering Officer.

SECOND SCHEDULE

(r. 12)

FEES

Sh. cts.

1. Upon each application for registration or re-registration
of a boat 3 00
2. Upon each application for consent to a change of ownership
of a boat..... 3 00
3. For each duplicate certificate 1 00
4. Upon entering an appeal under rule 8 10 00

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(c) Fish Protection (Oysters) Rules (Cap. 378) (as amended)

Article 1. - These Rules may be cited as the Fish Protection (Oysters) Rules, and shall apply to the territorial waters of Kenya.

Article 2. - In these Rules:

"fish for" includes winning or taking, removing or carrying away or exporting by any means whatsoever;

"licence" means a licence issued under these Rules;

"licensee" means any person holding a valid licence issued under these Rules;

"oyster" means any mollusc of any species of the genus ostrea.

Article 3. - (1) Subject to the provisions of paragraph (4) of this rule, no person shall fish for any oyster otherwise than for his own consumption unless he is in possession of a valid licence to do so.

(2) Every application for a licence shall be made in writing to the Chief Game Warden, who may in his absolute discretion grant or refuse the same.

(3) Every licence shall:

(a) be in the form set out in the First Schedule to these Rules;

(b) subject to the provisions of paragraph (3) of rule 4 of these Rules, be valid for one year from the date of issue thereof;

(c) subject to the provisions of paragraph (3) of rule 4 of these Rules, permit the licensee to fish for oysters in unlimited quantities within the area or areas specified therein.

(4) Any licence may permit, in addition to the licensee, the servants, agents or employees of such licensee, to a maximum number to be specified therein, to fish for oysters pursuant to such licence.

Provided that, on every occasion when any such licensee is not present at and supervising such fishing, every such servant, agent or employee shall be in possession of an authority in writing, containing his name and that of the licensee and the number of the licence, correctly dated and signed by the licensee, and such authority shall be produced upon demand to any of the persons specified in section 8 of the Ordinance.

(5) Every licensee shall produce his licence whenever required to do so by any of the persons specified in section 8 of this Ordinance.

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- (6) There shall be payable for every licence the fee specified in the Second Schedule to these Rules.

Article 4. - (1) The area or areas to be included in any licence shall, before the issue thereof, be demarcated on the ground by the Fisheries Officer or by some person duly authorized by him, in the presence of the person applying for such licence or some other person duly authorized by him in writing in that behalf.

(2) The costs and expenses of any demarcation under paragraph (1) of this rule shall be assessed by the Chief Game Warden, and the amount thereof shall before the issue of any licence be paid to him by the person applying therefor.

(3) If in the opinion of the Fisheries Officer the operations of any licensee become, or may be likely to become, during the currency of any licence, detrimental to the survival of oysters in any area or areas specified in such licence or in any adjacent or neighbouring area or areas, the Fisheries Officer may in his absolute discretion, by notice in writing to the licensee, forthwith cancel such licence, or amend the same by deletion therefrom of any area or areas or any part or parts of any area or areas included therein.

Article 5. - (1) Any person who commits any breach of these Rules or fails to comply with any provisions thereof or of any licence thereunder shall be guilty of an offence.

(2) In any case where any person is convicted of any offence under paragraph (1) of this rule, the Fisheries Officers may, if such person is either:

- (a) a licensee; or
- (b) a servant, agent or employee of any licensee having the authority provided for by paragraph (4) of rule 3 of these Rules.

forthwith cancel the licence of such licensee.

Article 6. - Any person who is aggrieved by anything done by the Fisheries Officer pursuant to these Rules may, within thirty days of the notification thereof by the Fisheries Officer, appeal in writing to the Provincial Commissioner of the Coast Province, whose decision will be final.

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FIRST SCHEDULE

[r.3(3>]

LICENCE TO FISH

No _____

Licensee (full name in block, capitals)
(address in block capitals).....

1. The above-named is licensed to fish for oysters in the area or areas specified hereunder for a period of one year from the date hereof.

2. Pursuant to this licence, the servants, agents or employees of the licensee, to the maximum number of may, in addition to the licensee, fish for oysters.

Fee paid

Date of issue

Date of expiry

.....
Chief Game Warden

I am aware of the conditions attached to this licence and of those imposed by the Fish Protection Ordinance and the Fish Protection (Oysters) Rules, under j which it is issued.

.....
Licensee

AREA/AREAS

[Full description in words]

*As shown on the sketch map attached hereto

*Delete if inappropriate

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1. LIMITS OF NATIONAL JURISDICTION

Decree of 17 December 1967 regarding the Delimitation of the Breadth of the Territorial Sea of the State of Kuwait.

Article 1. - The territorial sea of the State of Kuwait extends seaward for a distance of twelve miles from the baselines of the mainland and of Kuwaiti islands as hereinafter defined in Article 2 of this Decree.

Article 2. - The baselines from which the territorial sea of the State of Kuwait is measured are established as follows:

- (a) Whereas the shore of the mainland or of a Kuwaiti island is fully exposed to the open sea, the low-water line along the coast is the baseline;
- (b) Where there is a port or harbour, the outer-most permanent harbour works which form an integral part of the harbour system are considered as forming part of the coast;
- (c) Where there is a low-tide elevation situated not more than twelve miles from the mainland or from a Kuwaiti island, the outer edge of the said low-tide elevation constitutes the baseline for measuring the territorial sea of the mainland or, as the case may be, of the island off which the elevation is situated;
- (d) In the case of Kuwait Bay, the waters of which are internal waters, the baseline is the closing line across the entrance to the Bay established in Annex III to Law N 12 of 1964 regarding Prevention of the Pollution of Navigable waters by Oil.

Article 3. - In this Decree, the expression "island" means a naturally formed area of land surrounded by water, which is above water at mean high-water tides.

The expression "low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low-tide but submerged at high-tide.

Article 4. - If the territorial sea of Kuwait measured in accordance with the provisions of this Decree overlaps the territorial sea of another State or of the Zone partitioned by the Agreement relating to the Partition of the Neutral Zone dated 7th July 1965, the boundary shall be determined in conformity with the provisions of Article 12 of the Geneva Convention on the Territorial Sea and Contiguous Zone, referred to in the Preamble of this Decree.

Article 5. - The enforcement of the provisions of this Decree shall not be understood as affecting in any way any rights of the interested parties in the submerged area to seawards of the Zone partitioned under the Partition Agreement of the Neutral Zone hereinabove mentioned.

KWT 2

Nor shall it be understood to detract in any way from any rights provided for in existing Concession Agreements between the Government of Kuwait and the Oil Companies operating in the territory of Kuwait, in the Partitioned Zone or in the sea-bed areas appertaining to each, particularly as regards the acreage of concession area as defined in the said agreements.

Article 6. - Nothing in the provisions of this Decree shall prejudice the rights of the State of Kuwait to an area contiguous to its territorial sea to be delimited later on, or to the exploitation of fish resources.

Article 7. - The President of the Council of Ministers and the Ministers shall, each within his competence, execute the provisions of this Decree which shall come into force as from the date of its publication in the Official Gazette.

2. BASIC FISHERIES LEGISLATION

Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources.

Article 1. - Without prejudice to any other rights under laws and regulations, the right of fishing and exploitation of living animal and plant marine resources in the inland and territorial waters of Kuwait and any other fishing zone shall be determined by a decree; likewise, the State of Kuwait's right in exploiting the living natural resources at the bottom of the continental shelf shall be determined by a decree.

Article 2. - No foreign fishing vessel shall fish the marine resources mentioned in the previous Article without a licence issued by the competent minister according to an agreement specifying conditions and the fees to be paid to the Government.

In the cases not mentioned in the international covenant these vessels shall be subject to the provisions of the present Law and its regulations.

Article 3. - Without prejudice to the provisions of the Law on Marine Commerce and the Law on small vessels, any fishing vessel, owned by a resident in Kuwait under the conditions issued by the competent minister, shall be a Kuwaiti national.

The provisions governing fishing vessels shall be applicable to any marine craft utilized for fishing.

Article 4. - No Kuwaiti vessel shall practice fishing without a licence issued by the Fisheries Resources Department. The licence shall specify fishing techniques and gear and the vessel's specifications and crew.

Article 5. - It shall be unlawful to install marine fishing gear such as gill nets and others without a special licence issued by the Fisheries Resources Dept. The licence shall specify the location where the nets should be placed, and their measurements and meshes.

Article 6. - Anyone engaged in fishing on a Kuwaiti fishing vessel or using a fishing gear should have a licence from the Fisheries Resources Department specifying the type of work the licensee is permitted to perform.

Article 7. - The Fisheries Resources Department shall lay down the regulations for amateur fishing and the members of clubs and relevant bodies. This Department may ask from those concerned to obtain licences in certain cases.

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Article 8. - In cooperation with departments concerned the competent minister shall issue regulations concerning fishing particularly relevant the following:

- (1) Conditions and terms of licences cited in this Law.
- (2) Establish fees for these licences and define their categories, method of payment and cases of exemption therefrom.
- (3) Establish rules that fishing vessels display Identification numbers and signs.
- (4) Specify the form, viability and size of the fishing vessel, safety conditions and other specifications.
- (5) Specify the equipment and gear that could be used and others that should be prohibited.
- (6) Prohibit materials noxious to the growth, reproduction and migration of fish and other living marine resources.
- (7) Specify the minimum size allowed in the catch of fish and other living marine resources.
- (8) Determine the size of meshes of the nets used for fishing.
- (9) Prohibit the fishing of certain species of fish and other living marine resources definitely or indefinitely, and in all or part of the territorial waters.
- (10) Prohibit causing any damage to marine weeds and plants.
- (11) Prohibit categorically any fishing or use of specific means definitely or indefinitely in all or part of territorial waters.
- (12) Specify the quantities of fish and other living marine resources to be caught at certain seasons.
- (13) Specify the hygienic conditions to be observed for the preservation of fish and other living marine resources and prevent their deterioration
- (14) Regulate books and papers that the fishing professionals should keep and specify the information that they should furnish the competent administrative department.
- (15) Regulate the service of fishing professionals.

Article 9. - When necessary the competent minister may form a consultative committee under the chairmanship and membership of governmental and non-governmental bodies concerned with aquatic resources to express their view on the policy aiming at the conservation of those resources and regulating

KWT 5

fishing matters, coordination between government bodies and others operating in this field and proposing pertinent legislations and examining other matters raised by the competent minister.

Article 10. - In cooperation with departments concerned the competent minister shall delegate officials to check the enforcement of the present Law, and ascertain violations to its provisions and regulations. They may board vessels and inspect fisheries, stores and sites containing living marine resources and fishing gear. They shall have the right to inspect licences, books and pertinent documents, and seize vessels, marine resources and equipment banned by the Law and its regulations. They may submit their reports on the violations to competent investigating authorities and seek the assistance of the police.

With the permission of competent authorities they may sell perishable fish and marine resources and deposit the proceeds in the court pending the final determination of the case.

Article 11. - Any vessel practicing fishing without a valid licence shall be seized together with its catch and fishing gear under Articles 2 and 4 of the present Law.

Order to release a seized vessel may be made upon payment of a cash bond to be determined by the investigating authority, and deposited in court pending the final determination of the case.

Article 12. - Without prejudice to any other stronger penalty, any violation of Articles 2, 4, 5 and 8 of this Law shall be punishable by a fine to the amount of 500 Dinars and not less than 50 Dinars. In addition to this fine the offender's vessel, seized properties or the cash bond may be confiscated, according to circumstances, and the licence shall be withdrawn definitely or for a definite period until the offence is removed.

Likewise, the offender may be ordered to pay double the licence fee. A confiscated vessel shall not be released except after having paid the fine and fees.

Article 13. - Any violation to the provisions of Articles 6 and 7 of this Law shall be punishable by a fine to the amount of 50 Dinars. To this fine may be added the confiscation of seized fishing gear and living aquatic resources.

The offender may also have to pay double licence fee.

Article 14. - The competent minister shall issue the necessary decisions to implement this Law.

Article 15. - All the Ministers - within their power - shall implement this Law, which shall come into force on the date of its publication in the Official Gazette.

3. REGULATIONS

(a) Decree N° 17 of 1980 on Licences for Kuwaiti Fishing Vessels

Article 1. - Owners of Kuwaiti fishing vessels should obtain a fishing licence for their vessels from the Directorate of Fisheries Resources at the Ministry of Public Works in accordance with relevant forms. The owners should keep this licence on their vessel.

Article 2. - The following annual fees shall be collected for the said fishing licences:

- (a) K.D. 5 for vessels with engines up to 100 H.P.
- (b) K.D. 10 for vessels with engines bigger than 100 H.P.

These fees shall be paid annually to the account of the Ministry of Public Works.

Article 3. - A six-months-grace shall be granted to Kuwaiti fishing vessels from the date of this Decree to obtain licences for their vessels under its provisions.

Article 4. - No vessel shall be allowed to fish in Kuwaiti territorial waters without a valid fishing licence.

Article 5. - Anyone violating the provisions of this Decree shall be subject to the penalties prescribed by law.

Article 6. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the official Gazette.

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(b) Decree N° 18 of 1980 on Licences for Kuwaiti Fishing Vessels* Crew.

Article 1. - All the crew on Kuwaiti fishing vessels should get a professional licence from the Directorate of Fisheries Resources at the Ministry of Public Works in accordance with relevant forms.

Article 2. - An annual fee of one Dinar shall be collected for each licence.

Article 3. - No worker shall be engaged on Kuwaiti fishing vessels without a valid licence.

Article 4. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 5. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

(c) Decree N° 19 of 1980 on Foreign Fishing Vessels.

Article 1. - No foreign fishing vessels shall be allowed to fish in the Kuwaiti territorial waters without a licence issued by the Directorate of Fisheries Resources of the Ministry of Public Works.

Article 2. - Anyone violating the provisions of this Decree shall be subject to the penalties as established by law.

Article 3. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

(d) Decree N° 20 of 1980 on Licences for Fish Barriers.

Article 1. - Owners of fish barriers should obtain a licence for installing a fishing net from the Directorate of Fisheries Resources in conformity with relevant forms.

Article 2. - A fee of ten Dinars shall be paid to the account of the Ministry of Public Works for each fish barrier.

Article 3. - A grace of six months shall be granted to the owners of the existing barriers, from the date of this Decree, to obtain licences under the provision of this Decree.

Article 4. - Any barrier without a licence, as under the provision of this Decree, shall be removed.

Article 5. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 6. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

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- (e) Decree N° 21 of 1980 on New Fishing Techniques and the Farming of Fish and Living Aquatic Organisms.

Article 1. - It shall be unlawful to carry out the following operations in the Kuwaiti territorial waters without a licence issued by the Directorate of Fisheries Resources:

1. utilization or experimenting new fishing techniques and equipment not used before in the country;
2. use of new methods for the breeding of fish and other marine living resources breeding.

Article 2. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 3. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

(g) Decree N° 23 of 1980 on Minimum measurements of Meshes of Shrimp Fishing Nets

Article 1. - Owners of shrimp fishing vessels operating in Kuwaiti territorial waters should adhere to the following minimum measurements of the meshes of shrimp fishing nets:

<u>Fishing gear used</u>	<u>Legal measurements of meshes</u>
--------------------------	-------------------------------------

1. Traditional shrimp fishing net (Al-Kufa) employed by Kuwaiti fishing vessels 30 mm and above
2. Shrimp gill-nets used by vessels of the Kuwaiti United Fisheries Co. 40 mm and above

Article 2. - A period of grace shall be granted up to the end of January 1981 to let the present nets be worn out and be replaced by the nets with meshes as mentioned above.

Article 3. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 4. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

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(h) Decree N 24 of 1980 to authorize certain Officials of the Ministry of Public Works to enforce Law N° 46 of 1980

Article 1. - The officials, whose names and job titles are mentioned hereinbelow, shall be authorized to check the execution of Law N 46/1980, inspect and ascertain violations to the provisions and regulations of the Law. They shall have the right to go aboard vessels and enter fisheries, stores and locations containing living marine resources and fishing gear. They may inspect licences, books and relative documents. Likewise, they shall have the right to seize vessels, marine resources and gear and implements involved in the violation of this Law and its regulations. They may write reports and submit them to competent investigating authorities and seek the assistance of the police.

They may, with the permission of the competent departments, sell the perishable catch of fish and living marine resources and deposit the proceeds in the court pending the final determination of the case.

<u>Name of the officials</u>	<u>Title</u>
1. Mahmoud Hussein Asousi	Controller/Fisheries Resources
2. Nabil Mustafa Abou Shuleib	Asst. "
3. Adnan Ghanim Sakar Ghanim	Head/Fishing Gear & Techniques Division
4. Abdullah Saleh Al-Huda	Aquatic Organisms Researcher
5. Mohammad Hassan Baker	“ “ “
6. Adnan Khalifa Arashoud	Head Fisheries Statistics Division
7. Adan Khalifa Arashoud	Head Fisheries Statistics Division
8. Mohammad Jawad Abbs Kalli	Skipper of the vessel "Sabbah"

Article 2. - The Under-Secretary shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

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- (j) Decree N 7 of 1983 on the Minimum measurements of meshes to be used in fishing by fishing vessels in the territorial waters of Kuwait

Article 1. - All fishing vessels operating in the territorial waters of Kuwait shall use the minimum measurements of meshes as explained below:

No	Fishing gear used	The Minimum measurement of the mesh by millimeter
1.	Crawling Net (Al Rufa)	50 millimeter
2.	Non-movable Net (Alshurkh)	90 “
3.	Movable Net (A1 Leskh) to Alzeibeidi fish	100 “
4.	Movable Net (A1 Leeks) to alsabour fish	80 “
5.	Movable Net (A1 Leekh) to Almeed fish	40 “

Article 2. - A grace period of 3 months shall be given to the owners of fishing vessels operating in the territorial waters of Kuwait before using the nets specified in this Decree.

Article 3. - Anyone violating this decree shall be subject to the penalties provided for in the Law N° 46 of 1980.

(k) Decree N° 8 of 1983 on Prohibition of fishing by Fish Traps

Article 1. - It shall be absolutely prohibited to use the surrounding nets -which is known locally as "Habla method" - in fishing in the territorial waters of Kuwait.

Article 2. - Any one violating this Decree shall be subject to the penalties provided for in the Law N° 46 of 1980.

Article 3. - This Decree is valid from the date of its publication in the Gazette.

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- (1) Decree N° 9 of 1983 on The Minimum Sizes of Fishes to be caught in the territorial waters of Kuwait and to be marketed in Kuwait

Article 1. - Fishing vessels operating in the territorial waters of Kuwait are prohibited from catching fish with sizes below those set out below. The marketing and storage of such fish is also prohibited in Kuwait.

N°	Local name of the fish	Minimum length in centimetres
1.	Meed	14
2.	Zubaidy	20
3.	Noeby	27
4.	Chaam	30
5.	Khopat	35
6.	Nagror	40
7.	Hamour	45

Article 2. - Anyone violating this Decree shall be subject to the penalties provided for in the law.

Article 3. - This Decree is valid from the date of its signature in the Gazette.

- (m) Decree N° 11 of 1983 on Prohibition on fishing within 3 miles from the Coasts of Kuwait

Article 1. - It is absolutely prohibited for Kuwaiti fishing vessels to practice fishing on all the coasts of Kuwait and its islands and for a distance of 3 miles therefrom.

Article 1. - Any one violating this Decree shall be subject to the penalties provided for in the law N° 46 of 1980.

- (n) Decree N° 13 of 1983 on Prohibition of fishing in certain areas in the territorial waters of Kuwait

Article 1. - No fishing vessel shall fish in the area located between the line starting from Vielka Island to Raas Alard in the east and from Vielka Island to Raas Albrsha in the north including Khor Alspiea; the prohibited area shall include all of John Elkiwail.

Article 2. - Any one who violates this Decree shall be subject to the penalties provided for in the Law N° 46 of 1980.

Article 3. - This Decree shall be published in the Gazette.

(u) Decree N° 23 of 19 September 1985 concerning the conditions for the retirement and replacement of unseviceable fishing vessels

Article 1. - The retirement and replacement of unseviceable Kuwaiti fishing vessels shall be carried out in accordance with the following conditions and measures:

1. The owner of the vessel who wishes to retire and replace the vessel, must be a member of the Kuwaiti association of fishing vessel owners.

2. The vessel must hold a valid fishing licence issued in the name of the owner, and this must not have been the object of a transfer of property within the two years preceding the date of presentation of the application.

3. The owner of the vessel shall present to the Public Corporation for Agriculture and Fish Resources an application indicating his wish to retire and replace a vessel and demonstrating that the state of the vessel does not allow for it to be used for fishing operations in Kuwaiti waters.

4. The application shall be submitted to a technical committee appointed by the Director General of the Corporation. The Committee shall inspect the vessel and pronounce on its serviceability for fishing operations in Kuwaiti waters.

5. The licence shall be replaced if the owner proves that his vessel has sunk, burnt or has been involved in an accident that is so serious as to make it unseviceable for fishing operations in Kuwaiti waters.

6. The licence issued to a vessel which the owner wishes to retire and replace, shall be cancelled if it is shown that the vessel is unseviceable. A new licence will be issued to the replacement vessel in accordance with the conditions currently stipulated by the Corporation.

7. The ownership of a new vessel shall not be transferred for at least one year and then only with the authorization of the Public Corporation for Agriculture and Fish Resources.

8. It is prohibited to use for any purpose in Kuwaiti waters a vessel that has been retired.

9. Any person who contravenes the provisions of this Decree shall be liable to the penalties prescribed by Decree Law No 46 of 1980 on the conservation of Fisheries Resources. All previous orders whose provisions are inconsistent with the present order are repealed.

Article 2. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

(w) Decree N° 26 of 19 October 1985 concerning suspension of the issuing of new licences to fishing vessels

Article 1. - The issuing of all new licences in respect of fishing vessels (fibre glass) operating in the Kuwaiti territorial sea is suspended.

Article 2. - The issuing of all new licences in respect of other types of fishing vessel operating in the Kuwaiti territorial sea is suspended, except in cases of extreme urgency as decreed by the Council of Administration of the Corporation.

Article 3. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

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- (x) Decree N° 34 of 22 December 1985 establishing the specifications for markings and identification numbers for fishing vessels

Article 1. - All fishing vessels and high-sea trawlers are required to bear identification plates indicating their names and registration numbers in accordance with the forms and specifications defined below:

I. Vessels constructed in wood and provided with a cabin

The names and registration numbers of vessels belonging to this category are to be inscribed on four plates in metal, wood or plastic:

- (a) two of these shall be 50 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 25 mm. in width; the plates shall be affixed on each of the vessel forward of the cabin, the inscriptions to be freshly painted each time that they are affixed;
- (b) the two other plates shall be 125 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 40 mm. in width; each of these plates shall be affixed on each side of the bows of the ship directly above the waterline, and the inscriptions shall be repainted each time that they are affixed.

II. Vessels constructed in wood and not provided with a cabin

The names and registration numbers of vessels belonging to this category shall be inscribed on two plates in metal, wood or plastic of 60 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 25 mm. in width; each of these plates shall be affixed on each of the two sides at the bows of the vessel, directly above the waterline, and the inscriptions shall be repainted each time that they are affixed.

III. Vessels constructed in metal

The names and registration numbers of the vessels belonging to this category shall be inscribed:

- (a) on two plates in metal, wood or plastic of 50 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 25 mm. in width; the plates shall be affixed on each of the vessel forward of the cabin, directly behind the navigation lights;

- (b) the name and registration number of the vessel shall also be painted on both sides of the bow just above the waterline in a colour which contrasts with that of the hull in characters at least 40 mm. in width and in such a way that the surface area is not less than 125 x 20 cm.

IV. Highseas trawlers

The name and registration number of a high seas trawler shall be in a colour which contrasts with that of the hull and shall be painted on both sides of the bow just above the waterline using a surface area of 60 x 40 mm. and characters of at least 25 mm. in indelible colour; the inscriptions shall be repainted each time that they are affixed.

Article 2. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

(z) Decree N° 28 of 1986 concerning assistance to fishermen.

Article 1. - There shall be granted, to all fishermen who hold fishing licences issued by the Corporation's Department of Fish Resources, financial assistance according to the type of vessel and in accordance with the table set out below:

Type of Vessel	Amount of Assistance to be granted
1 In fibre glass	500 Dinars
2 In aluminium	500 Dinars
3. In wood	700 Dinars

Article 2. - The amounts of the assistance shall be debited to the account 5/2/1, General Expenses and Transfers, and shall be entered under the heading "Grants" in Chapter 5 of the budget of the Corporation for the financial year 1986/87.

Article 3. - The granting of assistance is subject to the following conditions;

1. that the owner of the vessel shall be, before the promulgation of the present order, the holder of a valid fishing licence issued by the Corporation's Department of Fish Resources;
2. that the assistance shall not be granted in respect of more than 5 vessels per owner, whatever the type of vessel;
3. that the vessel shall continue to be used for fishing operations; the Department of Fish Resources shall verify this fact by checking on the log books and on the account books and by such other means of checking as it deems appropriate;
4. that the owner of the vessel has not been charged with any contravention of the provisions of Decree Law No. 46 of 1980 on the Conservation of Fisheries Resources;
5. that the owner, before receiving the assistance, shall have liquidated all outstanding obligations towards the Corporation's Department of Fish Resources.

Article 4. - The assistance granted to a fisherman under the conditions set out in Article 3 of this Decree, can only be granted once. Applications for assistance shall be made to the Corporation's Department of Fish Resources; the latter shall consider the applications, make sure that they fulfill the conditions for the granting of the assistance and issue a certificate for the payment of assistance by the Corporation.

Article 5. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

Regional compendium of fisheries legislation (Indian Ocean Region) Volume II

FAO
LEGISLATIVE
STUDY

42/2

Provisional edition



FOOD
AND
AGRICULTURE
ORGANIZATION
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Prepared by
Legislation Branch
FAO Legal Office
with the assistance of the
International Centre for Ocean Development

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Rome, 1986

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ISBN 92-5-102568-1

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FOREWORD

The changing law of the sea emerging from the Third United Nations Conference on the Law of the Sea and its central concept of coastal state jurisdiction over a 200 mile exclusive economic zone opens up substantial new opportunities for coastal states, while at the same time confronting them with increased responsibilities for the management of the living resources newly within their jurisdiction.

To help developing coastal states to meet these new opportunities and responsibilities, FAO established a Comprehensive Programme of Assistance in the Management and Development of Fisheries in Economic Zones (the FAO EEZ Programme). The Fishery Law Advisory Programme was set up in 1979 as one component of the EEZ Programme, with activities covering the Indian Ocean, Western Pacific and South China Sea, Western Central Atlantic (WECAF) and Eastern Central Atlantic (CECAF) regions. The objectives of the programme are to provide legal assistance on request to the Governments of developing coastal states on subjects such as the drawing up of fisheries legislation and bilateral or joint venture agreements, to train Government fisheries lawyers and to promote the harmonization of fisheries legislation on a regional or sub-regional basis. One of the problems immediately encountered in any attempt at regional harmonization of legislation has been the relative dearth of information on the present state of national laws. An essential task of the fishery law advisory programme then has been to put together collections or compendia of fisheries laws and regulations for each region, together with synoptic tables setting out pertinent information such as the level of licence fees, conservation measures, penalties, etc. in a readily accessible and easily comprehensible form. Compendia have already been published covering the West African (CECAF) and Western Pacific regions.

The present compendium covers the fisheries legislation in force, to the extent known, in the coastal countries of the Indian Ocean and in particular the area served by the FAO Indian Ocean Fishery Commission (IOFC). The Compendium is published in two volumes (Volume I and Volume II).

While every effort has been made to verify the information presented in this compendium, there are, by the very nature of the task, liable to be gaps and inaccuracies. It is hoped that any errors, omissions or new legislation will be communicated to the Chief, Legislation Branch, FAO, Rome, so that updated versions of the compendium may be prepared.

The cost of printing the present compendium has been met by a grant from the International Centre for Ocean Development, Halifax, Nova Scotia, Canada.

F.M. Mifsud
Chief, Legislation Branch
Legal Office

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* Title only

1. LIMITES NATIONALES DE JURIDICTION

Ordonnance N° 85-013 du 16 septembre 1985 fixant les limites des zones maritimes (mer territoriale, plateau continental et zone économique exclusive) de la République Démocratique de Madagascar.

Article premier. - La zone économique exclusive de la République Démocratique de Madagascar s'étend au-delà de la mer territoriale jusqu'à une distance de 200 milles des lignes de base servant au calcul de la largeur de la mer territoriale.

Au cas où il n'y aurait pas une distance de 400 milles entre la ligne de base de la République Démocratique de Madagascar et celles d'un ou plusieurs Etats limitrophes la délimitation sera faite par voie d'accord avec le ou les Etats concernés.

Article 2. - La zone économique exclusive comprend le sous-sol, le sol, ainsi que les eaux surjacentes dans les limites définies à l'article premier.

Dans cette zone, la République Démocratique de Madagascar exerce des droits souverains et exclusifs sur l'exploitation des ressources naturelles connues ou à découvrir ainsi que sur l'exploration ou l'exploitation d'autres éléments de la zone comme l'eau, les courants et les vents, et a juridiction sur les îles artificielles, la recherche scientifique et la lutte contre les nuisances.

Article 3. - Aucune exploration ou exploitation de la zone définie à l'article premier ne pourra être faite par les ressortissants d'un Etat tiers sans une autorisation du Gouvernement de la République Démocratique de Madagascar.

Article 4. - La mer territoriale de la République Démocratique de Madagascar où l'Etat exerce sa souveraineté s'étend jusqu'à une limite fixée à 12 milles marins à partir des lignes de base.

Article 5. - Le plateau continental de la République Démocratique de Madagascar comprend les fonds marins et leur sous-sol au-delà de la mer territoriale jusqu'à 200 milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale, ou jusqu'à la limite fixée par voie d'accord avec les Etats limitrophes ou encore, jusqu'à 100 milles marins au-delà de l'isobathe de 2500 m.

Article 6. - La ligne de base à partir de laquelle est mesurée la largeur de la mer territoriale est fixée par décret.

Article 7. - Les eaux intérieures maritimes de la République Démocratique de Madagascar où l'Etat exerce sa souveraineté sont comprises entre les limites suivantes:

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- au large, la ligne de base droite servant au calcul de la largeur de la mer territoriale, telle qu'elle est définie par le décret N° 63-131 du 27 février 1963;
- à terre, la laisse de haute mer.

Article 8. - Au sens de la présente ordonnance la laisse de haute mer s'entend par les limites extrêmes de la mer, atteintes par les plus hautes marées en dehors des tempêtes exceptionnelles, aussi bien le long des côtes que dans les baies, rades, ports et havres, ainsi que dans les chenaux, étiers, salines, lagunes et étangs en communication avec la mer, et pour les fleuves, jusqu'à la limite transversale de la mer.

Article 9. - A l'entrée des fleuves et des rivières, la limite de la mer est constituée par la ligne fictive qui prolonge la ligne littorale de part de d'autre de l'embouchure, sauf dans ceux désignés à l'article ci-après.

Article 10. - La limite de la mer est reportée en amont, au premier obstacle naturel ou artificiel qui s'oppose au passage des navires de mer, dans certains estuaires, fleuves et rivières fréquentés par ceux-ci. Le tableau suivant indique pour chacun d'eux cette limite:

Anaran'ny ony sy renirano	Fiantsoana ny faritra	Fangitr'i Laborde		
Nom des fleuves ou rivières	Désignation des limites	Coordonnées rapportées au quadrillage Laborde		
Ambazoana	Pont d'Ambatoharanana RIGN N° 11 Pont d'Ambanja	X	=	644,200
		Y	=	1,393,500
		X	=	618,200
		Y	=	1,376,000
Djangoa	Pont route d'Ambanja Maromandia	X	=	605,800
		Y	=	1,365,400
Andranomalaza	Bac de Maromandia Route de Maromandia Bac de Befotaka	X	=	578,000
		Y	=	1,318,500
		X	=	572,400
		Y	=	1,283,500
Laloza	Port d'Antsohihy	X	=	566,200
		Y	=	1,245,500
Mahmajamba	Jonction des rivières Mahajamba-Mahajambakely	X	=	472,500
		Y	=	1,163,400
Andranoboka	Village d'Andranoboka	X	=	448
		Y	=	1,163
Estuaire de la Betsiboka	Ouest de Marovoay	X	=	418
		Y	=	1,107
Namakia	Village de Namakia	X	=	335,800
		Y	=	1,130,200
Andimaka	Village d'Andimaka	X	=	522
		Y	=	1,144
Mahavavy	Pont Mankara sur rivière Mahavavy	X	=	341,500
		Y	=	1,128,000
Andasibe-Mahombo	Village d'Ankasakasa	X	=	232,000
		Y	=	1,080,000
Sambao	Jonction rivières Sambao Koja	X	=	199,000
		Y	=	1,050,000
Manongoza	Pont de Besalampy	X	=	193,000
		Y	=	1,037,800
		X	=	170,000
Ranobe	Village de Berevo sur Ranobe	Y	=	985,000
Soaninana	Village de Soatanàna	X	=	189,000
		Y	=	814,000
Tsiribihina	Belo sur Tsiribihina	X	=	202,000
		Y	=	709,000
Antanambalana	Village d' Ambinanitelo	X	=	734
		Y	=	1,170

Article 11. - Dans les fleuves et rivières énumérés à l'article 4, la limite de la mer le long des rivières est la plus élevée des lignes suivantes:

- (a) Ligne atteinte par les plus hautes eaux;
- (b) Ligne atteinte par les plus hautes marées périodiques et régulières.

Article 12. - La zone des pas géométriques telle que fixée par l'article 4 C - 36 de l'ordonnance N° 60-099 du 21 septembre 1960 ne s'applique pas le long des rives des fleuves et rivières énumérés à l'article 4 ci-dessus, ainsi qu'aux étendues d'eau visées à l'article 8 ci-dessus.

Article 13. - Toutes dispositions contraires à celles de la présente ordonnance sont abrogées, notamment celles de l'ordonnance N° 73-060 du 28 septembre 1973 fixant les limites de la mer territoriale et du plateau continental de la République Malgache.

Article 14. - La présente ordonnance sera publiée au Journal officiel de la République.

2. DISPOSITIONS DE VALEUR LEGISLATIVE INTERESSANT LA PECHE MARITIME

- (a) Décret du 5 juin 1922 relatif à la pêche fluviale à Madagascar et à la pêche maritime côtière (J.O. du 29 juillet 1922-page 455 et suivantes)

TITRE PREMIER - DEFINITION DE LA PECHE MARITIME: LIMITES

Article premier. - La pêche maritime dans les eaux territoriales de Madagascar et dépendances, est libre d'une part à la mer et sur les côtes, d'autre part dans les fleuves, rivières, lagunes, canaux ou cours d'eaux communiquant directement ou indirectement avec la mer. Toutefois, des concessions réservées peuvent être accordées et réglementées par arrêté du gouverneur général pris en conseil d'administration. Les dispositions du présent décret ne sont applicables dans les fleuves, canaux, rivières, lagunes, etc. que jusqu'à la limite des eaux non salées sujettes à l'influence de la marée. Cette limite entre le domaine de la pêche maritime et le domaine de la pêche fluviale sera déterminé par arrêté du gouverneur général.

TITRE II - LIEUX INTERDITS - DIFFERENTES PECHEES - PECHEES LIBRES EN TOUS TEMPS

Article 2. - Toute espèce de pêche, par quelque procédé, en quelque lieu et à quelque époque que ce soit à l'exception de la pêche à la ligne peut être interdite par arrêté du gouverneur général, en conseil d'administration, lorsque cette interdiction est reconnue nécessaire, d'une part, pour sauvegarder soit la reproduction des espèces, soit la conservation de frai et du fretin, d'autre part, pour assurer la protection des ouvrages hydrauliques et les mouvements des navires.

Article 3. - La pêche des coquillages à nacre, des huîtres perlières, des éponges et des langoustes, fait l'objet d'une réglementation spéciale.

Article 4. - La pêche des crustacés autres que les langoustes, et des coquillages, autres que le coquillage à nacre, est permise en tous lieux de jour et de nuit. Des arrêtés détermineront, s'il y a lieu, les bancs de moules, et les bancs d'huîtres autres que les bancs d'huîtres perlières, à livrer à l'exploitation, ainsi que les mesures à observer par les pêcheurs, et au besoin, les engins de pêche à employer, en vue de la conservation des bancs.

Article 5. - Il est interdit de pratiquer la pêche de holothures (trépangs) sans déclaration préalable au chef de district. Cette déclaration stipulera l'endroit où la pêche doit avoir lieu, et sera renouvelée annuellement par l'intéressé. Les pêcheurs devront se conformer en outre, à l'article 19, paragraphe 4 du présent décret.

Article 6. - Sous la réserve du droit d'interdiction prévu par l'article 2 et des interdictions spéciales au "Arts traînants" prescrites à l'article 10, la pêche des poissons de mer est permise en tous temps, de jour et de nuit, en se conformant aux prescriptions du présent décret.

TITRE III - FILETS - ENGINES DIVERS - PROCÉDES - MODES DE PÊCHE ET APPATS PROHIBÉS

Article 7. - Tous les filets quelles que soient leur dénomination, leur forme, et leur dimension peuvent se grouper en 3 catégories distinctes.

1. Filets fixes: Ceux qui sont tenus au fond au moyen de piquets, cordages, poids et ne changent pas de position une fois calés;
2. Filets flottants: Ceux qui, immergés dans les couches superficielles de la mer, ou traînés à la remorque d'un bateau, ne touchent jamais le fond;
3. Filets traînants: Ceux qui, immergés jusqu'au fond par le moyen de corps lourds, y sont traînés sous l'action d'une force quelconque.

Les filets traînants se subdivisent en 2 séries:

- (a) ceux qui sont traînés au fond à la remorque d'un ou plusieurs bateaux (chaluts)
- (b) ceux qui sont halés à bras sur le rivage (du large vers la terre sennes) ou à bord d'un bateau mouillé, et ceux qui, coulés au fond, sont immédiatement ramenés à la surface à terre, ou en mer (type Epervier).

Article 8. - Sont prohibés, les filets fixes, dont la plus petite maille aura moins de 25 m/m en carré.

Article 9. - Les filets flottants ne sont assujettis à aucune dimension de maille: ceux d'entre eux dont la partie inférieure traînerait au fond, ou qui seraient employés de manière à stationner au fond, sont assimilés, soit aux filets traînants, soit aux filets fixes, et soumis aux mêmes prohibitions.

Article 10. - Sont prohibés, les filets traînants de la série A dont la plus petite maille aura moins de 35 m/m en carré.

- ont prohibés, les filets traînants de la série B dont la plus petite maille aura moins de 25 m/m en carré.

Des arrêtés spéciaux fixeront, s'il y a lieu, les périodes annuelles pendant lesquelles les filets traînants des 2 séries pourront être interdits.

L'usage des filets traînants de la série A, ou chaluts, pour la pêche de toute espèce de poissons, n'est autorisé qu'à une distance de 2 milles de la côte.

Dans aucun cas, il n'est fait usage de filets traînants à moins de 400 mètres de bancs d'huîtres perlières ou autres reconnus, et de parcs à huîtres.

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Article 11. - Sont prohibés, les filets des 3 catégories, lorsqu'ils sont employés dans les conditions autres que celles spécifiées auxdits arrêtés.

Article 12. - Tous les filets destinés à des pêches spéciales, telles que celles des anguilles, athérines, chevrettes, etc. d'une manière générale, des poissons de petite espèce, ou de ceux qui, à l'âge adulte, n'atteignant pas le minimum de taille réglementaire, prévu à l'article 19, ne sont pas soumis aux prescriptions des articles 8, 9 et 10.

Ces filets ne peuvent servir qu'aux genres de pêches auxquels ils sont destinés et pour lesquels ils devront être déclarés.

Article 13. - L'usage des foënes, tridents, hameçons, est permis pendant toute l'année, quelque soit le mode suivant lequel il se pratique.

Toutefois, leur emploi pourra être réglé, s'il y a lieu, par les arrêtés du gouverneur général.

Les jours des claies, nasses, oasiers en treillis, jours en filets, en osier, devront avoir à l'intérieur 30 m/m au moins en côté pour les mailles carrées, et 40 m/m au moins sur chaque côté pour les mailles triangulaires.

Les dimensions ci-dessus sont réduites à 15 m/m (mailles carrées) et 20 m/m (mailles triangulaires) pour les engins servant, dans les lacs et lagunes salés, à la pêche des anguilles.

Article 14. - Est prohibé l'emploi comme appât, des poissons et des coquillages qui n'auraient pas les dimensions prescrites, à l'exception toutefois de ceux qui, parvenus à l'âge adulte, restent au-dessous de ces dimensions.

TITRE IV - DISPOSITIONS SPECIALES PROPRES A PREVENIR LA DESTRUCTION DU FRAI ET ASSURER LA CONSERVATION DU POISSON, DES COQUILLAGES, AUTRES QUE LES COQUILLAGES A NACRE, ET DES HOLOTHURIES.

- Dimensions en dessous desquelles les diverses espèces de poissons et de coquillages autres que les coquillages à nacre ne pourront être pêchées, mises en vente, et colportées.

Article 15. - Il est défendu de récolter les herbes marines qui croissent dans les ports, le long des quais, ponts, ouvrages en maçonnerie construits en mer ou sur le rivage.

De même, la récolte des herbes et algues marines, des plages découvrant à marée basse est interdite. La même défense s'applique aux coquillages et autres produits marins qui s'attachent aux constructions dont il s'agit. Cependant le gouverneur général pourra par arrêté fixer les époques et les lieux où cette récolte sera permise.

Article 16. - Les oeufs de tous les poissons ainsi que ceux de tous les crustacés sont compris sous la dénomination de frai. Il est interdit de les pêcher ou de les recueillir de quelque manière que ce soit.

Article 17. - Il est interdit de placer sur plus de la moitié des fleuves, rivières, canaux, embouchures, aucun barrage, filet fixe, quelle que soit la dimension des mailles, et d'une manière générale, aucun appareil quelconque de pêche ayant pour l'objet d'empêcher le passage des poissons.

Il est interdit de détourner les cours d'eaux pour former des mares dont les poissons ne puissent plus sortir, et de pratiquer des canaux sous marins conduisant le poisson à des filets placés à leurs extrémités.

Article 18. - Il est en outre interdit:

1. d'employer pour la pêche des matières explosives.
2. de jeter dans les eaux soumises à la réglementation du présent décret, toutes substances, solides ou liquides, tous produits d'usine ou autres, toutes plantes ou latex de plantes, capables d'enivrer ou d'empoisonner le poisson et tous les produits marins d'origine animale.

Article 19. - Il est défendu de pêcher, faire pêcher, saler, sécher, acheter, vendre, transporter, et d'employer à un usage quelconque:

1. les poissons qui ne sont pas encore parvenus à la longueur de 10 cm distance mesurée de l'oeil à la naissance de la queue, à moins qu'ils ne soient connus comme poissons de passage, ou qu'ils n'appartiennent à une espèce qui, à l'âge adulte, reste au-dessous de cette taille;
2. les huîtres ordinaires, au-dessous de 4 cm, distance mesurée selon le plus grand diamètre;
3. les moules au-dessous de 3,5 cm. de longueur;
4. les holothuries (trépangs) d'une longueur inférieure à 11 cm. mesurée sur des individus vivants.

Cette longueur est réduite à 8 cm. pour des holothuries à l'état sec.

Article 20. - Les pêcheurs doivent immédiatement rejeter à la mer, morts ou vifs, les poissons, les coquillages, les holothuries pris par eux, et n'atteignant pas les dimensions indiquées à l'article précédent.

Article 21. - Les pêcheurs en bateau, à pied, les propriétaires d'établissements de pêche, de parcs à huîtres, les marchands, et tous ceux qui transportent du poisson ou des coquillages, devront laisser visiter à 1^o réquisition par les agents, à co habilités, leurs bateaux, pirogues, voitures, paniers, et tous objets pouvant contenir poissons ou coquillages.

TITRE V - MESURES DE POLICE TOUCHANT L'EXERCICE DE LA PECHE A PIED ET DE LA PECHE EN FLOTTE

Article 22. - Les pêcheurs à pied sont soumis en ce qui concerne ce genre de pêche, à toutes les dispositions du présent décret, et à celles des arrêtés qui interviendront pour son application.

Article 23. - Des arrêtés régleront s'il y a lieu, les dispositions spéciales à la pêche en flotte: mouillage dans les eaux de pêche, signaux de nuit, distance à observer entre les bateaux, discipline générale de cette pêche, etc...

TITRE VI - MESURES D'ORDRES ET DE PRECAUTIONS, PROPRES A REGLER L'EXERCICE DE LA PECHE

Article 24. - Tout bateau, voulant exercer d'une manière constante ou temporaire, la pêche aux poissons, crustacés, mollusques, et d'une façon générale, la pêche de tous les produits marins d'origine animale, doit en faire la déclaration au bureau du chef de district le plus voisin du lieu de pêche. Cette déclaration indiquera d'une manière précise les noms du bateau et du patron, le genre de pêche auquel le bateau doit se livrer. S'il doit opérer dans les eaux des îles ou archipels éloignés, le nom de ces îles ou archipels devra être mentionné sur la déclaration.

Chaque bateau sera inscrit sur un registre ad-hoc, et recevra un permis sur lequel seront indiqués, le N° d'ordre d'inscription, les noms du bateau, du patron, les genres de pêche, les engins à employer. Au retour, il devra présenter son permis, et faire vérifier son chargement par les agents des Douanes.

Article 25. - Des arrêtés détermineront toutes les mesures de police, d'ordre, et de précaution propres à garantir le libre exercice de la pêche.

TITRE VII - DOMANIALITE MARITIME - CONDITIONS D'ETABLISSEMENT DES PECHERIES - DISPOSITIONS SPECIALES AUX PECHERIES FIXES - DISPOSITIONS COMMUNES AUX ETABLISSEMENTS DE PECHE DE TOUTE NATURE

Article 26. - Aucun établissement de pêche, de quelque nature que ce soit, ne peut être créé sur les côtes, sans une autorisation accordée par un arrêté du gouverneur général. Toute demande de création d'établissement de pêche, parc, dépôt de coquillage, ou de crustacés, doit être adressée au gouverneur général, présenté par le pétitionnaire, ou en son nom, et doit désigner le point du littoral où les travaux doivent être exécutés. Un plan donnant un aperçu général de la configuration du littoral, sera annexé à la demande.

Toute autorisation doit, sous peine d'annulation, être suivie des travaux d'appropriation, dans le délai de 18 mois, à compter de la date de notification de l'autorisation à l'intéressé. Une redevance sera fixée qui commencera à courir de la date de notification de l'arrêté de concession.

Article 27. - Les réservoirs à poissons et à crustacés, les viviers flottants, les dépôts d'huîtres, de moules, de coquillages, sur une propriété privée, recevant de l'eau de mer, pourront être établis en se conformant aux règles du présent décret, après demande régulière adressée au gouverneur général, et sous les réserves qui seront fixées par arrêtés spéciaux (dimensions) des réservoirs, emplacements, etc.

Article 28. - Dans le délai d'un an, à dater de la promulgation du présent, il sera procédé sur place au recensement général de toutes les pêcheries fixes existant sur les côtes de Madagascar, dans les fleuves, rivières, canaux, lagunes, en relation directe ou indirecte avec la mer.

Les détenteurs desdites pêcheries devront produire les actes d'autorisation qu'ils peuvent posséder au moment du recensement, ou solliciter cette autorisation dans un délai de 6 mois.

Les titres réguliers seront revêtus d'une apostille de contrôle, et il sera délivré aux intéressés, un permis signé par le chef du district où se trouvent les pêcheries.

Article 29. - Tout détenteur de pêcheries qui n'aura pas satisfait aux prescriptions de l'article précédent, et le cas échéant, aux dispositions du décret du 3 mai 1886 relatif aux établissements insalubres, sera considéré comme irrégulièrement établi sur l'emplacement qu'il occupe.

Article 30. - Pour l'établissement de pêcherie fixe, les intéressés devront se conformer aux prescriptions de l'article 17 du présent décret. En outre, les barrages ne pourront être établis sur les plages, en bordure de la mer, dans les lagunes et les fleuves, qu'autant que ces barrages ne gêneront en rien la circulation des embarcations et leur accostage.

Article 31. - Les barrages devront être construits de manière à pouvoir être enlevés facilement au moment de l'abandon de la pêcherie, l'enlèvement des pêcheries abandonnées sera obligatoire.

Article 32. - Toute cession, à quelque titre que ce soit, d'un établissement de pêche, devra faire l'objet d'une déclaration au chef de district.

Article 33. - Ne peuvent être employés dans les établissements de pêche que les rets, filets, engins et instruments de dimension réglementaire.

Article 34. - Il est interdit à tout détenteur d'établissement de pêche de laisser leurs établissements inoccupés pendant plus d'une année, sous peine de retrait de l'autorisation qui leur a été accordée.

TITRE VIII - PENALITES

Article 35. - Sera puni d'une amende de 25 à 500 frs, et en cas de récidive pourra subir en outre un emprisonnement de 5 jours à un mois:

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1. quiconque aura fabriqué, fait usage, détenu, transporté, colporté ou mis en vente, les rets, filets, engins et instruments de pêche prohibés par les règlements;
2. quiconque se sera servi d'appâts prohibés.
3. quiconque aura contrevenu aux dispositions spéciales ayant pour but de prévenir la destruction du frai;
4. quiconque aura fait usage d'un procédé ou mode de pêche prohibé.

Article 36. - Sera puni d'une amende de 15 à 100 frs et en cas de récidive pourra en outre subir un emprisonnement de 2 à 5 jours:

1. quiconque se livrera à la pêche pendant les temps, saisons, et heures prohibés;
2. quiconque, dans l'exploitation ou l'établissement des pêcheries, parcs, dépôts autorisés, aura contrevenu aux dispositions du présent décret;
3. quiconque aura créé, sans autorisation, ou loué, vendu, acheté, transmis sans déclaration, un établissement de pêche;
4. quiconque n'aura pas déclaré le genre de pêche auquel il doit se livrer, la destination de son bateau et son chargement au retour. - sans préjudice des pénalités prévues par la législation douanière;
5. quiconque n'aura pas laissé opérer dans les pêcheries, parcs, bateaux de pêche, et aussi dans les panier, les visites requises aux termes de l'article 21 du présent décret;
6. quiconque aura pêché ou fait pêcher les poissons assimilables au frai, les huîtres, les moules, les holothuries n'atteignant pas les dimensions réglementaires;
7. quiconque aura salé, séché, transporté, colporté, mis en vente, acheté, les poissons, les huîtres, les moules et les holothuries pêchés en contravention des règles;
8. quiconque aura contrevenu aux dispositions de l'article 31 relatif à la destruction des barrages au moment de l'abandon.

Article 37. - Il y a récidive lorsque dans les 2 années précédentes, il a été rendu contre le contrevenant un jugement de condamnation pour contravention aux dispositions du présent décret.

Article 38. - Pourront être déclarés responsables des amendes prononcées pour contraventions prévues par le présent décret:

1. les armateurs, propriétaires ou non des bateaux de pêche, en raison de délit commis par les patrons et équipages de ces bateaux;

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2. ceux qui exploitent les établissements de pêcheries, les parcs, les dépôts de coquillages, les réservoirs à poissons ou crustacés, en raison des faits de leurs agents et employés;

Article 39. - La recherche de rets, filets, engins, et instruments de pêche prohibés, pourra être faite à domicile chez les marchands, les fabricants, les pêcheurs.

Article 40. - Les rets, filets, engins et instruments de pêche prohibés seront saisis. Le jugement en ordonnera la confiscation ou la destruction, à moins qu'ils ne soient susceptibles d'être modifiés ou vendus sans inconvénient après transformation.

Article 41. - Le jugement rendu contre les contrevenants au présent décret pourra prononcer la confiscation du matériel employé y compris les embarcations.

Article 42. - Le jugement prononcera dans tous les cas, la confiscation des poissons, des coquillages et des holothuries saisis pour cause de délit. Ces produits seront vendus sans délai en vertu d'une ordonnance du Juge de Paix, ou en cas d'impossibilité de vente, rejetés à la mer ou remis en tout ou en partie, à une formation sanitaire ou à un établissement de bienfaisance.

La présence, dans un lot de poissons et de coquillages, d'espèces n'ayant pas les dimensions réglementaires, entraîne la confiscation du lot dans lequel ces espèces auront été découvertes.

...

Article 44. - Les infractions au présent décret seront recherchées et constatées par les administrateurs, les agents de Douanes, des Travaux Publics de la garde indigène et de la police administrative et judiciaire qui seront assermentés à cet effet.

(b) Loi N° 66-007 du 7 juillet 1966 portant Code Maritime (modifié)

LIVRE V - LA PECHE MARITIME

CHAPITRE I - REGLEMENTATION DE LA PECHE

5.1.01. - La pêche maritime consiste dans la capture par quelques moyens que ce soit de tout animal vivant complètement ou partiellement en mer ou dans la partie salée des fleuves, étangs et canaux.

L'exercice de la pêche tant en mer que le long des côtes et que dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées est soumis aux dispositions suivantes.

5.1.02. - Des arrêtés de l'autorité administrative maritime préparés en liaison avec la division des pêches maritimes du service de l'élevage relevant du ministère du développement rural déterminent:

1. L'étendue de la côte devant laquelle chaque espèce de pêche est permise;
2. La distance de la côte ainsi que des embouchures de rivières, étangs ou canaux à laquelle les pêcheurs devront se tenir;
3. Les époques d'ouverture et de clôture de diverses pêches; l'indication de celles qui seront libres toute l'année; les heures pendant lesquelles les pêches pourront être pratiquées;
4. Les filets, engins, instruments de pêche prohibés, les procédés et modes de pêche prohibés.
5. Les dispositions propres à prévenir la destruction du frai et à assurer la conservation des poissons, crustacés, coquillages et autres animaux marins;
6. Les interdictions relatives à la pêche, à la mise en vente, à l'achat, au transport, colportage ou à l'emploi du frai, des poissons, des crustacés et des coquillages qui n'atteignent pas les dimensions prescrites;
7. Les conditions d'établissements des pêcheries, des parcs à huîtres, à moules et autres coquillages; les conditions de leur exploitation;
8. Les appâts défendus;
9. Les mesures d'ordre et de police tant en mer que sur le littoral propres à assurer la conservation de la pêche qu'à en régler l'exercice.

5.1.03. - Il est interdit de faire usage pour la pêche, soit de dynamite ou de tout autre explosif, soit de substances ou d'appâts pouvant enivrer ou détruire les poissons, crustacés et coquillages.

CHAPITRE II - ZONE DE PECHE RESERVEE DANS LES EAUX TERRITORIALES

5.2.01. - Dans les eaux territoriales, la pêche est réservée aux navires malgaches et, sous réserve de réciprocité, aux navires des autres Etats de la Communauté.

Pour les golfes, baies et rades, des arrêtés de l'autorité administrative maritime déterminent la ligne à partir de laquelle cette limite est comptée.

5.2.02. - Les dispositions ci-dessus ne portent pas atteinte à la libre circulation reconnue aux bateaux de pêche étrangers naviguant ou mouillant dans la zone de pêche réservée des eaux territoriales malgaches.

Un arrêté de l'autorité administrative maritime déterminera les règles spéciales de police auxquelles, dans ces cas, les bateaux de pêche devront se conformer.

CHAPITRE III - ETABLISSEMENTS DE PECHE ET AUTRES FORMES SUR LE DOMAINE PUBLIC MARITIME

5.3.01. - Les limites de la mer seront déterminées par des décrets rendus sur proposition de l'autorité administrative maritime.

5.3.02. - Les avis de l'autorité administrative maritime et de la division des pêches maritimes du service de l'élevage relevant du ministère du développement rural seront réclamés en ce qui concerne les concessions des lais et relais de la mer, et son assentissement devra être obtenu pour les autorisations relatives à la formation d'établissements de quelque nature que ce soit sur la mer et ses rivages.

5.3.03. - Aucun établissement de pêcherie, de quelque parc soit à huîtres soit à moules, aucun dépôt de coquillages ne peuvent être formés sur le rivage de la mer, le long des côtes, ni dans la partie de fleuves, rivières, étangs et canaux où les eaux sont salées sans une autorisation spéciale délivrée par l'autorité administrative maritime après avis favorable de la division des pêches maritimes du service de l'élevage relevant du ministère du développement rural.

Un arrêté de l'autorité administrative maritime déterminera les formes suivant lesquelles cette autorisation sera accordée et pourra être révoquée.

5.3.04. - Des décrets rendus sur la proposition de l'autorité administrative maritime détermineront dans les fleuves et rivières affluent directement ou indirectement à la mer des points de cessation de la salure des eaux.

CHAPITRE VII - DELITS CONCERNANT LA POLICE DES PECHES MARITIMES

7.7.01. - Quiconque fait usage, pour la pêche, de la dynamite ou de toute autre matière explosive est puni d'un emprisonnement de six mois à dix-huit mois et d'une amende de 100.000 à 1.000.000 de francs.

Est puni de la même peine quiconque fait usage pour la pêche de substance ou d'appâts dont l'emploi est interdit par l'article 5.1.03.

Quiconque détient à bord d'un bateau armé pour la pêche ou s'y livrant en fait, soit de la dynamite ou des matières explosives autres que la poudre pour l'usage des armes à feu, soit de substances ou d'appât dont l'emploi est interdit par l'article 5.1.03 est puni d'un emprisonnement de dix jours à trois mois et d'une amende de 50.000 à 500.000 francs.

Toutefois, lorsque ces matières ou substances sont réservées à un autre usage que celui de la pêche leur embarquement peut être autorisé par l'autorité administrative maritime.

Quiconque recueille, met en vente, transport ou colporte sciemment le produit des pêches interdites par l'article 5.1.03 est puni d'une amende de 50.000 à 500.000 francs et d'un emprisonnement de six jours à trois mois.

L'embarcation et le matériel ayant servi aux délinquants visés aux paragraphes 1 et 2 du présent article sont saisis par l'autorité administrative maritime, leur confiscation et leur mise en vente peuvent être prononcées par le tribunal.

Le produit des pêches interdites par l'article 5.1.03 est saisi et immédiatement mis en vente par les soins de l'autorité administrative maritime. Le prix de la vente est consigné et est confisqué en cas de condamnation au profit du fonds spécial prévu à l'article 7.2.04.

7.7.02. - Quiconque utilise un chalut à poissons ou autre filet traînant en contravention des dispositions des arrêtés prévus à l'article 5.1.02 est puni d'une amende de 25.000 à 250.000 francs et d'un emprisonnement de dix jours à six mois.

En cas de récidive, le filet employé est saisi par l'autorité administrative maritime, la confiscation et la mise en vente de l'engin saisi sont obligatoirement prononcées par le tribunal et le produit de la vente est versé au fonds spécial prévu à l'article 7.2.04.

7.7.03. - Quiconque a contrevenu aux autres dispositions des arrêtés prévus par les articles 5.1.02, 5.8.02 sont punis d'une amende de 25.000 francs à 125.000 francs et d'un emprisonnement de dix jours à trois mois.

7.7.04. - Quiconque a formé sans autorisation un établissement de pêcherie, de parc à huîtres ou à moules ou un dépôt de coquillages, de quelque nature qu'il soit est puni d'une amende de 25.000 francs à 250.000 francs et d'un emprisonnement de dix jours à six mois. La destruction des établissements formés sans autorisation a lieu aux frais des contrevenants.

7.7.05. - En cas de récidive le contrevenant est condamné au maximum de la peine d'amende ou d'emprisonnement; ce maximum peut être élevé au double.

Il y a récidive lorsque, dans les deux ans précédents, il a été rendu contre les contrevenants un jugement pour contravention en matière de pêche.

7.7.06. - Peuvent être déclarés responsables des amendes prononcées pour contraventions prévues par le présent code, les armateurs des bateaux de pêche, qu'ils en soient ou non propriétaires à raison des faits des patrons et équipages de ces bateaux.; ceux qui exploitent les établissements de pêcherie, de parc à huîtres et à moules et de dépôts de coquillages, à raison des faits de leurs ayant cause ou employés.

Ils sont, dans tous les cas, responsables des condamnations civiles.

7.7.07. - Tout capitaine et membre d'équipage d'un navire étranger surpris en pêche dans la zone de pêche réservée des eaux territoriales prévue à l'article 5.2.01 est puni d'une amende de 250.000 francs à 2.500.000 francs et d'un emprisonnement de dix jours à six mois ou de l'une de ces deux peines seulement.

En cas de récidive dans les deux ans, la confiscation du navire, des engins et des produits de la pêche est obligatoirement prononcée par le tribunal. Le produit de la vente est versé au fonds spécial prévu à l'article 7.2.04.

7.7.08. - Pour les délits prévus aux articles 7.7.01, 7.7.02, 7.7.03, 7.7.04 et 7.7.07, l'autorité administrative maritime représentée par le Ministre des transports ou les agents désignés par lui a le droit de transiger avec les justiciables.

La transaction peut avoir lieu soit avant soit après jugement. Il ne peut y avoir lieu à transaction avant jugement pour une affaire où des dommages et intérêts sont susceptibles d'être réclamés que dans la mesure où les bénéficiaires éventuels desdits dommages et intérêts ont été désintéressés ou ont renoncé à se porter partie civile au jugement.

Les transactions après jugement ne peuvent porter que sur les condamnations à des peines pécuniaires, à l'exclusion des peines d'emprisonnement qui, en tout état de cause, doivent être purgées.

Un décret fixera les modalités d'application des dispositions ci-dessus.

7.7.09. - La recherche des filets, engins et instruments de pêche prohibés peut être faite à domicile chez les marchands et fabricants. Ils sont saisis et le jugement en ordonnera la destruction.

Le poisson et le coquillage saisis pour cause de délits sont vendus sans délai, le prix en est confisqué en cas de condamnation.

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Les agents verbalisateurs ont le droit de requérir directement la force publique pour la répression des infractions en matière de pêche maritime, ainsi que pour la saisie des filets, engins et appâts prohibés, et du poisson, et des coquillages pêchés en contravention.

7.7.10. - Est punie d'une amende de 25.000 francs à 250.000 francs et d'un emprisonnement de dix jours à six mois ou de l'une de ces deux peines seulement toute personne qui enfreint les dispositions prévues en matière de salubrité, de conservation et de commercialisation des produits de la pêche.

7.7.11. - Les infractions sont recherchées et constatées par les chefs d'arrondissements et sous-arrondissements maritimes, les officiers et officiers mariniers commandant les bâtiments ou embarcations de la République Malgache ou de la Communauté, les inspecteurs de la navigation et du travail maritimes, les vétérinaires et autres agents du service de l'élevage, les gendarmes, les agents des douanes, ainsi que les autres agents spécialement habilités à cet effet.

7.7.12. - Les procès-verbaux dûment signés établis par les agents énumérés à l'article précédent font foi jusqu'à preuve du contraire. Ils ne sont pas soumis à l'affirmation.

Les procès-verbaux sont transmis directement par leurs auteurs au chef d'arrondissement maritime dans la circonscription duquel ils se trouvent ou sont en service.

Le chef d'arrondissement maritime saisit le procureur de la République près le tribunal dont relève le chef-lieu de l'arrondissement.

A défaut de procès-verbaux ou en cas d'insuffisance de ces actes, les infractions peuvent être prouvées par témoins.

7.7.13. - Les poursuites ont lieu à la diligence du ministère public sans préjudice du droit de la partie civile; elles peuvent aussi être intentées à la diligence des chefs d'arrondissement maritimes.

Ces fonctionnaires, en cas de poursuites par eux faites, ont droit d'exposer l'affaire devant le tribunal et d'être entendus à l'appui de leurs conclusions.

7.7.14. - Si la contravention a été commise par un navire étranger, celui-ci est retenu jusqu'à entier paiement des frais de garde et d'entretien des frais de justice et des amendes si une caution fixée par le chef d'arrondissement maritime n'est pas déposée au trésor à titre de garantie de l'exécution des condamnations. Si le paiement intégral de ces créances de l'Etat n'a pas été effectué dans un délai de trois mois à partir du jour où la condamnation est devenue définitive, le navire est vendu au profit des divers créanciers par les soins de l'autorité administrative maritime en présence de l'agent chargé du recouvrement des amendes.

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Sont prélevés sur le produit de la vente:

- les frais de garde et d'entretien exposés par l'autorité administrative maritime pendant la détention du navire;
- les frais de justice;
- le montant des amendes.

L'ordre de privilège des autres créances est réglé par l'article 191 du code de commerce.

Le reliquat du produit de la vente est versé au fonds spécial prévu à l'article 7.2.04.

L'armateur condamné en première instance et qui interjette appel ou fait opposition peut obtenir du chef d'arrondissement maritime l'autorisation de sortie du navire en consignnant au trésor un cautionnement destiné à garantir l'exécution des condamnations et dont le chef d'arrondissement maritime fixe le montant.

En cas de condamnation définitive et de non exécution, le cautionnement est acquis au fond spécial prévu à l'article 7.2.04, Réduction faite des frais et des réparations civiles.

3. REGLEMENTS

- (a) Décret N° 71-238 du 18 mai 1971, réglementant l'exercice de la pêche par chalutage dans la mer territoriale (modifié).

Article premier. - Dans le but d'assurer un développement rationnel des pêches maritimes dans les eaux territoriales malgaches, la pratique du chalutage est subordonnée à la possession selon le cas:

- d'une licence portant autorisation de pratiquer le chalutage au moyen de bateaux dont la force motrice est supérieure à 25 CV;
- d'une licence portant autorisation de pratiquer le chalutage au moyen de bateaux dont la force motrice est inférieure ou égale à 25 CV.

Article 2. - Les licences relatives aux chalutiers dont la force motrice est supérieure à 25 DV sont délivrées conjointement par le Ministre chargé de l'Elevage et de la Pêche maritime et le Ministre des Travaux publics, sur avis de la commission, définie à l'article 4 ci-dessous, chargée d'étudier les dossiers de demandes recevables à adresser au ministère chargé de l'Elevage et de la Pêche maritime au plus tard six mois avant l'expiration de la période biennale en cours, c'est-à-dire pour le premier juillet de chaque année paire.

Les licences relatives aux chalutiers dont la force motrice est inférieure ou égale à 25 CV sont délivrées par le ministère chargé de l'Elevage et de la Pêche maritime sur simple demande recevable en tout temps, mais visée au préalable par les services de la marine marchande et de la pêche maritime, dans la limite du quota biennal par la commission.

Article 3. - Est recevable tout dossier de demande d'obtention d'une licence de chalutage par bateaux de force motrice supérieure à 25 CV, constitué des pièces suivantes:

- une demande écrite de l'armateur;
- une note explicative sur le mode d'exploitation du navire;
- une fiche de renseignements conforme au modèle annexé au présent décret établie par le propriétaire du navire ou le représentant qualifié des armateurs;
- un rapport technique établi par le Service de la marine marchande à la suite d'une inspection du navire ou après étude des plans présentés par le propriétaire ou l'armateur portant sur l'application stricte des textes réglementaires relatifs à l'hygiène, à l'habitabilité et à la sécurité à bord;

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- un rapport technique établi par le Service de la pêche maritime qui contrôlera le maillage ainsi que la longueur des cordes de dos des chaluts, et classera visuellement ou sur plan que les moyens de réfrigération, de préservation, de conservation ou de traitement des captures à bord sont conformes à la réglementation en vigueur.

Article 4. - La commission comprend:

- Président
- Le directeur de l'Elevage et de la Pêche maritime.

Membres

- Le chef du Service de la marine marchande;
- Le chef du Service de la pêche maritime du ministère de l'Agriculture;
- Le chef de la division des pêches maritimes du ministère des Travaux publics;
- Un représentant du Secrétaire d'Etat à l'Animation rurale et à la Coopération;
- Un représentant du Ministre du Plan;
- Un représentant du Ministre des Mines, de l'Industrie, du Commerce et du Ravitaillement;
- Un fonctionnaire du Service de la marine marchande assure le secrétariat de la commission.

Article 5. - La commission se réunit sur convocation du Ministre chargé de l'Elevage et de la Pêche maritime chaque fois que de besoin, et obligatoirement tous les 2 ans entre le 1er juillet et le 30 octobre, pour évaluer les plans d'extension des armements de pêche au chalut et fixer pour la période biennale à venir le nombre de licences à délivrer à chaque armement utilisant des bateaux de force supérieure à 25 CV ainsi que le quota de licences attribués aux armements disposant de bateaux de force de moins ou égale à 25 CV.

Les critères et la valeur qu'elle leur aura accordée dans l'étude des dossiers soumis à son examen doivent accompagner obligatoirement les avis qu'elle adresse aux Ministres visés à l'article 2 ci-dessus.

La commission peut faire appel à titre, à des conseillers consultatif scientifiques et techniques choisis en raison de leurs compétences particulières, pour débattre de certains problèmes spécifiques.

Article 6. - L'acceptation ou le rejet des nouvelles (demandes de licence pour chalutage par bateaux de puissance supérieure à 25 doit être signifiée à l'armateur avant le 30 octobre de chaque année paire.

Article 7. - La licence de chalutage est remise au capitaine du bateau par le Service de l'arrondissement maritime lors de l'armement et après constatation de la conformité des principaux éléments du dossier lorsque celui-ci n'a été étudié que sur plans.

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La licence de chalutage s'applique au seul navire auquel elle est attribuée. Elle ne peut être cédée qu'après une année d'activité, sur décision des Ministres visés à l'article 2 ci-dessus, et après avis de la commission. Une expédition de la licence devra figurer en permanence parmi les documents détenus par le capitaine du chalutier.

Article 8. - Tout bénéficiaire d'une licence de chalutage par bateau de plus de 25 CV qui n'en a pas utilisé effectivement pendant une période minimum de six mois sur l'année peut se voir retirer cette licence, sur décision des Ministres responsables, après avis de la commission, sans qu'il puisse se prévaloir d'un droit quelconque à dommages et intérêts.

Article 9. - Tout bénéficiaire d'une licence de chalutage dispose librement de ses captures, mais il est tenu de fournir au Service de la pêche maritime un relevé mensuel des productions et de leur provenance sur un formulaire dont le modèle lui est remis en même temps que la licence.

Article 10. - Outre les sanctions prévues par le code maritime en ce qui concerne la réglementation des pêches, les titulaires de licences en infraction avec les dispositions du présent décret peuvent se voir retirer leurs licences à titre temporaire pour une période n'excédant pas 6 mois sur décision des Ministres responsables après avis de la commission.

Article 11. - (nouveau) Par dérogation à l'article 10 du décret du 5 juin 1972, les licences de pêche au chalut peuvent autoriser leurs détenteurs à pêcher la crevette dans la zone des deux milles à compter de la côte.

Article 12. - (nouveau) Les caractéristiques des moyens de pêche pouvant être utilisés pour le chalutage seront fixés sur avis de la commission par arrêtés, en fonction de l'évolution de la pêche et de la connaissance plus approfondie des stocks existants.

De même la commission propose aux Ministres responsables, le nombre maximum de chalutiers que chaque armement est autorisé à exploiter dans les limites de certaines zones spécifiques de pêche qu'il serait indispensable de protéger.

Article 13. - Par mesure d'ordre pour la période biennale 1971 et 1972, les exploitants actuels disposent de 2 mois francs à compter de la date de publication du présent décret au journal officiel pour déposer leur demande d'octroi de licence et se conformer aux présentes dispositions, notamment à celles de l'article 3 ci-dessus.

De son côté, la commission dispose d'un délai de 2 mois à compter de la date limite de dépôt des demandes pour présenter ses propositions d'octroi de licences aux Ministres responsables.

Article 14. - Les agents énumérés à l'article 7.7.11 du code maritime sont habilités à rechercher et constater les infractions au présent décret telles que définies et sanctionnées au livre 7 chapitre VII du code maritime, en ses articles 7.7.01, 7.7.02, 7.7.03, 7.7.05, 7.7.06, 7.7.07, 7.7.09 et 7.7.10.

Article 15. - Sont abrogées les dispositions du décret du 5 juin 1922 contraires au présent notamment ses articles premier et 24.

Article 16. - Le Ministre des Travaux publics et des communications et le Ministre chargé de l'élevage et de la pêche maritime sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui sera publié au Journal officiel de la République.

- (b) Décret N° 62-213 du 18 mai 1962, réglementant le contrôle de la salubrité et des conditions de conservation des produits de la mer d'origine animale destinés à la consommation (modifié)

TITRE PREMIER - DISPOSITION GENERALES ET CARACTERES DES PRODUITS MARINS D'ORIGINE ANIMALE DESTINES A LA VENTE EN VUE DE LA CONSOMMATION SOIT A L'ETAT FRAIS SOIT CONSERVE

Article premier. - Les poissons, crustacés et mollusques de mer et d'eau douce, destinés à la consommation soit à l'état frais, soit conservés par un procédé quelconque sont obligatoirement soumis à l'inspection de salubrité des produits alimentaires d'origine animale. Cette inspection est assurée par les agents qualifiés du service de l'élevage, de la pêche maritime et des industries animales.

Les poissons, crustacés et mollusques reconnus impropres à la consommation seront saisis et détruits par les procédés ordinairement employés à cet effet.

L'exportation des poissons, des crustacés et des mollusques à l'état frais ou conservés est subordonnée à l'établissement d'un certificat de salubrité et de conditionnement délivré par un agent habilité du service de l'élevage, de la pêche maritime et des industries animales.

A - CONTROLE DE LA SALUBRITE DES POISSONS

Article 2. - Les caractéristiques des poissons frais sont les suivantes:

Odeur - Elle est légère, agréable et rappelle celle de l'algue marine;

Aspect général - Le poisson frais a un aspect brillant, un éclat métallique et des couleurs vives;

Corps - Le corps du poisson fraîchement pêché est flexible mais la rigidité cadavérique apparaît rapidement;

Consistance - La chair du poisson frais est ferme et la pression du doigt ne laisse pas de trace;

Ecailles - Les écailles adhèrent fortement à la peau;

Oeil - L'oeil du poisson frais est clair, vif et brillant; il occupe toute la cavité orbitaire;

Branchies - Elles sont roses ou rouge sang. Elles dégagent une agréable odeur de marée;

Abdomen - Il ne doit être ni gonflé, ni affaissé, ni déchiré. Sa cuirasse d'écaillés doit être absolument intacte;

Viscères - Ils sont lisses et brillants. Le péritoine pariétal doit adhérer parfaitement à la paroi de la cavité viscérale.

Article 3. - Limites de la Taille marchande. - Il est interdit de pêcher, de garder à bord, de saler, d'acheter, de vendre, de transporter, de traiter et d'employer à un usage quelconque les poissons qui ne sont pas encore parvenus à la taille de 12 centimètres, à moins qu'ils ne soient réputés poissons de passage ou qu'ils n'appartiennent à une espèce qui, à l'âge adulte, reste au-dessous de cette dimension.

Article 4. - Motifs de saisie. - Seront saisis et détruits les poissons de mer et d'eau douce vénéneux, nuisibles, gâtés, corrompus, malades, répugnants ou présentant des altérations traumatiques, ainsi que les poissons conservés par un procédé quelconque et présentant des altérations.

Poissons vénéneux - Les poissons vénéneux sont ceux dont les organes élaborent physiologiquement d'une manière continue ou périodique, des substances dont l'ingestion est susceptible de déterminer des accidents plus ou moins graves, parfois mortels.

Sont réputés vénéneuses certaines espèces de poissons des familles suivantes:

Monacanthidés, Diodonidés, Balistidés, Echidnoidés, Callyodontidés, Ostracionidés, Canthigastéridés, Lagocéphalidés, Sphyracnoidés (à certaines époques)

...

Poissons malades - Les poissons peuvent être atteints de maladies très variées: maladies à virus, maladies bactériennes, diverses maladies à protozoaires, Helminthiases, maladies causées par des crustacés, tumeurs, malformations congénitales, maladies de la nutrition maladies d'origine physique ou chimique.

- Les poissons de mer atteints de maladies sont pratiquement sans danger; ils seront cependant saisis et détruits s'ils en présentent un caractère répugnant;

- Les poissons d'eau douce malades seront systématiquement saisis et détruits, en raison des dangers de transmission de la maladie à l'homme.

Poissons présentant des altérations traumatiques - Les poissons présentent des altérations traumatiques telles que blessures, écrasement, éventration, ainsi que les poissons morts dans l'eau seront saisis et détruits.

Poissons conservés par un procédé quelconque et présentant des altérations - Seront déclarés impropres à la consommation saisis et dénaturés selon les procédés ordinairement employés à cet effet, les poissons de mer ou d'eau douce conservés par un procédé quelconque présentant des altérations, gâtés, corrompus, nuisibles ou répugnants.

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Poissons réfrigérés - La putréfaction provoque chez le poisson réfrigéré des modifications voisines de celles constatées chez le poisson frais: variation de la couleur de la peau, des branchies, de l'odeur; l'oeil devient vide et opaque, les écailles se détachent facilement de la peau sous jacente, la chair perd sa consistance.

Poissons congelés - Outre les signes de la putréfaction visibles à la décongélation, les poissons congelés peuvent présenter les altérations suivantes:

- coloration rouge (altération physique);
- coloration rouille (altération chimique), moisissure.

Poissons salés, séchés, ou fumés - Les poissons salés, séchés ou fumés peuvent présenter les altérations suivantes: putréfaction, altération rouge, vermoulure, moisissure, rancissement, empoussièrément, souillures diverses, odeur anormale.

B- CONTROLE DE LA SALUBRITE DES CRUSTACES

Article 5. - Les caractéristiques des crustacés frais sont les suivantes:

- carapace légèrement humide, luisante;
- appendices solidement attachés au corps;
- oeil ferme, brillant, noir;
- membranes interségementaires et articulaires brillantes, transparentes, résistantes.

Article 6. - La pêche, la vente, le colportage et la mise en conservation des langoustes sont prohibés durant la période de reproduction de ces crustacés, soit du 1er octobre de chaque année au 31 janvier de l'année suivante.

Article 7. - La pêche, la vente, le colportage et la mise en conservation des langoustes femelles portant des oeufs ainsi que des sujets mesurant moins de 20 centimètres, antennes non comprises, sont interdits en tous temps.

Article 8. - Motifs de saisie. - Seront saisis et détruits les crustacés de mer et d'eau douce toxiques, gâtés, corrompus, malades, répugnants ou souillés ainsi que les crustacés conservés par un procédé quelconque et présentant des altérations.

Les maladies dont peuvent être atteints les crustacés, principalement ceux d'eau douce, sont les suivantes:

- maladies bactériennes, mycoses, maladies à protozoaires, helminthiases.

C.- CONTROLE DE LA SALUBRITE DES MOLLUSQUES

Article 9. - Les mollusques généralement consommés appartiennent à trois groupes:

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- Groupe des Lamellibranches: type huître, moule ...
- Groupe des Gastéropodes: type patelle ...
- Groupe des Céphalopodes: type calmar, seiche.

Article 10. - Seuls les mollusques frais pourront être mis en vente ou conservés. Les caractéristiques des mollusques sont les suivantes:

- Liquide intervalvaire abondant et transparent;
- Réaction du manteau à la piquûre.

Gastéropodes, type patelle:

- La chair des gastéropodes frais est humide et adhère fortement à la coquille.

Céphalopodes, type calmar:

- La surface du corps des céphalopodes frais est luisante et humide; leurs yeux sont vifs et luisants.

Article 11. - Motifs de saisie. - Tous les coquillages gâtés, corrompus, malades, défectueux, répugnants, ou malodorants doivent être rejetés de la consommation et leur présence en proportion de plus de 25 p. 100 dans un lot entraîne la saisie de tout le lot.

Le triage d'un lot d'huîtres ne sera pratiqué que lorsque la proportion d'huîtres mortes ne dépassera pas 25 p. 100.

Les mollusques peuvent être atteints des maladies suivantes:

- maladies bactériennes, mycoses, maladies à protozoaires, maladies provoquées par des algues ou par des éponges, helminthiases, maladies provoquées par des crustacés, maladies provoquées par inclusion, maladies d'origine physique ou chimique.

D. - CONTROLE DE LA SALUBRITE DES ECHINODERMES

Article 12. - Les échinodermes généralement consommés appartiennent à deux groupes:

- Groupe oursins de mer;
- Holothuries.

Seuls les échinodermes vivants pourront être mis en vente ou conservés.

- Les oursins de mer vivants ont les piquants droits, brillants et adhérents; leur membrane péribuccale est intacte; leur liquide intérieur est clair, incolore, inodore.

- Seuls les oursins vivants, ramassés en dehors des zones de pollution par les égouts et les rivages hantés pourront être mis en vente en vue de la consommation.

- Les holothuries ne sont consommées qu'après séchage.

Les motifs de saisie des holothuries sèches sont la putréfaction, la moisissure, les souillures diverses.

TITRE II - CONDITIONS D'INSTALLATION ET DE FONCTIONNEMENT DES USINES OU ATELIERS OU SONT TRAITES LES PRODUITS DE LA MER

Article 13. - Les animaux marins destinés à être conservés par quelque procédé que ce soit doivent être frais et satisfaire aux conditions du contrôle de salubrité prévu au titre I.

Article 14. - Les dénominations de différents produits de la pêche conservés devront obligatoirement correspondre à la nomenclature qui sera établie par le service de l'élevage, division des pêches maritimes.

Article 15. - Définition:

Conserves. - Sont considérés comme conserves les produits stérilisés par la chaleur ou par tout autre procédé légalement reconnu, constitués par des poissons ou autres animaux marins convenablement parés, enfermés dans des récipients à fermeture hermétique.

Semi-conserves. - Sont considérés comme semi-conserves des produits non stérilisés, constitués par des poissons ou autres animaux marins, soumis à un traitement conservateur, préparés sous une forme permettant la consommation en l'état, livrés en récipient étanches dont la capacité n'excède pas 25 litres, sous le conditionnement du fabricant.

Les poissons déjà salés, retraités avec du sel neuf ou répartis dans des récipients plus petits que les récipients d'origine, mais sans adjonction de produits alimentaires autres que le sel, ne rentrent pas dans la catégorie des semi-conserves, ils demeurent dans celle des salaisons.

Salaisons. - Sont considérés comme salaisons, des produits constitués par des poissons ou autres animaux marins imprégnés de sel par suite d'une action suffisamment prolongée de cet agent conservateur. Ce terme s'applique aux poissons ayant subi un salage simple en sel sec ou saumure ou un ressilage non suivi de la préparation complémentaire en semi-conserves.

Fumaisons. - Sont considérés comme fumaisons des produits constitués par des poissons généralement salés, soumis à l'action de la fumée qui leur donne une saveur caractéristique.

Poissons séchés. - Sont considérés comme poissons séchés les poissons dont la conservation a été assurée par l'évaporation d'une fraction plus ou moins grande de l'eau de constitution des tissus. Cette dessiccation peut être obtenue par exposition à l'air libre ou par tout autre procédé artificiel légalement reconnu. Les poissons séchés peuvent subir un salage préalable au sel sec ou en saumure.

Poissons congelés. - Les produits congelés sont constitués par des poissons ou autres animaux marins dont l'état de fraîcheur a été rapidement stabilisé par l'application de basses températures.

Les conserves et semi-conserves de poissons ou autres animaux marins sont par ailleurs soumises aux dispositions générales applicables aux conserves et semi-conserves alimentaires, en ce qui concerne la fabrication, la détention en vue de la vente, les conditions bactériologiques, le marquage et l'étiquetage.

Article 16. - Installation minima:

Quelle que soit la catégorie à laquelle se rattache l'entreprise, les locaux doivent être affectés spécialement et exclusivement à son activité professionnelle et ne contenir que l'outillage ou les matières premières nécessaires à son fonctionnement. De ce fait ne peuvent être agréées toutes entreprises dont les installations seraient placées dans les locaux d'habitation, des garages contenant des voitures, ou des bâtiments employés à l'exercice d'autres industries ou à d'autres fins.

Dans les industries nécessitant l'emploi de la force motrice, les machines à vapeur ou les moteurs, ainsi que les réserves de combustible, doivent être placés dans des locaux distincts ou séparés des ateliers par des cloisons. Le sol et les murs doivent permettre des lavages journaliers au jet d'eau sous pression avec évacuation rapide des eaux.

Industries de conserves. - L'installation minimum requise pour une entreprise de fabrication de conserves comporte l'outillage essentiel suivant:

- Des bacs de lavage et de saumurage;
- Des tables d'ététagage;
- Des appareils de cuisson;
- Un matériel de séchage;
- Des tables d'emboitage;
- Des sertisseuses;
- Des autoclaves.

Industries de semi-conserves. - L'installation minimum requise pour une entreprise de fabrication de semi-conserves comporte l'outillage essentiel suivant:

- Des bacs de lavage;
- Des tables de préparation;
- Des tables d'emboitage ou d'enflaconnage;
- Des sertisseuses pour flacons ou boîte métalliques.

Industries de salage et de saurissage. - L'installation minimum requise pour une entreprise de salage comporte l'outillage essentiel suivant:

- Des bacs de ciment;
- Un dispositif de lavage et de brossage.

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L'installation minimum requise pour une entreprise de saurissage comporte l'outillage essentiel suivant:

- Des bacs en ciment;
- Un dispositif de lavage et de brossage;
- Un appareil de fumage.

Industries du séchage de poissons. - L'installation minimum requise pour une entreprise de séchage comporte l'outillage essentiel suivant:

- Des bacs en ciment pour lavage;
- Une installation pour l'égouttage;
- Une installation de séchage à l'air libre ou mécanique;
- Une salle de stockage du poisson à l'arrivée;
- Une salle pour la manutention et l'entreposage.

Industries de la congélation du poisson. - L'installation minimum requise pour une entreprise de congélation du poisson comporte l'outillage essentiel suivant:

- Un appareil congélateur;
- Une chambre de stockage du poisson pouvant être maintenue de façon constante à une température de 18° et d'une capacité en rapport avec le rendement de l'appareil congélateur.

Article 17. - Les établissements où sont traités les poissons ou autres animaux marins sont soumis à la réglementation générale concernant les établissements réputés dangereux, insalubres et incommodes.

Toute personne ou société désirant ouvrir un établissement destiné au traitement des poissons ou autres animaux marins doit en faire la demande au Ministre de l'agriculture et du paysannat, direction du service de l'élevage, dans les établissements dangereux, insalubres et incommodes.

Article 18. - Le contrôle et la surveillance des établissements de traitement des produits de la mer est effectué dans l'intérêt immédiat de la santé publique. Ce contrôle permanent et cette surveillance sont exercés par les agents d'inspection qualifiés du service de l'élevage, ils portent sur la tenue générale de l'établissement, sur les installations et le matériel, sur la nature et l'état de fraîcheur des produits, sur les opérations de préparation, de fabrication, et sur les produits préparés ou fabriqués avant leur sortie des établissements. Ils portent également sur les conditions de salubrité de ces établissements.

Indépendamment des dispositions du code du travail de règlements concernant l'hygiène et la sécurité des travailleurs, ces établissements doivent présenter des conditions d'hygiène tant en ce qui concerne l'aménagement des locaux que la qualité des eaux, l'entretien du matériel; les prescriptions de salubrité portent également sur la propreté et l'état sanitaire du personnel et sur les conditions dans lesquelles sont effectuées les manipulations.

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Les fabricants ou leurs représentants sont tenus de laisser pénétrer en tout temps et dans toutes les parties de leurs établissements les agents du service chargé du contrôle.

Les visites de ces agents sont consignées sur un registre coté et paraphé où sont inscrites les recommandations, observations et injonctions; les fabricants ou leurs représentants doivent, après avoir pris connaissance de ces recommandations, observations ou injonctions, émarger sur ledit registre qui est déposé au bureau de l'établissement; le fabricant est tenu responsable de sa conservation.

Article 19. - L'exercice du contrôle comporte des prises d'échantillons, aux fins d'examen et d'analyse, tant sur les matières premières destinées à la préparation des produits, les ingrédients employés que sur les produits fabriqués ou préparés.

Les prises d'échantillons sont effectuées par les agents chargés du contrôle qui en inscrivent la liste détaillée sur le registre. Le fabricant ou son représentant donne acquit de ces prises d'échantillons sous forme d'émargement sur ledit registre.

Lorsqu'un échantillon ainsi prélevé sera reconnu altéré ou dangereux, une enquête sera faite sur l'établissement où il a été préparé, à la diligence du directeur du service de l'élevage. Cette enquête devra déterminer les conditions à remplir par le fabricant pour faire disparaître les causes de l'altération.

Les établissements des fabricants qui n'exécuteraient pas les mesures prescrites par le directeur du service de l'élevage en vue du rapport d'enquête, pourront être fermés par l'autorité administrative sans préjudice des peines prévues par la loi.

TITRE III - CONDITIONS DE PREPARATION ET DE COMMERCIALISATION DES PRODUITS DE LA MER SALES, SECHES OU FUMES

Article 20. - Le poisson séché, salé ou fumé sera obligatoirement classé dans l'une des trois catégories suivantes:

Première catégorie: gros poissons:

Thon (genre Germe), Bonite (genre Euthynus), Ango ou lamatra (genre Cybium), Cabots ou mérus (genre Epinephelus), Cirangués (genre Caranx), Brochets de mer (famille de Sphynenidés), Capitaines (genre Lethrinus), Daurades (famille de Speridés), Perroquets (famille des Scaridés), Mulets (genre Lutjanus), etc.. (famille des Mugilidés), Rouges de la Côte Ouest (genre Lutjanus), etc...

Deuxième catégorie: requins;

Tous sélaciens, requins vrais, raies et formes de transition.

Troisième catégorie: petits poissons:

Tous poissons osseux dont la longueur, (tête et queue comprise) ne dépasse pas 30 centimètres.

Article 21. - Le poisson séché, salé ou fumé est classé dans une des trois qualités suivantes:

Qualité extra. - Elle comprend uniquement des poissons appartenant à la 1ère catégorie, étêtés, écaillés, et dont la colonne vertébrale a été enlevée. Ils doivent être parfaitement secs (le pouce appuyé sur les masses musculaires, ne doit pas laisser de traces) et leur présentation doit être parfaite (pas de coupures de la peau ni de perforations provoquées par le harponnage). Leurs masses musculaires doivent être conservées dans leur intégrité. Leur odeur doit être agréable et aucune altération ne doit être décelable.

Seule la qualité extra pourra être exportée de Madagascar, en emballages ne contenant, dans la mesure du possible, que des poissons d'une même espèce.

Qualité standard. - Elle comprend des poissons de 1er, 2e et 3e catégorie, étêtés, écaillés et parfaitement secs; leurs masses musculaires doivent être conservées dans leur intégrité. Leur odeur doit être agréable et aucune altération ne doit être décelable. La colonne vertébrale pourra ne pas être enlevée, et les coupures de la peau ou les perforations dues au harponnage seront tolérées.

Troisième qualité. - Elle comprend tous les autres poissons non justiciables des motifs de saisie figurant au titre I.

Article 22. - Le sel utilisé pour le traitement du poisson doit contenir au moins 90 p. 100 de chlorure de sodium. Il doit être pur, propre et sain.

Article 23. - Le poisson salé, séché ou fumé doit être présenté en sacs ou en ballots parallépipédiques n'excédant pas 50 kilogrammes et cerclés de préférence au moyen de feuillard.

L'emballage laissé au choix du commerçant, doit être solide, intact, propre, il ne doit pas être susceptible de communiquer un goût ou une odeur particuliers ni contenir de substances toxiques ou dangereuses.

En vue de l'exportation, chaque emballage ne peut contenir que des poissons ayant subi le même mode de préparation et dans la mesure du possible appartenant à une même espèce et présentant le même calibre.

Article 24. - Le nom et l'adresse de l'expéditeur, le poids brut et net du poisson, l'indication de sa catégorie et de sa qualité, le nom de l'espèce ou des espèces contenues, le mode de conservation employé seront marqués de façon très visible et indélébile sur les emballages.

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Article 25. - Une étiquette fixée au ballot portera les indications mentionnées à l'article précédent. Elle recevra le cachet des agents chargés des contrôles sanitaires et de conditionnement ainsi que la référence au numéro d'enregistrement du certificat de salubrité et de conditionnement.

Article 26. - Outre les contrôles effectués périodiquement dans les usines ou ateliers, les agents qualifiés du service de l'élevage vérifieront la qualité des produits au moment de leur vente ou de leur expédition.

Un certificat de salubrité et de conditionnement, extrait d'un carnet à souche et portant les indications mentionnées à l'article 24 sera délivré pour attester de la qualité marchande et de la salubrité des produits contrôlés. Cette inspection devra porter sur 10 p. 100 au moins des balles.

Article 27. - La délivrance du certificat peut être refusée pour motif d'inscriptions inexactes sur l'emballage ou sur l'étiquette, ou de mauvais emballage.

Article 28. - Dans tous les cas, les exportateurs devront prévenir les agents du service de l'élevage, chargés de l'inspection, au moins 24 heures avant l'heure de la présentation prévue des produits à exporter.

Article 29. - Seront déclarés impropres à la consommation, saisis et dénaturés selon les procédés ordinairement employés à cet effet, les produits présentant des altérations ou tombant sous le coup des motifs de saisis prévu au titre I.

Article 30. - Des arrêtés ou circulaires pourront fixer les détails d'application du présent décret.

Article 31. - Le Ministre de l'agriculture et du paysannat, le Ministre de la santé publique et de la population, le Ministre d'Etat chargé de l'économie nationale, le Ministre d'Etat chargé de l'intérieur, le Ministre de la justice, le Ministre des finances, sont chargés, chacun en ce qui le concerne de l'exécution du présent décret qui sera publié au Journal officiel de la République Malgache.

- (d) Arrêté ministériel du 5 mars 1986 sur les conditions d'exploitation des établissements de pêche, de collecte et de vente des langoustes, des crabes, des holothuries et des algues

Article 1er. - Toute personne physique ou morale, ci-après dénommée "l'exploitant" désirant créer et exploiter un établissement de pêche, de collecte et/ou de vente de langoustes, et/ou de crabes, et/ou d'holothuries, et/ou d'algues, ne peut le faire sans avoir, au préalable, l'autorisation écrite du Président du Comité Exécutif du Faritany d'implantation après avis du Service de la Pêche et de l'Aquaculture.

Article 2. - L'autorisation visée à l'article premier fera l'objet d'une décision précisant, en particulier, les Firaissampokontany ou Fivondronampokontany intéressés par les activités de l'exploitant.

Article 3. - L'exploitant doit, dans son activité, assister techniquement les pêcheurs dans sa Zone d'action et les aider à se ravitailler en matériels et en engins de pêche.

Article 4. - L'exploitant doit, en outre, observer et veiller au respect des textes législatifs et réglementaires en vigueur, notamment celles en matière d'exploitation des produits halieutiques.

L'exploitant est tenu notamment de fournir à l'Administration des pêches de son lieu d'implantation, tous les mois, les statistiques de pêche, de collecte et de vente.

Article 5. - L'exploitant doit, dans le cadre de son activité, respecter les prix aux producteurs, sur les marchés locaux et à l'exportation, homologués par l'Administration.

Article 6. - L'inobservation des dispositions stipulées aux articles 1, 3, 4 et 5 du présent arrêté, fera l'objet d'une lettre d'avertissement de la part du Président du comité Exécutif du Faritany sur proposition du Service de la Pêche et de l'Aquaculture et en cas de récidive et sans que l'exploitant puisse prétendre à aucun dédommagement, au retrait de la décision d'autorisation citée à l'article 2.

Article 7. - Les établissements de pêche, de collecte et/ou de vente existants, disposent d'un délai de trois (3) mois, à compter de la date de publication du présent arrêté, pour régulariser leur situation de ce qui concerne la demande d'autorisation visée à l'article premier.

Passé ce délai, tout exploitant qui n'aura pas régularisé sa situation sera considéré comme en infraction et sanctionné comme tel conformément à l'article 8 ci-dessous.

Article 8. - Les infractions en matière d'exploitation de langoustes, et/ou de crabes, et/ou d'holothuries et/ou d'algues seront constatées, poursuivies et réprimées conformément aux dispositions de la réglementation en vigueur,

notamment celles prévues par les articles 7.7.03, 7.7.04, 7.7.10, 7.7.11 et suivants de la loi N° 66-007 du 5 juillet 1966 portant Code Maritime.

Article 9. - Les pêcheurs individuels ne sont pas concernés par les dispositions du présent arrêté.

Article 10. - Sont et demeurent abrogées toutes dispositions contraires au présent arrêté.

Article 11. -. Les Présidents du Comité Exécutif des Faritany, le Directeur de la Pêche et de l'Aquaculture, sont chargés chacun en ce qui les concerne, de l'exécution du présent arrêté qui sera publié au Journal Officiel de la République.

MALAYSIA

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* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Proclamation of the Exclusive Economic Zone of 25 April 1980

WHEREAS international law and practice now recognize that a coastal state may establish an exclusive economic zone in an area beyond and adjacent to the territorial waters up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial waters is measured;

WHEREAS a coastal state has, in the exclusive economic zone:

- (a) sovereign rights, for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;
- (b) jurisdiction with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the preservation of the marine environment;
- (c) other rights and duties as may be prescribed from time to time;

WHEREAS without prejudice to the exercise her sovereign rights over the natural resources in the sea-bed or subsoil of her continental shelf, it is necessary that Malaysia should claim sovereign rights and exercise jurisdiction as aforesaid;

AND WHEREAS a number of States have taken action in pursuance of the existing law and practice and have made declarations in regard to their exclusive economic zones;

NOW THEREFORE WE, Sultan Haji Ahmad Shah Al-Musta'in Billah Ibni Al-Marhum Sultan Abu Bakar Ri'ayatuddin Al-Mu'Adzarn Shah by the Grace of Allah Hang di-Pertuan Agong of the States and territories of Malaysia, hereby declare and proclaim that the Federation of Malaysia shall have:

- (a) sovereign rights, for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

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(b) Jurisdiction with regard to:

- (i) the establishment and use of artificial islands, installations and structures;
- (ii) marine scientific research;
- (iii) the preservation of the marine environment;

in the exclusive economic zone which is hereby established and that such exclusive economic zone shall extend to 200 nautical miles from the baselines from which the breadth of the territorial waters is measured.

(b) Emergency (Essential Powers) Ordinance N° 7, 1969 (as amended)

...

Article 2. - Interpretation. - This Ordinance shall apply throughout Malaysia.

Article 3. - Breadth of territorial waters. - (1) The breadth of the territorial waters of Malaysia shall be twelve nautical miles and such breadth shall except in the Straits of Malacca, the Sulu Sea and the Celebes Sea be measured in accordance with Articles 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the Geneva Convention on the Territorial Sea and Contiguous Zone (1958).

(2) In applying the aforesaid Articles, the expression "territorial sea" occurring therein shall be construed as "territorial waters".

Article 4. - Modification of laws. - (1) Except as provided in subsection (2), any reference occurring in any written law to territorial waters shall in so far as such reference affects federal law be construed subject to the provisions of this Ordinance.

(2) For the purposes of the Continental Shelf Act, 1966, the Petroleum Mining Act, 1966, the National Land Code and any written law relating to land in force in Sabah and Sarawak, any reference to territorial waters therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding three nautical miles measured from the low-water mark.

Article 5. - Publication of large-scale map. - (1) So soon hereafter as may be possible or thereafter from time to time as he may consider necessary the Yang di-Pertuan Agong shall cause to be published a large-scale map indicating the low water marks, the baselines, the outer limits and the areas of the territorial waters of Malaysia.

(2) A copy of such map shall be published in the Gazette for general information.

Article 6. - Modification of territorial waters. - The Yang di-Pertuan Agong shall, pursuant to any agreement entered into between Malaysia and another coastal State, by order modify the areas of the territorial waters of Malaysia; and any modification so made shall be indicated in a large-scale map and a copy thereof shall be published in the Gazette for general information.

Article 7. - Evidence. - In any proceedings before any court in Malaysia if a question arises as to whether an act or omission has taken place within or without the territorial waters of Malaysia, a certificate to that effect purported to be signed by or on behalf of the Minister charged with the responsibility for external affairs shall be received in evidence and shall be prima facie proof of the facts stated therein.

...

(c) Continental Shelf Act, 1966

...

Article 2. - Interpretation. - In this Act, unless the context otherwise requires:

"continental shelf" means the sea-bed and subsoil of those submarine areas adjacent to the coast of the States of Malaya but beyond the limits of the territorial waters adjacent to those States, the surface of which lies at a depth no greater than 200 metres below the surface of the sea, or, where depth of the superadjacent waters admits of the exploration of the natural resources of the said areas, at any greater depth;

Provided that in the case of the west coast of the States of Malaya the extent of the continental shelf shall be determined in accordance with Article 6 of the Geneva Convention on the Continental Shelf (1958) set out in the Schedule to this Act:

"Minister" means the Minister charged with the responsibility for lands and mines;

"natural resources" means:

- (a) the mineral and other natural non-living resources of the sea-bed and subsoil; and
- (b) living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil;

"petroleum" includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oils can be extracted by destructive distillation.

Article 3. - Rights with respect to continental shelf. - All rights with respect to the continental shelf and its natural resources for the purpose of exploring the shelf and exploiting those resources are hereby vested in the Federation and exercisable by the Government of the Federation.

...

Article 5. - Application of criminal and civil law.- (1) Subject to the provision of this Act, for the purposes of this Act and of every other written law (whether passed before or after the passing of this Act) for the time being in force in the Federation:

- (a) every act or omission which takes place on or under or above, or any waters within five hundred metres of, any installation or device (whether temporary or permanent) constructed,

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erected, placed, or used in, on, or above the continental shelf in connection with the exploration of the continental shelf or the exploitation of its natural resources shall be deemed to take place in the Federation; and

- (b) every such installation or device or any waters within five hundred metres of such installation or device shall be deemed to be situated in the Federation, and for the purposes of jurisdiction shall be deemed to be situated in that part of the Federation above high-water mark at ordinary spring tides which is nearest to that installation or device; and
- (c) every Court in the Federation which would have jurisdiction (whether civil or criminal) in respect of that act or omission if it had taken place in the Federation shall have jurisdiction accordingly; and
- (d) every power of arrest or of entry or search or seizure or other power that could be exercised under any written law (whether passed before or after the passing of this Act) in respect of any such act or omission or suspected act or omission if it had taken place or was suspected to have taken place in the Federation may be exercised on or in respect of any such installation or device or any waters within five hundred metres thereof as if the installation or device or such waters were in the Federation; and
- (e) without limiting the provisions of the Customs Ordinance, 1952, every installation or device, and any materials or parts used in the construction of an installation or device which are brought into the waters above the continental shelf from parts beyond the seas shall be deemed to have been imported into the Federation at the time when the installation or device is constructed, erected, or placed in, on, or above the continental shelf in connection with the exploration of the continental shelf or the exploitation of its natural resources.

...

Article 6. - Power to make regulations. - (1) The Yan di-Pertuan Agong may from time to time make regulations for all or any of the following purposes:

- (a) regulating the construction, erection, or use of installations or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the shelf or that part thereof or the exploitation of its natural resources;
- (b) prohibiting the construction, erection, placing, or use of installations or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognized sea lanes essential to coastwise or international navigation;

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- (c) establishing safety zones, extending to a distance not exceeding five hundred metres measured from each point of the outer edge of the installation or device, around any such installations or devices in, on, or above the continental shelf;
- (d) prescribing such measures as he considers necessary in any such safety zone for the protection of the installation or device with respect to which the safety zone is established;
- (e) regulating or prohibiting the entry of ships into any such safety zone;
- (f) prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents;
- (g) prescribing the notice to be given of the construction, erection, or placing of installations or devices in, on, or above the continental shelf;
- (h) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of installations or devices in, on, or above the continental shelf;
- (i) providing for the removal of devices constructed, erected, or placed in, on or above the continental shelf which have been abandoned or become disused;
- (j) prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Yang di-Pertuan Agong could result in an unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines;
- (k) providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof;
- (l) prescribing penalties for breaches of the regulation, not exceeding five thousand dollars.

(2) In this section the term "continental shelf" includes the sea-bed and subsoil of the submarine areas within the limits of the territorial waters adjacent to the States of Malaya:

Provided that nothing in this section shall affect the right and power of the State Authority under the National Land Code or any other written law in respect of areas within the limits of the territorial waters of State.

(d) Exclusive Economic Zone Act, 1984

PART I - PRELIMINARY

Article 1. - Short title, application and commencement. - (1) This Act may be cited as the Exclusive Economic Zone Act 1984 and shall apply to the exclusive economic zone and continental shelf of Malaysia.

(2) The provisions of this Act pertaining to the continental shelf shall be in addition to, and not in derogation of, the provisions of the Continental Shelf Act 1966 (Act 83).

(3) In the event of any conflict or inconsistency between the provisions of this Act and of any applicable written law, the provisions of this Act shall supersede the conflicting or inconsistent provisions of that applicable written law and the latter shall be construed as so superseded.

(4) The provisions of any applicable written law which are not in conflict or inconsistent with the provisions of this Act shall otherwise continue to apply.

(5) This Act shall come into force on such date as the Yang di-Pertuan Agong may appoint by notification in the Gazette and he may appoint different dates for the coming into force of different provisions of this Act in different areas of the exclusive economic zone and continental shelf.

Article 2. - Interpretation. - In this Act, unless the context otherwise requires:

"applicable written law" means any written law:

- (a) provided to be applicable in respect of the exclusive economic zone, continental shelf or both, as the case may be, by an order made under section 42 or otherwise specifically provided to be so applicable; or
- (b) applicable in respect of the continental shelf under the provisions of the Continental Shelf Act 1966,

and includes the Continental Shelf Act 1966;

"authorized officer" means any fishery officer as defined in section 2 of the Fisheries Act 1963 (Act 210), any port officer as defined in section 2 of the Merchant Shipping Ordinance 1952 (Ord. 70/52), any police officer not below the rank of sergeant as defined in section 2 of the Police Act 1967 (Act 41/67), any customs officer as defined in section 2 of the Customs Act 1967 (Act 235), any officer of the armed forces as defined in section 2 of the Armed Forces Act 1972 (Act 77), any public officer, irrespective of rank, in command of a vessel belonging to the Government or any other person or class of persons appointed to be an authorized officer or authorized officers under section 39;

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"continental shelf" means the continental shelf of Malaysia as defined in section 2 of the Continental Shelf Act 1966;

"Director-General" means the Director-General of Environmental Quality as defined in section 2 of the Environmental Quality Act 1974 (Act 127);

"dumping" means:

- (a) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; or
- (b) any deliberate disposal of vessels, aircraft or other man-made structures at sea,

but "dumping" does not include:

- (i) the disposal of wastes or other matter incidental to, or derived from, the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or
- (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Act, any applicable written law or international law;

"exclusive economic zone" or "zone" means the exclusive economic zone of Malaysia determined in accordance with section 3;

"Government" means the Government of Malaysia and includes any Minister charged with responsibility by an order made under the Ministerial Functions Act 1969 (Act 2) for the matter in relation to which the reference to the Government is made under this Act, and any other Minister exercising temporarily the functions of such Minister;

"Malaysian fisheries waters" means all waters comprising the internal waters, the territorial sea and the exclusive economic zone of Malaysia in which Malaysia exercises sovereign and exclusive rights over fisheries;

"maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo;

"master", in relation to a vessel, includes every person (except a pilot or port officer as defined in section 2 of the Merchant Shipping Ordinance 1952) having for the time being command or charge of the vessel, or lawfully acting as the master thereof;

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"mixture containing oil" means:

- (a) a mixture with an oil content of one hundred parts or more in one million parts of the mixture; or
- (b) a mixture with such oil content as is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a mixture containing oil for the purposes of this Act;

"oil" means:

- (a) crude oil, diesel oil, fuel oil or lubricating oil; or
- (b) any other description of oil which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be oil for the purposes of this Act;

"owner", in relation to a vessel, means any person or body of persons, whether incorporated or not, by whom the vessel is owned and includes any charterer, sub-charterer, lessee or sub-lessee of the vessel;

"pollutant" means any substance which, if introduced into the sea, is liable to create hazards to human health or to harm living resources in the sea or other marine life, or to damage amenities or interfere with other legitimate uses of the sea and, without limiting the generality of the foregoing, includes any substance that is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a pollutant for the purposes of this Act;

"State" shall have the meaning assigned to that expression under international law;

"territorial sea" means the territorial waters of Malaysia determined in accordance with the Emergency (Essential Powers) Ordinance, N° 7/1969 (P.U.(A) 307A/69);

"this Act" includes regulations and other subsidiary legislation made under this Act and anything done under this Act or under such regulations or other subsidiary legislation;

"vessel" includes every description of ship or floating or submarine craft or structure;

"waste" includes:

- (a) any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted, deposited or dumped in the marine environment in such volume, composition or manner as to cause an alteration of the environment; or
- (b) any matter which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be waste for the purposes of this Act.

PART II - EXCLUSIVE ECONOMIC ZONE

Article 3. - The exclusive economic zone of Malaysia. - (1) The exclusive economic zone of Malaysia, as proclaimed by the Yang di-Pertuan Agong vide P.U.(A) 115/80, is an area beyond and adjacent to the territorial sea of Malaysia and, subject to subsections (2) and (4), extends to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) Where there is an agreement in force on the matter between Malaysia and a State with an opposite or adjacent coast, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

(3) The Yang di-Pertuan Agong may cause the limits of the exclusive economic zone to be published in maps or charts from time to time.

(4) Where, having regard to international law, State practice or an agreement referred to in subsection (2), the Yang di-Pertuan Agong considers it necessary so to do, he may by order published in the Gazette alter the limits of the exclusive economic zone determined in accordance with subsection (1).

Article 4. - Sovereign rights in, and jurisdiction over, the exclusive economic zone. - In the exclusive economic zone Malaysia has:

- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the: economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- (b) jurisdiction with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the protection and preservation of the marine environment; and
- (c) such other rights and duties as are provided for by international law.

Article 5. - Prohibition of activities in the exclusive economic zone or on the continental shelf except where authorized. - Except where authorized in accordance with the provisions of this Act or any applicable written law, no person shall in the exclusive economic zone or on the continental shelf:

- (a) explore or exploit any natural resources, whether living or non-living;

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- (b) carry out any search, excavation or drilling operations;
- (c) conduct any marine scientific research; or
- (d) construct or authorize and regulate the construction, operation and use of:
 - (i) any artificial island;
 - (ii) any installation or structure for any of the purposes provided for in section 4 or for any other economic purpose; or
 - (iii) any installation or structure which may interfere with the exercise of the rights of Malaysia in the zone or on the continental shelf.

PART III - FISHERIES

Article 6. - Seas in the zone to be part of Malaysian fisheries waters. - The seas comprised in the exclusive economic zone shall be part of Malaysian fisheries waters.

Article 7. - Minister responsible for fisheries in the zone. - The Minister charged with responsibility for fisheries shall also be responsible for fisheries in the exclusive economic zone.

Article 8. - Written law relating to fisheries to be applicable in the zone and on the continental shelf. - Except as otherwise provided in this Act, any written law relating to fisheries shall be applicable in the exclusive economic zone and on the continental shelf with such necessary modifications or exceptions as may be provided in an order made under section 42.

PART IV - PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 9. - Sovereign right of Malaysia to exploit her natural resources. - Malaysia has the sovereign right to exploit her natural resources in the exclusive economic zone pursuant to her environmental policies and in accordance with her duty to protect and preserve the marine environment in the zone.

Article 10. - Offence in respect of the discharge or escape of certain substances. - (1) If any oil, mixture containing oil or pollutant is discharged or escapes into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, from or through the atmosphere or by dumping:

- (a) the owner or master of the vessel, if the discharge or escape is from a vessel;
- (b) the owner or occupier of the place on land, if the discharge or escape is from land;

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(c) the owner or person in charge of the installation or device, if the discharge or escape is from an installation or a device; or

(d) the owner or pilot of the aircraft, if the discharge or escape is from an aircraft,

shall each be guilty of an offence and shall be liable to a fine not exceeding one million ringgit.

(2) Where the act or omission of a person other than any of the persons mentioned in subsection (1) caused the discharge or escape mentioned in that subsection, then such other person shall also be guilty of an offence and shall be liable to a fine not exceeding one million ringgit.

(3) Subsection (2) shall not operate to absolve or relieve the persons mentioned in subsection (1) from liability for an offence under subsection (1).

(4) Notwithstanding the provisions of this section, dumping of wastes or other matter may be carried out under a licence issued by the Director-General and subject to such conditions as he may impose.

Article 11. - Defence to a charge under section 10. - Where a person is charged with an offence under section 10, it shall be a defence to prove that the discharge or escape of the substance mentioned in sub-section (1) of that section was caused for the purpose of securing the safety of the vessel, the place on land, the installation, device or aircraft concerned, or for the purpose of saving life but a defence under this section shall not operate if the court is satisfied that the discharge or escape was not necessary for the alleged purpose or was not a reasonable step to take in the circumstances.

Article 12. - Requirement for discharge or escape of to be reported. - (1) If any oil, mixture containing oil or pollutant is discharged or escapes into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, the owner or master of the vessel, the owner or occupier of the place on land, the owner or person in charge of the installation or device or the owner or pilot of the aircraft, as the case may be, shall immediately report the occurrence of such discharge or escape to the Director-General.

(2) Any person who fails to comply with this section shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand ringgit.

Article 13. - Measures relating to a maritime casualty. - (1) The Government may specify measures in relation to the exclusive economic zone which are necessary to protect Malaysia's coastline or any segment or element of the environment or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such casualty, which may reasonably be expected to result in major harmful consequences.

(2) The measures referred to in subsection (1) shall be proportionate to the actual or threatened damage to the coastline or segment or element of the environment or related interests, including fishing.

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Article 14. - Directions and action to remove, disperse, destroy or mitigate damage. - (1) Where Malaysia's coastline or any segment or element of the environment or related interests, including fishing, in the exclusive economic zone is damaged or threatened to be damaged as a result of any discharge or escape of any substance mentioned in section 10, the Director-General may issue such directions as are, or take such action as is, necessary to remove, disperse, destroy or mitigate the damage or threat of damage.

(2) Any person who fails to comply with any direction given by the Director-General under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand ringgit.

(3) The owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft, as the case may be, from which the substance mentioned in section 10 was discharged or escaped shall be liable jointly and severally for all costs and expenses incurred in carrying out all or any of the work required under subsection (1) to remove, disperse, destroy or mitigate the damage or threat of damage, and such costs and expenses shall be a first charge on any property or interest held by such person.

(4) Where the Act or omission of a person other than any of the persons mentioned in subsection (3) caused such discharge or escape, then such other person shall also be liable jointly and severally with the persons mentioned in that subsection for all costs and expenses incurred in carrying out all or any of the work required under subsection (1) to remove, disperse, destroy or mitigate the damage or threat of damage, and such costs and expenses shall be a first charge on any property or interest held by such other person.

Article 15. - Power to detain and sell vessel. - (1) The Director-General may detain any vessel from which the oil, mixture containing oil or pollutant escaped or was discharged in the circumstances mentioned in subsection (1) of section 14.

(2) The Director-General may release any vessel detained under subsection (1) upon the owner depositing with the Government such sum of money or furnishing such security as, in the opinion of the Director-General, would be adequate to meet all costs and expenses incurred in carrying out the work required to remove, disperse, destroy or mitigate the damage or threat of damage caused by such escape or discharge.

(3) If any vessel which has been detained proceeds to sea without being released under subsection (2), the owner or master of the vessel or any other person who causes the vessel to proceed to sea shall be guilty of an offence and shall be liable to a fine not exceeding one million ringgit.

(4) Where the owner or master of such vessel or any other person found guilty of an offence under this section is unable to pay the fine or the costs and expenses incurred in carrying out the work required under subsection (1) of section 14, the court may, on the application of the Director-General, order the sale of such vessel and the application of the proceeds of the sale towards the payment of the fine and the costs and expenses incurred.

PART V - MARINE SCIENTIFIC RESEARCH

Article 16. - Government consent required for conduct of marine scientific research. - (1) No marine scientific research may be conducted in the exclusive economic zone or on the continental shelf without the express consent of and subject to conditions imposed by the Government.

(2) Subject to section 17, the Government shall give its consent where the marine scientific research would be carried out by any State or competent international organization for peaceful purposes and to increase scientific knowledge of the marine environment.

Article 17. - Right to withhold consent. - The Government may withhold its consent to the conduct of a marine scientific research project by any State or competent international organization in the exclusive economic zone or on the continental shelf if it has reason to believe that the project:

- (a) is of direct significance to the exploration and exploitation of natural resources, whether living or non-living;
- (b) involves drilling into the continental shelf, the use of explosives or the introduction of pollutants into the marine environment;
- (c) involves the construction, operation or use of artificial islands, installations or structures;
- (d) contains information communicated pursuant to section 18 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to Malaysia from a prior research project; or
- (e) would interfere with activities undertaken by Malaysia in the exercise of its sovereign rights and jurisdiction provided for under this Act, any applicable written law or

Article 18. - Duty to provide information. - Any State or competent international organization which intends to undertake marine scientific research in the exclusive economic zone or on the continental shelf shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government with a full description of:

- (a) the nature and objectives of the project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the project is to be conducted;
- (d) the expected date of first appearance and final departure research vessels, or deployment of the equipment and its removal, as appropriate;

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- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
- (f) the extent to which it is considered that Malaysia should be able to participate or to be represented in the project.

Article 19. - Duty to comply with certain conditions. - (1) Every State or competent international organization undertaking marine scientific research in the exclusive economic zone or on the continental shelf shall comply with the following conditions:

- (a) ensure the right of the Government, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of Malaysia and without obligation to contribute towards the costs of the project;
- (b) provide the Government with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) undertake to provide access for the Government, at its request, to all data and samples derived from the project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the Government with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, unless otherwise specified by the Government, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the Government immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

(2) This section is without prejudice to the conditions established by the Government for the exercise of its discretion to give or withhold consent pursuant to section 16 or 17, as the case may be, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

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Article 20. - Suspension or cessation of marine scientific research activities. - (1) The Government may order the suspension of any marine scientific research activities in progress within the exclusive economic zone or on the continental shelf if:

- (a) the research activities are not being conducted in accordance with the information provided under section 18 upon which the consent of the Government was based; or
 - (b) the State or competent international organization conducting the research activities fails to comply with the provisions of section 19.
- (2) The Government may order the cessation of any marine scientific research activities:
- (a) which in deviating from the information provided under section 18 have amounted to a major change in the research project or the research activities; or
 - (b) if any of the situations contemplated in subsection (1) are not rectified within a reasonable period of time, as determined by the Government.

(3) Following notification by the Government of the order of suspension or cessation, the State or competent international organization shall immediately terminate all or any of the marine scientific research activities that are the subject of such a notification.

(4) An order of suspension under subsection (1) may be lifted by the Government and the marine scientific research activities allowed to continue if the researching State or competent international organization complies with the conditions required under sections 18 and 19 within a reasonable period of time, as determined by the Government.

PART VI - ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES

Article 21. - Prohibition of construction, operation or use of artificial island, etc., except with authorization. - (1) No person shall construct, operate or use any artificial island, installation or structure in the exclusive economic zone or on the continental shelf except with the authorization of the Government and subject to such conditions as it may impose.

(2) The Government shall have exclusive jurisdiction over artificial islands, installations and structures in the zone and on the continental shelf, including jurisdiction with regard to customs, fiscal health, safety and immigration laws.

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(3) The Government may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

(4) The breadth of the safety zones shall be determined by the Government, taking into account applicable international standards. Due notice shall be given of the extent of the safety zones.

(5) All vessels must respect these safety zones and shall comply with any directions which the Government may give in accordance with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

PART VII - SUBMARINE CABLES AND PIPELINES

Article 22. - Consent of Government necessary for delineation of course for laying of submarine cables and pipelines. - (1) No person shall lay submarine cables or pipelines in the exclusive economic zone or on the continental shelf without the consent of the Government as to the delineation of the course for the laying of such cables and pipelines.

(2) Without prejudice to subsection (1), the Government may impose such conditions as it may consider necessary for the laying or maintenance of such cables and pipelines in the exercise of its right to take reasonable measures for the exploration of the continental shelf, the exploitation of natural resources and the prevention, reduction and control of pollution from such cables or pipelines.

Article 23. - Duty of owner of submarine cable or pipeline. - The owner of any submarine cable or pipeline which has fallen into disuse or is beyond repair shall forthwith inform the Government thereof and shall, if so directed by the Government, remove such cable or pipeline within such period of time as the Government may direct.

PART VIII - ENFORCEMENT

Article 24. - Powers of authorized officer. - (1) For the purpose of ensuring compliance with the provisions of this Act or any applicable written law, any authorized officer may, where he has reason to believe that an offence has been committed under this Act or such written law, without a warrant:

- (a) stop, board and search any vessel within the exclusive economic zone and inspect any licence, permit, record, certificate or any other document required to be carried on board such vessel under this Act, such written law or any generally accepted international rules and standards, and make copies of the same;

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- (b) make such further enquiries and physical inspection of the vessel, its crew, equipment, gear, furniture, appurtenances, stores and cargo as may be necessary to ascertain whether or not a suspected violation of the provisions of this Act or such written law has been committed;
- (c) enter and search any place in which he has reason to believe that an offence under this Act or such written law is about to be or has been committed;
- (d) arrest any person who he has reason to believe has committed any offence under this Act or such written law;
- (e) detain any article which he has reason to believe has been used in the commission of any offence under this Act or such written law;
- (f) detain any vessel, including its equipment, gear, furniture, appurtenances, stores and cargo, which he has reason to believe has been used in the commission of any offence or in relation to which any offence has been committed under this Act or such written law.

(2) A written acknowledgement shall be given for any article, vessel or thing detained under subsection (1).

Article 25. - Hot pursuit. - (1) Where any authorized officer has reason to believe that a foreign vessel has contravened any provision of this Act or any applicable written law, he may undertake the hot pursuit of such vessel with a view to stopping and arresting it and bringing it within the exclusive economic zone in accordance with international law.

(2) The powers conferred on an authorized officer under section 24 shall be exercisable pursuant to this section in respect of such vessel beyond the limits of the exclusive economic zone to the extent allowed by international law.

(3) Except as otherwise provided by any regional or bilateral agreement to which Malaysia is a party, the right of hot pursuit shall cease as soon as the vessel pursued enters the territorial sea or exclusive zone of its own State or any third State.

Article 26. - How person arrested to be dealt with. - (1) An authorized officer making an arrest under this Act or any applicable written law shall without unnecessary delay produce the person arrested before a Magistrate.

(2) No authorized officer shall keep in custody a person arrested for a longer period than under all the circumstances of the case is reasonable.

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(3) Such period shall not in the absence or after the expiry of a special order of a Magistrate under section 117 of the Criminal Procedure Code (F.M.S. Cap. 6) exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Article 27. - How detained vessel to be dealt with. - Any vessel detained under this Part and the crew thereof shall be taken to the nearest or most convenient port and dealt with in accordance with the provisions of this Act or any applicable written law.

Article 28. - Obstruction of authorized officer, etc. - Any person who:

- (a) wilfully obstructs any authorized officer in the exercise of any of the powers conferred on him by this Act or any applicable written law;
- (b) fails to comply with any lawful order or requirement under this Act or such written law; or
- (c) fails to comply with any of the provisions of this Act or such written law for which no punishment is provided for failure to comply therewith,

shall be guilty of an offence.

PART IX - OFFENCES, PENALTIES, LEGAL PROCEEDINGS AND COMPENSATIONS

Article 29. - General penalty. - Any person who is guilty of an offence under this Act for which no punishment is provided shall be liable to a fine not exceeding one million ringgit.

Article 30. - Offences by companies, partnerships, etc. - Where any offence under this Act or any applicable written law has been committed by a company, partnership, firm or business, every director and every officer of that company directly connected with the activity resulting in the commission of the offence, every member of that partnership and every person concerned with the management of that firm or business shall each be guilty of that offence and shall be liable to the punishment provided in section 29.

Article 31. - Master liable for offence committed on his vessel. - Where an offence under this Act or any applicable written law has been committed by any person on board a vessel, the master of such vessel shall also be guilty of that offence and shall be liable to the punishment provided in section 29.

Article 32. - Detention and forfeiture of vessels, etc. - (1) Any article, vessel or thing detained under the provisions of this Act or any applicable written law shall, unless otherwise provided under this Act, be held pending the outcome of any proceedings under this Act or such written law;

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Provided, however, that an authorized officer or the court may release the article, vessel or thing so detained upon the furnishing of a bond or other security to the satisfaction of the authorized officer or the court by any person claiming ownership, or acting on behalf of the owner, of the article, vessel or thing to produce the same when required so to do.

(2) Where an article, vessel, or thing is detained under the provisions of this Act or any applicable written law, the authorized officer who detains the article, vessel or thing shall, as soon as may be, cause notice thereof to be given in writing to the owner; and where the owner cannot be found, a notice to that effect shall be published in the Gazette and, if the article, vessel or thing is foreign-owned, the authorized officer shall cause the diplomatic representative in Malaysia of the flag State of the vessel concerned or of the country of which the owner of the article or thing is a national to be informed of such fact through the Ministry responsible for foreign affairs.

(3) If the owner of the article, vessel or thing cannot be found in spite of all courses of action taken under subsection (2) and by reason of the owner not being found proceedings under this Act or any applicable written law cannot be instituted, the article, vessel or thing detained shall be held for a period of one month from the date of the last course of action taken under subsection (2) at the end of which period the article, vessel or thing shall be forfeited to the Government unless a claim is received in respect thereof within the aforesaid period, in which event an enquiry shall be held by a court of competent jurisdiction to determine the validity of the claim and the article, vessel or thing shall be disposed of in such manner as the court may direct.

Article 33. - Power of court to order forfeiture. - Where any person is found guilty of an offence under this Act or any applicable written law, the court shall, in addition to any other penalty that may be imposed, order that any article, vessel or thing which was the subject-matter of, or was used in the commission of, the offence be forfeited and that any licence or permit issued or consent given under this Act or such written law be suspended for such period of time as the court may think fit or be cancelled or withdraw, as the case may be.

Article 34. - Disposal of article, vessel or thing ordered to be forfeited. - Any article, vessel or thing ordered to be forfeited under section 33 shall be disposed of in such manner as the court may direct.

Article 35. - Court may order forfeiture in certain circumstances. - Where it is proved to the satisfaction of a court that any article, vessel or thing detained under the provisions of this Act or any applicable written law was the subject-matter of, or was used in the commission of, an offence under this Act or such written law, the court may order the forfeiture of such article, vessel or thing notwithstanding that no person may have been found guilty of such offence.

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Article 36. - Sessions Court and Court of Magistrate of First class to have full jurisdiction and powers under Act or applicable written law. - (1) Notwithstanding any written law to the contrary, any offence committed under this Act or any applicable written law shall be deemed to have been committed in Malaysia for the purpose of conferring jurisdiction on a court to try that offence, and a Sessions Court or a Court of a Magistrate of the First Class shall each have full jurisdiction and powers for all purposes under this Act or such written law.

(2) Subsection (1) shall not be construed as derogating in any way from the jurisdiction and powers of the High Court to try any offence under any written law.

(3) Any proceedings in respect of an offence under this Act or any applicable written law shall be brought before the Sessions Court or the Court of a Magistrate of the First Class which is nearest the place where the offence was committed, or which is located in the most convenient place for trial in the circumstances of the case as determined by the Public Prosecutor.

(4) This section shall be without prejudice to the provisions of the Criminal Procedure Code relating to the transfer of cases.

Article 37. - Presumption as to maps, plans or charts made by authority of Government. - For the purposes of this Act or any applicable written law, the court shall presume that maps, plans or charts purporting to be made by the authority of:

- (a) the Federal Government;
- (b) the Government of any State in Malaysia; or
- (c) the Government of a State as defined in section 2 and approved by the Federal Government or the Government of any State in Malaysia for use,

were so made and are accurate.

Article 38. - Prosecution of offence. - (1) A prosecution for an offence under this Act or any applicable written law shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that a person who is to be charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any person so arrested may be remanded in custody or released on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a court under this section before the Public Prosecutor has consented to the prosecution, the charge shall be read and explained to him but he shall not be called upon to plead thereto, and the provisions of the Criminal Procedure Code shall be modified accordingly.

MALA 22

Article 39. - Yang di-Pertuan Agong may appoint other persons to be authorized officers. - Without prejudice to the definition of "authorized officer" in section 2, the Yang di-Pertuan Agong may, by order in the Gazette, appoint such other person or class of persons as he may consider necessary to be an authorized officer or authorized officers for the purposes of this Act or any applicable written law.

Article 40. - Damage caused to any person or to property or to environment in exclusive economic zone or on continental shelf. - (1) Where, by reason of any act or omission in contravention of this Act or any applicable written law, damage is caused to any person or property in or on, or to any segment or element of the environment or related interests within, the exclusive economic zone or continental shelf, the owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft, as the case may be, causing the damage, or the owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft from which any oil, mixture containing oil or pollutant was discharged or escaped resulting in the damage, shall be liable jointly and severally for such damage unless otherwise provided under this Act or such written law.

(2) Where the act or omission of a person other than any of the persons mentioned in subsection (1) caused such damage, discharge or escape, then such other person shall also be liable jointly and severally with the persons mentioned in that subsection for such damage, unless otherwise provided under this Act or such written law.

(3) Without prejudice to the generality of subsections (1) and (2) such liability shall extend to the payment of compensation for any damage caused to a person, vessel, gear, facility or structure used in any activity, including fishing and related activities, connected with the exercise of the rights of the Government and Malaysian nationals, and of other persons where such rights are exercised with the consent of the Government, in the exclusive economic zone or on the continental shelf, and compensation shall also be paid for policing and surveillance activities and activities for the protection of the environment and shipping necessitated by the damage referred to in subsection (1).

(4) Any claim for compensation under this section may be brought before any High Court, Sessions Court or Court of a Magistrate of the First Class in Malaysia, as the case may be, according to the value or amount of the claim; and where a claim is so brought, the court concerned shall have full jurisdiction and powers to adjudicate thereon.

PART X - MISCELLANEOUS

Article 41. - Power to make regulations. - (1) The Yang di-Pertuan Agong may make regulations for carrying out the provisions of this Act.

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(2) Without prejudice to the generality of subsection (1), such regulations may provide for any of the following matters:

- (a) regulating the conduct of marine scientific research within the exclusive economic zone and on the continental shelf;
- (b) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone, including conditions to be complied with by foreign vessels before entering any port or the internal waters of Malaysia or calling at any offshore terminal;
- (c) regulating the construction, operation and use of artificial islands and of other installations and structures within the exclusive economic zone or on the continental shelf, including the establishment of safety zones around such islands, installations and structures;
- (d) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the water, currents and winds and for other economic purposes;
- (e) providing for such other matters as are necessary or expedient for giving full effect to Malaysia's rights in and jurisdiction over the exclusive economic zone and the continental shelf.

Article 42. - Written laws to be applicable in exclusive economic zone or on continental shelf or both by order. - (1) The Yang di-Pertuan Agong may, by order in the Gazette, provide for any written law to be applicable in the exclusive economic zone, on the continental shelf or both.

(2) Any order made by the Yang di-Pertuan Agong under this section may provide for such written law to be applicable with such modifications or exceptions thereto as he considers necessary and where he so does, such written law shall be construed accordingly in its application in the exclusive economic zone, on the continental shelf or both.

(3) The modifications mentioned in subsection (2) may include amendments to such written law which the Yang di-Pertuan Agong may consider necessary:

- (a) to make such written law effective in its application in the exclusive economic zone, on the continental shelf or both;
- (b) to avoid any conflict or inconsistency between the provisions of such written law and this Act or any other applicable written law; or
- (c) to bring the provisions of such written law into accord with the provisions of this Act or any other applicable written law.

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(4) Any order made under this section shall be laid before the House of Representatives as soon as may be after it is made, and if a motion is moved and carried by that House, within three months of the date on which the order is laid before it, disallowing the order, the order shall thereafter be void but without prejudice to the validity of anything done under the order or to the making of any new order.

2. BASIC FISHERIES LEGISLATION

Fisheries Act, 1985

PART I - PRELIMINARY

Article 1. - Short title, application and commencement. - (1) This Act may be cited as the Fisheries Act 1985 and shall apply in Malaysian fisheries waters and, subject to subsection (2), in riverine waters within the jurisdiction of each of the States in Malaysia and of the Federation in respect of the Federal Territories of Kuala Lumpur and Labuan.

(2) This Act shall come into operation on such date as the Minister may appoint by notification in the Gazette and the Minister may appoint different dates for the coming into operation of different provisions of this Act in different areas:

Provided that the provisions of this Act insofar as they relate to turtles and riverine fishing in any State in Malaysia shall not come into operation in that State until they have been adopted by a law made by the Legislature of that State.

Article 2. - Interpretation. - In this Act, unless the context otherwise requires:

"aquaculture" means the propagation of fish seed or the raising of fish through husbandry during the whole or part of its life cycle;

"authorized officer" means the Director-General, a Deputy Director-General of Fisheries, a fisheries officer, a port officer as defined in section 2 of the Merchant Shipping Ordinance 1952 (Ord. 70/52), the commanding officer of any Government naval vessel or Government aircraft, the commanding officer of any Government marine police vessel or any other person or class of persons appointed to be an authorized officer or authorized officers under section 36;

"culture system" means any establishment, structure or facility employed in aquaculture and includes on-bottom culture, cage culture, hanging-net culture, pen culture, pond culture, pole or stick culture, raceway culture, raft culture, rope culture and hatchery;

"Director-General" means the Director-General of Fisheries appointed under this Act;

"estuarine waters" means the waters of a river extending from the mouth of the river:

(a) up to the point upstream penetrated by sea water at neap tides; and

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- (b) in the case of the State of Sarawak, up to the limits set by the Minister, with the concurrence of the Statd Authority, in regulations made under this Act;

"exclusive economic zone" means the exclusive economic zone of Malaysia as determined in accordance with the Exclusive Economic Zone Act 1984 (Act 311);

"fish" means any aquatic animal or plant life, sedentary or not, and includes all species of finfish, crustacea, mollusca, aquatic mammals, or their eggs or spawn, fry, fingerling, spat or young, but does not include any species of otters, turtles or their eggs;

"fish-aggregation device" means any structure on device of a permanent or semi-permanent nature made from any material and used to lure or aggregate fish;

"fish seed" means fish egg or larva or post-larva of fish or the spawn, fry or fingerling of fish;

fisheries officer" means a fisheries officer or deputy fisheries officer appointed under section 4;

"fisheries plan" means any of the plans relataed to fisheries prepared by the Director-General under Part III;

"fishery" means any one or more stocks of fish Which can be treated as a unit for the purposes of their conservation, management and development and includes fishing for any such stocks, and aquaculture;

"fishing" means:

- (a) the catching, taking or killing of fish by any method;
- (b) the attempted catching, taking or killing of fish;
- (c) engaging in any activity which can reasonably be expected to result in the catching, taking or killing of fish; or
- (d) any operation in support of, or in preparation for, any activity described in paragraph (a), (b) or (c) of this definition;

"fishing appliance" includes a fishing net, a fishing trap, and any gear, with or without floats, buoys or sinkers, designed for capturing fish but does not include:

- (a) any such gear of the hook-and-line type having not more than two hooks; and
- (b) a cast net of the type known as "jala";

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"fishing stakes" means any device used for fishing which is made up of poles or other supports fixed into the ground and enclosed by ramie, rattan, wire or other screening material and so designed as to lead fish into such device;

"fishing vessel" means any boat, craft, ship or other vessel which is used for, equipped to be used for, or of a type used for:

- (a) fishing; or
- (b) aiding or assisting any other boat, craft, ship or other vessel in the performance of any activity related to fishing, including any of the activities of preparation, processing, refrigeration, storage, supply or transportation of fish;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"inland fisheries" means fisheries in riverine waters;

"inland fisheries officer" means an inland fisheries officer or a deputy inland fisheries officer appointed under section 5;

"internal waters of Malaysia" means any areas of the sea that are on the landward side of the baselines from which the breadth of the territorial sea of Malaysia is measured;

"international fishery agreement" means any bilateral or multilateral treaty or agreement, which relates to fishing or fisheries, between the Government of Malaysia and the government of any other country or between the Government of Malaysia and any competent international organization;

"local fishing vessel" means any fishing vessel which is not registered outside Malaysia and which is wholly owned by:

- (a) a natural person who is a citizen, or natural persons who are citizens, of Malaysia;
- (b) a statutory corporation established under any of the laws of Malaysia;
- (c) the Government of Malaysia or the Government of a State in Malaysia; or
- (d) a body corporate or unincorporate established in Malaysia and wholly owned by any of the persons described in paragraph (a), (b) or (c) of this definition, or another body corporate or unincorporate wholly owned by any of the persons described in paragraph (a), (b) or (c) of this definition;

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"Malaysian fisheries waters" means maritime waters under the jurisdiction of Malaysia over which exclusive fishing rights or fisheries management rights are claimed by law and includes the internal waters of Malaysia, the territorial sea of Malaysia and the maritime waters comprised in the exclusive economic zone of Malaysia;

"marine park" or "marine reserve" means any area or part of an area in Malaysian fisheries waters established as a marine park or marine reserve under Part IX for the purposes specified in that Part;

"maritime waters" means areas of the sea adjacent to Malaysia, both within and outside Malaysian fisheries waters and includes estuarine waters, and any reference to marine culture system, fishing or fisheries shall be construed as referring to the conduct of any of these activities in maritime waters;

"master", in relation to a fishing vessel, includes every person (except a pilot or port officer as defined in section 2 of the Merchant Shipping Ordinance 1952) having for the time being command or charge of the vessel, or lawfully acting as the master thereof;

"Minister" means the Minister of the Federal Government who is for the time being charged with the responsibility for fisheries;

"owner", in relation to a fishing vessel, means any person or body of persons, whether corporate or unincorporate, by whom the vessel is owned and includes any charterer, sub-charterer, lessee or sub-lessee of the vessel;

"person" includes any individual (whether or not a citizen of Malaysia), any body corporate, partnership, association, or other entity, established within or outside Malaysia, the Federal or any State Government, a local authority or foreign government, or any entity belonging thereto;

"pollutant" shall have the meaning assigned to that expression under section 2 of the Exclusive Economic Zone Act 1984;

"processing", in relation to fish, includes cleaning, filleting, icing, freezing, canning, salting, smoking, cooking, pickling, drying or otherwise preserving or preparing fish by any method;

"riverine fishing" means fishing in riverine waters;

"riverine waters" means the waters of any rivers, lakes, streams, ponds and such other waters in Malaysia other than maritime water, whether natural or man-made, privately owned or otherwise;

"sedentary species" means organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil;

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"State Authority" means the authority in any State in Malaysia responsible for inland fisheries;

"territorial sea of Malaysia" means the territorial waters of Malaysia determined in accordance with the Emergency (Essential Powers) Ordinance, N° 7 1969;

"this Act" includes regulations and other subsidiary legislation made under this Act and anything else done under this Act or under such regulations or other subsidiary legislation, and any reference to a provision of this Act shall be construed accordingly.

PART II - ADMINISTRATION

Article 3. - Responsibility of Minister« - (1) The Minister shall be responsible for all matters relating to fisheries, including the conservation, management and development of maritime and estuarine fishing and fisheries, in Malaysian fisheries water, to turtles and inland fisheries in the Federal Territories of Kuala Lumpur and Labuan and to turtles in waters outside the jurisdiction of any State in Malaysia.

(2) The Yang di-Pertuan Agong may appoint a Director-General of Fisheries and the Minister may appoint such Deputy Directors-General of Fisheries as may be necessary, for implementing the provisions of this Act except, subject to subsection (1), the provisions relating to turtles and inland fisheries in the States of Malaysia.

(3) The Director-General shall be responsible for the general supervision of all matters relating to fisheries under this Act except, subject to subsection (1), matters relating to turtles and inland fisheries in the States of Malaysia.

(4) The Director-General may, in writing, delegate the exercise of any or all of the powers and functions conferred upon him by this Act to such fisheries officers or deputy fisheries officers as he may think fit.

Article 4. - Fisheries officers and deputy fisheries officers. - The Minister may appoint such fisheries officers and deputy fisheries officers as may be necessary for implementing the provisions of this Act except, subject to subsection (1) of section 3, the provision relating to turtles and inland fisheries in the States of Malaysia.

Article 5. - Inland fisheries officers and deputy inland fisheries officers. - Subject to subsection (1) of section 3, the State Authority may appoint such inland fisheries officers and deputy inland fisheries officers as may be necessary for implementing the provisions of this Act insofar as they relate to turtles and inland fisheries in the States of Malaysia.

PART III - FISHERIES PLANS

Article 6. - Preparation of fisheries plans. - (1) The Director-General shall prepare and keep under continual review fisheries plans based on the best scientific information available and designed to ensure optimum utilization of fishery resources, consistent with sound conservation and management principles and with the avoidance of overfishing, and in accordance with the overall national policies, development plans and programmes.

(2) Each plan and each modification or revision thereof shall be implemented after approval by the Minister.

(3) All development awithin the fisheries industry shall conform generally with the management and conservation policies described in the fisheries plans.

PART IV - GENERAL LICENSING PROVISIONS

Article 7. - Application of this Part. - The provisions apply in respect of every licence issued under this Act but shall not, except as hereinafter provided, apply in respect of any permit issued under part v.8.

Article 8. - Offence for fishing without licence or in contravention of condition or direction - Any person who operates, or allows to be operated, in Malaysian fisheries waters any local fishing vessel for the purpose of fishing:

- (a) without a valid licence issued under this Part;
- (b) in contravention of any condition in the licence issued in respect of such vessel; or
- (c) in contravention of any direction in writing issued by the Director-General under this Act,

shall be guilty of an offence.

Article 9. - Application for licence or permit in respect of new fishing vessel. - (1) An application for a licence under this part or for a permit under Part V in respect of any new fishing vessel shall be made to the Director-General before construction of the vessel is commenced, and shall be accompanied by such plans, specifications or other information as the Director-General may require or as may be prescribed in regulations made under this Act.

(2) The applicant may proceed with the construction of the new fishing vessel upon receiving written approval so to do from the Director-General subject to such conditions, including conditions in respect of the horsepower, size and tonnage of the vessel, or disposal of any existing fishing vessel, as may be specified in the approval.

(3) The Director-General may refuse to issue a licence in respect of any new fishing vessel which was not constructed with approval, and in accordance with the conditions specified, under subsection (2).

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(4) Where under a fisheries plan it is provided that no licence under this Part or permit under Part V shall be issued in respect of a new fishing vessel for a specific type of fisheries unless such new fishing vessel is in replacement of a fishing vessel already issued with such licence or permit for such type of fisheries, the Director-General shall not issue a licence or permit in respect of the new fishing vessel until the existing fishing vessel is disposed of in accordance with his directions.

Article 10. - Condition in licence and direction. - (1) The Director-General shall in issuing a licence under this Part impose such conditions as he thinks fit which shall include conditions relating to the following matters:

- (a) the permanent marking of the fishing vessel with such letters and numbers or other means of identification as may be assigned to it by the Director-General in such manner as may be prescribed in regulations made under this Act;
- (b) the nationality and number of persons to be employed or carried on the fishing vessel; and
- (c) in addition to complying with the requirement of any other written law that may be applicable, the requirement that a person who is not a Malaysian citizen shall not engage in any fishing activity related to the fishing vessel without the written approval of the Director-General.

(2) Where he is satisfied that it is necessary or expedient for the proper management of fisheries so to do, the Director-General may from time to time vary the conditions of a licence issued under this Part but due notice of such intended variation shall be given to the licensee who shall, if he so desires, have the right to be heard within such period as the Director-General may allow.

(3) A certificate by the Director-General stating that any condition in a licence was imposed or any variation thereof was made for the proper management of fisheries shall be conclusive proof thereof in any legal proceedings.

- (4) (a) The Director-General may from time to time by notice in the Gazette issue directions in relation to the proper management of fisheries to be complied with by every person to whom they are applicable.
- (b) Such directions shall also be displayed in such public places and for such period of time as the Director-General may determine.

Article.11. - Licence in respect of local fishing vessel, fishing stakes, fishing appliance, fish aggregation device or marine culture system. - (1) The Director-General may, upon application and upon payment of the prescribed fee and payment of any prescribed deposit, issue a licence in respect of any local fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system, subject to such conditions as he thinks fit to impose or which may be prescribed in regulations made under this Act.

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(2) No licence shall be issued in respect of any fishing stakes, fishing appliance, fish-aggregation device or marine culture system which causes or is likely to cause any obstruction to navigation or any impediment to the natural flow of water in Malaysian fisheries waters.

(3) Any person who, in Malaysian fisheries waters:

- (a) operates, or allows to be operated, any fishing stakes, fishing appliance, fish-aggregation device or marine culture system without a licence in respect thereof;
- (b) has under his control or in his possession any fishing appliance without a licence in respect thereof;
- (c) sets up, or causes to be set up, any fishing stakes, fishing appliance or fish-aggregation device Without written permission from the Director-General prior to the issue of a licence in respect thereof; or
- (d) constructs or establishes any marine culture system without written permission from the Director-General prior to the issue of a licence in respect thereof,

shall be guilty of an offence.

Article 12. - Non-commencement of fishing operations. - (1) The Director-General may cancel any licence or permit issued under this Act if after three months from the date of its issue fishing operations to which the licence or permit relates have not commenced, and the licensee or permit holder shall surrender his licence or permit immediately after being notified of such cancellation.

(2) Before the Director-General makes a decision to cancel such licence or permit, the licensee or permit holder concerned shall be given the opportunity to show cause why his licence or permit should not be cancelled.

Article 13. - Refusal to license or suspension or cancellation of licence. - (1) The Director-General may refuse to issue or renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where he is satisfied that it necessary so to do for the proper management of any particular fishery in accordance with the fisheries plan applicable to that fishery and with any directions issued by the Director-General in the implementation of that plan.

(2) The Director-General shall refuse to issue a licence in respect of any local fishing vessel in any of the following cases:

- (a) where the vessel is required to be registered under the law relating to merchant shipping but has not been so registered;
- (b) where the vessel is required to have a valid certificate or inspection issued in respect of it under the law relating to merchant shipping but does not have such certificate;

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- (c) where the vessel is not seaworthy and not fit for the purpose of fishing or does not comply with such requirements as may be applicable to it in respect of navigation, manning standards or safety at sea under this Act or any other law or under any convention to which Malaysia is a party.

(3) The Director-General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

(4) Any person aggrieved by the refusal of the Director-General to issue or renew any licence under this Act or by the suspension or cancellation of any licence issued under this Act may appeal to the Minister in the prescribed manner against such refusal, suspension or cancellation within a period of fourteen days after the date of such refusal, suspension or cancellation.

(5) The Minister may, after hearing the appeal, make such order thereon as he deems fit and that order shall be final.

(6) Any order made under subsection (5) shall take into account any scheme for the limitation of fishing effort for which provision is made in any fisheries plan referred to in Part III.

Article 14. - Period of validity of licence and non-transferability. - (1) Any licence issued under this Act shall, unless suspended or cancelled or unless otherwise specified in such licence, be valid for a period of not more than one year and shall expire on the 31st December of the year in which it is issued.

- (2) (a) Any person who modifies or changes, or permits to be modified or changed, the horsepower, size or tonnage of a licensed fishing vessel or the fishing appliance which it is licensed to operate without the written permission of the Director-General shall be guilty of an offence.
- (b) The Director-General shall refuse a permission for a licensed fishing vessel or fishing appliance to be modified or changed unless he is satisfied that it is necessary so to do for the proper management of any particular fishery.
- (3) (a) Any licence issued under this Act in respect of a fishing vessel, fishing stakes, a fishing appliance, fish-aggregation device or marine culture system shall be valid for that or those particular fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system and shall not be used for any other fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system, and such licence shall at all times be visibly displayed on or visibly attached to the fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system.

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- (b) Where any fishing vessel uses the letters, numbers or other means of identification of another fishing vessel, the owner, master and every member of the crew of the fishing vessel using such letters, numbers or other means of identification shall each be guilty of an offence.
- (4) (a) Any licence or permit in respect of a fishing vessel, fishing stakes, a fishing appliance, fish-aggregation device or marine culture system shall be issued under this Act in the name of the applicant for such licence or permit and shall not be transferable.
- (b) Any person who uses any licence or permit issued in the name of any other person under this Act shall be guilty of an offence.
- (5) Where a fishing vessel which has been licensed as a local fishing vessel ceases to be a local fishing vessel, its licence shall lapse forthwith and shall be deemed to be cancelled.

PART V - FOREIGN FISHING VESSELS

Article 15. - Fishing, etc., by foreign fishing vessel in Malaysian fisheries waters. - (1) Subject to subsection (2), no foreign fishing vessel shall do any of the following in Malaysian fisheries waters:

- (a) fish or attempt to fish; or
- (b) conduct any techno-economic research or survey of any fishery,

unless authorized so to do under an international between the Government of Malaysia and the government: between the Government of Malaysia and the international organization, to which such vessel belongs or in which such vessel is may be, and under a permit issued under section 19.

(2) No foreign fishing vessel shall load or unload any fish, fuel or vsupplies or tranship any fish in Malaysian fisheries written approval of the Director-General.

Article 16. - Innocent passage of foreign fishing vessel through Malaysian fisheries waters. - (1) Subject to subsections (2) and (3), a foreign fishing vessel may enter Malaysian fisheries waters for the right of innocent passage through such waters in the course of a voyage to a destination outside such waters.

- (2) Such passage includes stopping and anchoring only:
 - (a) if the vessel is in distress;
 - (b) for the purpose of obtaining emergency medica assistance for a member of its crew; or

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- (c) where the vessel is not seaworthy and not fit for the purpose of fishing or does not comply with such requirements as may be applicable to it in respect of navigation, manning standards or safety at sea under this Act or any other law or under any convention to which Malaysia is a party.

(3) The Director-General may refuse to issue or to renew any licence under this Act or may cancel, or suspend for such period as he thinks fit, any licence issued under this Act where there has been a breach of any of the provisions of this Act or any of the conditions of the licence.

(4) Any person aggrieved by the refusal of the Director-General to issue or renew any licence under this Act or by the suspension or cancellation of any licence issued under this Act may appeal to the Minister in the prescribed manner against such refusal, suspension or cancellation within a period of fourteen days after the date of such refusal, suspension or cancellation.

(5) The Minister may, after hearing the appeal, make such order thereon as he deems fit and that order shall be final.

(6) Any order made under subsection (5) shall take into account any scheme for the limitation of fishing effort for which provision is made in any fisheries plan referred to in Part III.

Article 14. - Period of validity of licence and non-transferability. - (1) Any licence issued under this Act shall, unless suspended or cancelled or unless otherwise specified in such licence, be valid for a period of not more than one year and shall expire on the 31st December of the year in which it is issued.

- (2) (a) Any person who modifies or changes, or permits to be modified or changed, the horsepower, size or tonnage of a licensed fishing vessel or the fishing appliance which it is licensed to operate without the written permission of the Director-General shall be guilty of an offence.
- (b) The Director-General shall refuse a permission for a licensed fishing vessel or fishing appliance to be modified or changed unless he is satisfied that it is necessary so to do for the proper management of any particular fishery.
- (3) (a) Any licence issued under this Act in respect of a fishing vessel, fishing stakes, a fishing appliance, fish-aggregation device or marine culture system shall be valid for that or those particular fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system and shall not be used for any other fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system, and such licence shall at all times be visibly displayed on or visibly attached to the fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system.

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- (b) Where any fishing vessel uses the letters, numbers or other means of identification of another fishing vessel, the owner, master and every member of the crew of the fishing vessel using such letters, numbers or other means of identification shall each be guilty of an offence.
- (4) (a) Any licence or permit in respect of a fishing vessel, fishing stakes, a fishing appliance, fish-aggregation device or marine culture system shall be issued under this Act in the name of the applicant for such licence or permit and shall not be transferable.
- (b) Any person who uses any licence or permit issued in the name of any other person under this Act shall be guilty of an offence.
- (5) Where a fishing vessel which has been licensed as a local fishing vessel ceases to be a local fishing vessel, its licence shall lapse forthwith and shall be deemed to be cancelled.

PART V - FOREIGN FISHING VESSELS

Article 15. - Fishing, etc., by foreign fishing vessel in Malaysian fisheries waters. - (1) Subject to subsection (2), no foreign [fishing vessel shall do any of the following in Malaysian fisheries waters:

- (a) fish or attempt to fish; or
- (b) conduct any techno-economic research or survey of any fishery,

unless authorized so to do under an international fishery agreement in force between the Government of Malaysia and the government of the country, to between the Government of Malaysia and the international organization, to which such vessel belongs or in which such vessel is registered, as the case may be, and under a permit issued under section 19.

(2) No foreign fishing vessel shall load or unload any fish, fuel or supplies or tranship any fish in Malaysian fisheries waters without the written approval of the Director-General.

Article 16. - Innocent passage of foreign fishing vessel through Malaysian fisheries waters. - (1) Subject to subsections (2) and (3), a foreign fishing vessel may enter Malaysian fisheries waters for the purpose of exercising its right of innocent passage through such waters in the course of a voyage to a destination outside such waters.

- (2) Such passage includes stopping and anchoring only;
 - (a) if the vessel is in distress;
 - (b) for the purpose of obtaining emergency medical assistance for a member of its crew; or

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(c) to render assistance to persons, ships or aircrafts in danger or distress.

(3) The master of a foreign fishing vessel entering Malaysian fisheries waters for the purpose mentioned in subsection (1) shall notify by radio an authorized officer of the name, the flag State, location, route and destination of the vessel, the types and amount of fish it is carrying and of the circumstances under which it is entering Malaysian fisheries waters.

(4) Every foreign fishing vessel entering Malaysian fisheries waters for the purpose mentioned in subsection (1) shall:

- (a) without prejudice to the requirement to observe any other law of Malaysia which may be applicable, observe such regulations as may be made under section 61, including regulation regarding the stowage of fishing appliances; and
- (b) return to a position outside such waters as soon as the purpose for which it entered such water has been fulfilled.

Article 17. - Undertaking to be included in international fishery agreement. - Every international fishery agreement referred to in section 15 shall include an undertaking by the government of the country, or by the international organization, which is a party to the agreement with the Government of Malaysia to comply or ensure compliance by its fishing vessels with the provisions of this Act.

Article 18. - Director-General to take account of certain matters in considering application for permit. - (1) The Director-General shall in considering an application for a permit under section 19 in respect of a foreign fishing vessel take into account the following matters:

- (a) the needs of Malaysian fishermen and the provisions of the fisheries plans referred to in Part III;
- (b) the extent of co-operation given and contributions made by the relevant country or relevant international organization towards fishery research, identification of fish stocks, the conservation, management and development of fishery resources within Malaysian fisheries waters, and compliance with the laws of Malaysia relating to such resources by the country or international organization;
- (c) the assistance given by the applicant, relevant country or international organization in the development of the fishing industry of Malaysia, in the training of Malaysian personnel and the transfer of technology to the fishing industry of Malaysia;
- (d) the terms of any relevant international fishery agreement in force; and

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- (e) the reciprocity of treatment given to local fishing vessels by the relevant country or relevant international organization.

(2) In this section, "relevant country" means the country or territory in which the foreign fishing vessel is registered or to which it belongs, and "relevant international organization" means the international organization to which the foreign fishing vessel belongs.

Article 19. - Permit in respect of foreign fishing vessel. - (1)

- (a) Any application to the Director-General for a permit to be issued in respect of a foreign fishing vessel to fish in Malaysian fisheries waters shall be made through a Malaysian agent who shall undertake legal and financial responsibility for the activities to be carried out by such vessel.
- (b) Notwithstanding subsection (1)(a), the Director-General may require the payment of such sum of money as he may specify by way of security for the activities to be carried out by such vessel.

(2) Subject to section 21, any permit issued under this section shall be valid for a maximum period of one year and shall be subject to such conditions, and the payment of such sum of money, as; the Director-General may specify, in addition to the payment of such sum of money as may be required under subsection (1)(b) and such fees as may be prescribed in regulations made under this Act.

(3) Without prejudice to subsection (1)(a), any sum of money paid as security under subsection (1)(b) may be utilized to pay or defray any fine or through the activities claim which may be imposed or arise as a result of or through the activities of the foreign fishing vessel and the balance of such sum of money, if any, shall be refunded on the expiry or cancellation of the permit.

(4) The conditions which may be imposed by the Director-General under subsection (2) may include, and in the case of paragraph (t) shall include, but shall not be limited to, conditions concerning all or any of the following matters:

- (a) the areas within which fishing is authorized;
- (b) the period during which fishing is authorized;
- (c) the species, age, length, weight and be quantity of fish that may be retained on board the foreign fishing vessel, landed in Malaysia or transhipped;
- (d) the methods by which fish may be taken;
- (e) the types, sizes and numbers of fishing appliances that may be used or carried by a foreign fishing vessel and the mode of storage of the appliances when not in use;

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- (f) the transfer, transshipment, landing and processing of fish taken;
- (g) entry by the foreign fishing vessel into Malaysian ports, whether for the inspection of its catch or for any other purpose;
- (h) statistical and other information required to be given by the foreign fishing vessel to the Government of Malaysia, including statistics relating to its catch and fishing effort and regular reports as to the position of the vessel;
- (i) the conduct by the foreign fishing vessel of a specified programme of fisheries research in Malaysian fisheries waters and the regulation of such research, including the compiling of data as to catches, the disposition of samples and the reporting of associated scientific data;
- (j) the training of Malaysians in the methods of fishing employed by the foreign fishing vessel and in other related fields, the employment of Malaysians on the foreign fishing vessel and the transfer to Malaysia of appropriate technology relating to fisheries;
- (k) the keeping and displaying on board the permit issued in respect of the foreign fishing vessel;
- (l) the permanent marking of the foreign fishing vessel with such letters, numbers or other means of identification as may be specified by the Director-General;
- (m) compliance by the foreign fishing vessel with directions, instructions and other requirements given or made by ships, other vessels or aircraft belonging to the Government of Malaysia;
- (n) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of Malaysia by the permit holder of the costs of doing so;
- (o) the installation on the foreign fishing vessel and maintenance in working order of a transponder or other equipment for the identification and ascertainment of the location of the vessel and of adequate navigational equipment to enable the position of the vessel to be fixed;
- (p) construction of shore-based facilities related to fisheries;
- (q) the carriage on board the foreign fishing vessel of such communication equipment, nautical charts, nautical publications and nautical instruments as may be specified;

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- (r) adequate protection of local and traditional fisheries and the compensation payable to Malaysian citizens, the Government of Malaysia or the Government of a State in Malaysia for any loss or damage caused by the foreign fishing vessel to fishing vessels, fishing appliances or catch belonging to Malaysian citizens or any such Government or to fish stocks;
- (s) the landing of all or any part of their catch by foreign fishing vessels in Malaysia;
- (t) the composition and nationality of members of the crew of a foreign fishing vessel and the requirement for compliance with subsection (1) (c) of section 10;
- (u) inspection of the foreign fishing vessel as to class and seaworthiness and manning requirements;
- (v) fees, royalties, charges or any other payments by the foreign fishing vessel;
- (w) the maintenance of a log and sales records of fish taken by the foreign fishing vessel; and
- (x) such other matters as the Director-General may consider necessary or expedient for the implementation of this Part.

(5) Where there is a breach of any condition of the permit issued in respect of a foreign fishing vessel:

- (a) its owner and master shall each be guilty of an offence and liable to a fine not exceeding one hundred thousand ringgit each; and
- (b) every member of the crew of that vessel shall also be guilty of an offence and liable to a fine not exceeding five thousand ringgit each.

(6) No permit issued under this section shall relieve the owner, master or member of the crew of any foreign fishing vessel requirement to comply with any law that may be applicable.

Article 20. - Bringing into or having in Malaysian fisheries waters fish taken or received from foreign fishing vessel. - Any person who brings into or has in his possession, custody or control in Malaysian fisheries waters fish taken or received from a foreign fishing vessel shall, writing so to do by the Director-General, be guilty of an offence.

Article 21. - Cancellation or suspension of permit. - The Director-General may cancel or suspend any permit:

- (a) where there has been any contravention of any provision of this Act or any condition in the permit; or

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- (b) where he is satisfied that such action is necessary or expedient for the proper management of fisheries.

(2) Where any permit has been cancelled or suspended under subsection (1) (b), the proportion of any fees paid for the permit representing the unexpired period of the permit shall be reimbursed to the permit holder but there shall be no such reimbursement whatsoever where the permit has been otherwise cancelled or suspended.

Article 22. - Variation of conditions in permit. - Where he is satisfied that it is necessary or expedient for the proper management of fisheries so to do, the Director-General may from time to time vary the conditions of a permit issued under this Part but due notice of such intended variation shall be given to the permit holder who shall, if he so desires, have the right to be heard within such period as the Director-General may allow.

Article 23. - Director-General's decision no reviewable. - The decision of the Director-General under section 21 or 22 shall not be reviewable or called into question in any court on the ground that such decision was not necessary or expedient for the proper management of fisheries.

Article 24. - Liability of persons in respect of foreign fishing vessel. - (1) Where there has been a contravention of any provision of this Part or subsidiary legislation made for the purposes of this Part, the owner, master and every member of the crew of the foreign fishing vessel concerned shall each be guilty of an offence.

(2) In this Part and in such subsidiary legislation, "member of the crew" does not include any personnel or observer who is a citizen of Malaysia and who is on the foreign fishing vessel pursuant to a condition of the permit issued in respect of such vessel.

PART VI - OFFENCES

Article 25. - Offences under Act. - Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and where no special penalty is provided in relation thereto, such person shall be liable:

- (a) where the vessel concerned is a foreign fishing vessel or the person concerned is a foreign national, to a fine not exceeding one million ringgit each in the case of the owner or master, and one hundred thousand ringgit in the case of every member of the crew;
- (b) in all other cases, to a fine not exceeding fifty thousand ringgit or a term of imprisonment not exceeding two years or both.

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Article 26. - Fishing with explosives, poisons, etc. - (1) Any person who:

- (a) uses or attempts to use any explosive, poison or pollutant, or any apparatus utilizing an electric current, or any prohibited gear, for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught;
- (b) carries or has in his possession or under his control any explosive, poison or pollutant, or any apparatus utilizing an electric current, or any prohibited gear, with the intention of using such explosive, poison or pollutant, or apparatus, or prohibited gear, for any of the purposes referred to in paragraph (a); or
- (c) knowing or having reasonable cause to believe that any fish is a prohibited species or has been taken in contravention of the provisions of this Act, receives or is found in possession of such fish,

shall be guilty of an offence.

(2) Any explosive, poison, pollutant, apparatus or gear referred to in subsection (1) found in the possession or under the control of any person shall be presumed to be intended to be used for any of the purposes referred to in subsection (1) (a) unless the contrary is proved.

Article 27. - Aquatic mammals or turtles in Malaysian fisheries waters - (1) No person shall fish for, disturb, harass, catch or take any aquatic mammal or turtle which is found beyond the jurisdiction of any State in Malaysia.

(2) The provisions of the relevant State law shall apply in respect of aquatic mammals and turtles which are found within such jurisdiction.

(3) Where any aquatic mammal or turtle which is found beyond such jurisdiction is caught or taken unavoidably during fishing, such aquatic mammal or turtle shall, if it is alive, be released immediately or, if it is dead, the catching or taking thereof shall be report to a fisheries officer and the aquatic mammal or turtle shall be disposed of in accordance with his directions.

(4) Any person who contravenes subsection (1) or subsection (3) shall be guilty of an offence and shall be liable to a fine not exceeding five thousand ringgit.

Article 28. - Wilful damage to fishing vessel, etc. - Any person who willfully damages or destroys any fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system shall be guilty of an offence.

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Article 29. - Destroying incriminating evidence. - Any person who destroys or abandons any fish, aquatic mammal, turtle, fishing appliance, explosives, poison, pollutant, apparatus, prohibited gear or any other thing, with intent to avoid its seizure or the detection of any offence under this Act shall be guilty of an offence.

Article 30. - Master and employer liable. - (1) Where an offence under this Act has been committed by any person on board a fishing vessel, the master and owner of such vessel shall each also be deemed to be guilty of that offence.

(2) Where an offence under this Act has been committed by a company, partnership, firm or business, every director and every officer of that company directly connected with the activity resulting in the commission of the offence, every member of that partnership and every person concerned with the management of that firm or business shall each be guilty of that offence.

Article 31. - Compounding of offences. - (1) Any fisheries officer may compound any offence under this Act (except an offence under section 8 (a), 11 (3), 15, 16 read with section 25, or 26) for a sum of money not below five hundred ringgit and not exceeding the maximum fine for that offence, provided that it is a first or second offence only.

(2) Where a fishing appliance is the subject-matter of any offence compounded under subsection (1), such fishing appliance may be confiscated and disposed of as directed by the Director-General.

Article 32. - Sessions Court and Court of Magistrate of First Class to have full jurisdiction and powers under Act. - (1) Notwithstanding any written law to the contrary, any offence committed under this Act shall be deemed to have been committed in Malaysia for the purpose of conferring jurisdiction on a court to try that offence, and a Sessions Court or a Court of a Magistrate of the First Class shall each have full jurisdiction and powers for all purposes under this Act.

(2) Subsection (1) shall not be construed as derogating in any way from the jurisdiction and powers of the High Court to try any offence under any written law.

(3) Any proceedings under this Act shall be brought before the Sessions Court or the Court of a Magistrate of the First Class which is nearest the place where the offence under this Act was committed or which is located in the most convenient place for trial in the circumstances of the case, as determined by the Public Prosecutor.

(4) This section shall be without prejudice to the provisions of the Criminal Procedure Code (F.M.S. Cap. 6) relating to the transfer of cases.

Article 33. - Power of court to order cancellation of licence or permit. - (1) Where any person is charged with and found guilty of an offence under this Act the court shall, in addition to any other penalty that may be imposed, order that any licence or permit issued under this Act in relation to which the offence has been committed be cancelled.

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(2) Where any person to whom a licence or permit has been issued under this Act is charged with and found guilty of a second or subsequent offence under this Act, the court shall, in addition to any Other penalty that may be imposed, direct that such person be disqualified from holding a licence or permit under this Act for a period not exceeding five years, and such person shall be guilty of an offence if he obtains or attempts to obtain any licence or permit under this Act while he is so disqualified.

Article 34. - Court may order forfeiture of seized vessel, etc., in certain circumstances. - Where it is proved to the satisfaction of a court that any vessel, vehicle, article or thing seized under this Act was the subject-matter of, or was used in the commission of, an offence under this Act, the court may order the forfeiture of such vessel, vehicle, article or thing notwithstanding that no person may have been found guilty of such offence.

Article 35. - Presumption as to maps, plans or charts made by authority of Governments. - For the purposes of this Act, the court shall presume that maps, plans or charts purporting to be made by the authority of:

- (a) the Federal Government;
- (b) the Government of any State in Malaysia; or
- (c) the Government of a "State" as defined in Section 2 of the Exclusive Economic Zone Act 1984 and approved by the Federal Government or the Government of any State in Malaysia for use,

were so made and are accurate.

Article 36. - Minister may appoint other persons to be authorized officers. - Without prejudice to the definition of "authorized officer" in section 2, the Minister may, by order in the Gazette, appoint such other person or class of persons as he may consider necessary to be an authorized officer or authorized officers for the purposes of this Act.

PART VII - TURTLES AND INLAND FISHERIES

Article 37. - Promotion of development and management of inland fisheries. - The Director-General may, in consultation with the State Authority concerned, promote the development and rational management of inland fisheries through:

- (a) the conduct or co-ordination of research;
- (b) the provision and maintenance of experimental and demonstration aquaculture stations, fish-breeding stations and demonstration and training centres;
- (c) the provision of advice and technical assistance to the appropriate authorities of the State;
- (d) the provision of publicity and demonstration facilities and other connected services; and

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- (e) the provision of advice on measures for the prevention of fish diseases.

Article 38. - Power of State Authority and Minister to make rules concerning turtles and inland fisheries. - (1) The State Authority or, in respect of the Federal Territories of Kuala Lumpur and Labuan, the Minister may make rules specifically or generally for the proper conservation, development, management and regulation of turtles and inland fisheries in any State in Malaysia or in the Federal Territories of Kuala Lumpur and Labuan, as the case may be, and may, in particular, make rules for all or any of the following purposes:

- (a) to promote and regulate aquaculture in riverine waters and, in particular, provide for the leasing and licensing of lakes, swamps, mining pools and other pools and land and other areas for the cultivation of fish, prescribe standards for the construction and operation of aquaculture establishments (including the size and depth of ponds), measures for the prevention of fish diseases and controls over particular species of fish which may be produced by cultivation;
- (b) to provide for the licensing, regulation and management of any particular inland fishery and for the management of turtles;
- (c) to provide for the licensing of fishing vessels and fishing appliances operating or in use in riverine waters;
- (d) to regulate or prohibit any method of fishing in riverine waters or the use or possession of certain types of traps or nets, and to prescribe minimum mesh sizes for fishing nets;
- (e) to regulate or prohibit the erection, maintenance, marking and operation of fishing stakes in riverine waters;
- (f) to prescribe the minimum weights and sizes of fish which may be caught in riverine waters for the purpose of sale, processing, consumption or sport, or to prohibit fishing for any prescribed species of fish;
- (g) to prescribe closed seasons for fishing in any designated area, fishing for certain species of fish or fishing using certain methods of fishing in riverine waters;
- (h) to designate prohibited areas for fishing for all or certain species of fish or fishing using certain methods of fishing in riverine waters;
- (i) to designate persons by name or office to be licensing officers under this Part and to prescribe the powers to be exercised by such officers and by fisheries officers or inland fisheries officers, as the case may be, with respect to turtles and inland fisheries;

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- (j) to prescribe condition and procedures for application for any permit, licence, certificate or other document required under rules made under this Part relating to turtles and inland fisheries the form thereof and the amount of fees and deposits payable therefor;
 - (k) for the purpose of the conservation of fish in riverine waters, to regulate and control the construction of any slides, dams or other obstruction, or the removal of sand or gravel or other alteration to the natural environment or habitat of fish;
 - (1) to prescribe penalties for offences; and
 - (m) to designate, prescribe, promote, provide or regulate any other matter for the proper conservation, development, management and regulation of turtles and inland fisheries.
- (2) In this section, "turtles" includes the eggs of turtles.

PART VIII - AQUACULTURE

Article 39. - Development of aquaculture. - The Director-General may, and in consultation with the State Authority concerned where it relates to inland fisheries in the States of Malaysia, promote the development of aquaculture in Malaysia.

Article 40. - Control of live fish. - (1) Any person (who imports into or exports out of Malaysia or transports from West Malaysia into the Federal Territory of Labuan or the State of Sabah or Sarawak, or Sarawak, or transports from the Federal Territory of Labuan or the State of Sabah or Sarawak into West Malaysia, live fish without a permit, or in breach of any condition in a permit, issued by the Director-General under this section shall be guilty of an offence.

(2) The Director-General may impose such conditions as he thinks fit in the permit, including conditions concerning the state of cleanliness of the fish to be exported, imported or transported and measures to avoid the spread of communicable fish diseases, or to avoid or control the release into the natural environment of non-indigenous species of fish.

PART IX - MARINE PARKS AND MARINE RESERVES

Article 41. - Establishment of marine park or marine reserve. (1) The Minister may by order in the Gazette establish any area or part of an area in Malaysian fisheries waters as a marine park or marine reserve in order to:

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- (a) afford special protection to the aquatic flora and fauna of such area or part thereof and to protect, preserve and manage the natural breeding grounds and habitat of aquatic life, with particular regard to species of rare or endangered flora and fauna;
- (b) allow for the natural regeneration of aquatic life in such area or part thereof where such life has been depleted;
- (c) promote scientific study and research in respect of such area or part thereof;
- (d) preserve and enhance the pristine state and productivity of such area or part thereof; and
- (e) regulate recreational and other activities in such area or part thereof to avoid irreversible damage to its environment.

(2) The limits of any area or part of an area established as a marine park or marine reserve under subsection (1) may be altered by the Minister by order in the Gazette and such order may also provide for the area or part of the area to cease to be a marine park or marine reserve.

Article 42. - Powers and responsibility of Director-General. - The Director-General shall have the powers of general supervision and direction and the responsibility of co-ordination in respect of all matters relating to marine parks and marine reserves in Malaysian fisheries waters.

Article 43. - Offence to do certain acts without written permission of Director-General. - (1) Any person who in any marine park or marine reserve in Malaysian fisheries waters without the permission of the Director-General in writing:

- (a) fishes or attempts to fish;
- (b) takes, removes or is in possession of any aquatic animal or aquatic plant or part thereof, whether dead or alive;
- (c) collects or is in possession of any coral, dredges or extracts any sand or gravel, discharges or deposits any pollutant, alters or destroys the natural breeding grounds or habitat of aquatic life, or destroys any aquatic life;
- (d) constructs or erects any building or other structure on or over any land or waters within a marine park or marine reserve;
- (e) anchors any vessel by dropping any kind of weight on, or by attaching any kind of rope or chain to, any coral, rock or other submerged object; or

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- (f) destroys, defaces or removes any object, whether animate or inanimate, in a marine park or marine reserve,

shall be guilty of an offence.

(2) Permission to do any of the things referred to in subsection (1) may be granted by the Director-General in writing where it is necessary for the proper management of the marine park or marine reserve or pursuant to any of the purposes referred to in section 41.

Article 44. - Absolute prohibition of certain weapons. - (1) No person shall carry, use or possess within a marine park or marine reserve in Malaysian fisheries waters:

- (a) any spring-gun, spear gun, spearfishing equipment, harpoon or suction gun; or
- (b) any other kind of weapon potentially harmful to any aquatic plant life, aquatic animal life or to the coral reef structure.

(2) The use of any weapon referred to in subsection (1) from beyond the limits of the marine park or marine reserve and aimed at or directed into the marine park or marine reserve is also prohibited.

Article 45. - Power to make regulations. - (1) The Minister may make regulations specifically or generally for the zoning, management, development, control and protection of marine parks and marine reserves in Malaysian fisheries waters and for the purposes of this Part.

(2) The Minister may make different regulations under subsection (1) in respect of different marine parks and marine reserves and such regulations may provide for the division of the parks and reserves into zones and may set out the conditions under which each zone shall be established had maintained.

PART X - ENFORCEMENT

Article 46. - Powers of authorized officer. - For the purpose of ensuring compliance with the provisions of this Act, any authorized officer may where he has reason to believe that an offence has been committed under this Act, without a warrant:

- (a) stop, board and search any vessel within Malaysian fisheries waters and make any enquiry, examination and inspection concerning the voyage and seaworthiness of that vessel, its crew, equipment or fishing appliance, or fish carried on board that vessel;
- (b) stop, board and search, and inspect any vessel or vehicle transporting fish, whether within Malaysian fisheries waters or on land;

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- (c) require to be produced and examine any fishing appliance whether within Malaysian fisheries waters or on land;
- (d) examine any fishing stakes, fish-aggregation device or marine culture system within Malaysian fisheries waters;
- (e) inspect any licence, permit, record, certificate or any other document required under this Act or under any generally accepted international rules and standards, and make copies of the same.

Article 47. - Powers of entry, seizure and arrest, etc. - (1) Any authorized officer may, where he has reason to believe that an offence has been committed under this Act, without a warrant:

- (a) enter and search any place in which he has reason to believe that an offence under this Act is about to be or has been committed;
- (b) take samples of any fish found in any vessel or vehicle inspected under section 46 or any place searched under paragraph (a);
- (c) arrest any person who he has reason to believe has committed an offence under this Act;
- (d) seize any vessel, including its equipment, gear, furniture, appurtenances, stores and cargo, or any vehicle which he has reason to believe has been used in the commission of any offence or in relation to which any offence has been committed under this Act;
- (e) seize any fish which he has reason to believe has been caught in the commission of an offence under this Act;
- (f) seize any explosive, poison, pollutant, apparatus or prohibited gear which he has reason to believe has been used, or was in the possession of someone, in contravention of section 26; or
- (g) seize any unlicensed fishing stakes, fishing appliance, fish-aggregation device or marine culture system.

(2) In effecting any seizure under subsection (1), an authorized officer may use such force as may be reasonably necessary.

(3) A written acknowledgment shall be given in respect of anything seized under subsection (1).

Article 48. - Sale of fish or other article of a perishable nature. - (1) Any fish or other article of a perishable nature seized under this Act may, on the direction of the Director-General, be sold and the proceeds of the sale shall be held and dealt with in accordance with the provisions of this Act.

MALA 48

(2) The Government of Malaysia shall not be liable to any person for any deterioration, howsoever caused, in the quality of any fish or other article seized under this Act.

Article 49. - Seizure and forfeiture of vessel, etc. - (1) Where any vessel, vehicle, article or thing is seized under this Act and there is no prosecution in respect thereof, such vessel, vehicle, article or thing shall be held for a period of one calendar month from the date of seizure at the end of which period it shall be deemed to be forfeited, unless a written claim thereto is received within the aforesaid period.

(2) Where any written claim is received under Subsection (1), it shall be referred by the Director-General to the Sessions Court or to a Court of a Magistrate of the First Class for its decision as to the disposal of the vessel, vehicle, article or thing, which may, subject to section 50, be held pending the conclusion of such proceedings.

(3) The Court concerned shall issue a summons requiring the claimant and the person, if any, from whom the vessel, vehicle, article or thing was seized to appear before the Court and upon the appearance of such claimant or person, or upon his failure so to do after reasonable notice, the Court shall proceed to examine the matter and make an order upon the facts proved.

Article 50. - Temporary return of vessel, etc., seized. - (1) Where any vessel, vehicle, article or thing is seized under this Act, the Director-General may temporarily return the vessel, vehicle, article or thing to the owner thereof or to the person from whose possession, custody or control it was seized, subject to such terms and conditions (including the suspension of a licence or permit issued under this Act) as the Director-General may impose and subject, in any case, to sufficient security being furnished to the satisfaction of the Director-General that the vessel, vehicle, article or thing shall be surrendered to him on demand and that the said terms and conditions, if any, shall be complied with.

(2) Notwithstanding subsection (1), the security to be furnished thereunder shall not be less than the aggregate value of the vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article or thing, the expenses incurred in the seizure of the vessel, vehicle, article or thing and in any repatriation of the crew of the vessel, and the maximum fine which would be imposable in respect of the offence.

(3) Any person who:

- (a) fails to surrender on demand to the Director-General the vessel, vehicle, article or thing temporarily returned to him under subsection (1); or
- (b) fails to comply with or contravenes any of the terms or conditions imposed under subsection (1),

shall be guilty of an offence.

MALA 49

Article 51. - Costs of holding vessel, etc., in custody. - Where any vessel, vehicle, article or thing is held in the custody of the Government of Malaysia pending completion of any proceedings in respect of an offence under this Act, the costs of holding the vessel, vehicle, article or thing in custody shall, in the event of any person being found guilty of the offence, be a debt due to the Government of Malaysia jointly and severally by the licensee, the permit holder, the owner, and the master of the vessel, and shall be recoverable accordingly.

Article 52. - Forfeiture and disposal of vessel, etc. - (1) Where any person is found guilty of an offence under this Act, the court concerned shall, in addition to any other penalty that may be imposed:

- (a) order that the vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article or thing used in the commission of such offence or in relation to which such offence has been committed be forfeited; and
- (b) order that any fish caught in the commission of such offence or the proceeds of the sale of any fish or other article of a perishable nature referred to in section 48, and any explosive, poison, pollutant, apparatus or prohibited gear used or intended to be used in the commission of such offence be forfeited.

(2) Any vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article thing explosive, poison, pollutant, apparatus, prohibited gear or fish ordered to be forfeited under subsection (1) or deemed or ordered to be forfeited under subsection (1) or deemed or ordered to be forfeited under section 49 shall be disposed of in such manner as the Director-General may think fit and consistent with any scheme for the limitation of fishing effort.

Article 53. - Obstruction of authorized officer. - Any person who resists or wilfully obstructs any authorized officer or fails to comply with any requirement made by any authorized officer in the exercise of his powers and duties under this Act shall be guilty of an offence and liable to a fine not exceeding fifty thousand ringgit.

Article 54. - Authorized officer to declare office. - Any authorized officer when discharging his functions or duties or exercising his powers under this Act shall, on demand, produce to any person against whom he is taking action, such identification or written authority to show that he is an authorized officer for the purposes of this Act.

Article 55. - Bar to actions. - (1) No action shall be brought against any authorized officer in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his functions, powers and duties under this Act.

MALA 50

(2) No action shall lie against the Government of Malaysia or any authorized officer for any damage caused to any vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article or thing seized under this Act unless there is prima facie evidence of gross negligence.

Article 56. - Presumption. - (1) Subject to subsection (2), where:

- (a) any fish; or
- (b) fishing appliance or other equipment for fishing,

is found on board a foreign fishing vessel in Malaysian fisheries waters, such fish, fishing appliance or equipment, as the case may be, shall be presumed, unless the contrary is proved:

- (i) to have been caught in Malaysian fisheries waters; or
- (ii) to have been used for fishing in Malaysian fisheries waters,

respectively without a permit issued under this Act.

(2) A radio call made by a foreign fishing vessel to an authorized officer before entering Malaysian fisheries waters:

- (a) notifying that the vessel is exercising its right of innocent passage through Malaysian fisheries waters; and
- (b) notifying its proposed route and the quantity of fish on board,

and showing proof, where such vessel is stopped, boarded and searched under section 46, that:

- (i) the fish on board is held in a sealed hold;
- (ii) the fishing appliance or other equipment for catching fish are properly stowed and secured on the vessel so that they are not easily available for fishing; and
- (iii) the vessel is travelling through Malaysian fisheries waters from a point outside such waters to another point outside such waters by the shortest practicable route,

shall be sufficient to constitute a defence to a prosecution for an offence under this Act.

PART XI - GENERAL PROVISIONS

Article 57. - Service of documents. - (1) Where any document is to be served under this Act on any person, that document may be served:

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- (a) in any case by delivering a copy thereof personally to the person to be served;
- (b) if the document is to be served on the master of a vessel or on a person employed on a vessel, by leaving the same for him on board that vessel with the person who is, or appears to be, in command or charge of the vessel;
- (c) by affixing a copy of the document to any conspicuous part of his house or of the vessel or vehicle; or
- (d) by registered letter addressed to his last place of abode.

(2) A document which is to be served on the master of a vessel registered in Malaysia or licensed or permitted to fish under this Act may, if the master cannot be found, be served on the owner or the manager of the vessel or, if there is no manager, on some agent of the owner residing in Malaysia or, where no such agent is known or can be found, by affixing a copy thereof to the mast of the vessel.

Article 58. - Exemption for certain purposes. - The Director-General may, by order in writing, for the purpose of research or training, or the proper conservation and management of fisheries, exempt, subject to such Conditions as he may impose, any vessel or person from all or any of the provisions of this Act.

Article 59. - Registers of licences and permits. - Registers showing particulars of the licences and permits issued under this Act shall be maintained and kept at such place or places as the Director-General shall specify.

Article 60. - Exemptions. - Nothing in this Act shall apply to the areas defined in the Schedules to the River Rights Enactment, or to the area known as Karang Ayer Leleh and defined in the Schedule to the Karang Ayer Leleh Enactment, or shall affect the exclusive rights of a Ruler to fish within and over the said areas.

Article 61. - Power of Minister to make regulations. - The Minister may make regulations specifically or generally for the proper conservation, development and management of maritime and estuarine fishing and fisheries in Malaysian fisheries waters and in respect of related industries, for the proper conservation, development, management and regulation of turtles beyond the jurisdiction of any State in Malaysia, and for the implementation of the provisions of this Act, including but not restricted to regulations for all or any of the following purposes:

- (a) to prescribe the rules and procedures in respect of foreign capital investment and joint-venture proposals in fisheries, including the procedures for effective transfer of technology and training of Malaysian personnel;

MALA 52

- (b) to prescribe the number, nationality and composition of person permitted to be employed or carried on fishing vessels;
- (c) to prescribe manning standards for fishing vessels and to establish boards of examiners to examine candidates in their proficiency in such standards for certification, in consultation with the Director-General of the Marine Department;
- (d) to establish the conditions to be observed by local and foreign fishing vessels within Malaysian fisheries waters, including conditions relating to the stowage of their fishing appliance when not in use, and to regulate the conduct of their fishing operations generally;
- (e) to provide for the licensing, regulation and management of any particular fishery;
- (f) to establish closed seasons in respect of specified fishery areas or in respect of specified species of fish, or specified methods of fishing;
- (g) to prescribe limitations on the quantity, size and weight of fish caught and retained or traded;
- (h) to prescribe minimum mesh sizes of nets;
- (i) to specify prohibited fishing areas for all fish or certain species of fish or methods of fishing;
- (j) without prejudice to section 45, to regulate activities in marine parks and marine reserves established under Part IX;
- (k) to prescribe methods of fishing or fishing appliances;
- (l) to prescribe any species of fish;
- (m) to provide for the licensing of fishing vessels, fishing stakes, fishing appliances, fish-aggregation devices and marine culture systems;
- (n) to regulate or prohibit the erection, maintenance, working, repair and lighting of fishing stakes, fish-aggregation devices and marine culture systems;
- (o) to regulate the landing of fish, to provide for the management and control of fishing ports and fish-landing areas, and to appoint such agencies as may be required to effect such management and control;
- (p) to prescribe standards for fish feeds;

MALA 53

- (q) to prohibit or control the importation and exportation of live fish, including freshwater fish, and in particular, to prohibit or control the importation into, or the sale, cultivation or keeping of live fish or any particular species of live fish which is not indigenous to any part of Malaysia or to Malaysian fisheries waters;
- (r) to promote and regulate aquaculture in maritime waters;
- (s) to prescribe the conditions and procedures of application for any permits, licences, certificates or other documents required under this Act, their form and the amount of fees, deposits and securities payable therefor;
- (t) to provide for and improve the collection of statistics and to require any person engaged in fishing, marketing, processing or aquaculture to supply such information as may be required;
- (u) to organize and regulate fishing as a sport;
- (v) to provide for the powers of authorized officers, fisheries officers and deputy fisheries officers;
- (w) to prescribe penalties for offences;
- (x) to provide for the conservation and management of turtles beyond the jurisdiction of any State in Malaysia;
- (y) to prescribe for matters relating to the control and seizure of local and foreign fishing vessels;
- (z) to provide for such other measures as are necessary or expedient to ensure that foreign fishing vessels are used for fishing within the exclusive economic zone or for fishing for sedentary species on the continental shelf only in accordance with the conditions of their permits;
- (aa) to require applicants for licences or permits to execute bonds, make deposits or give other forms of security for the fulfilment of any obligation under their licences or permits;
- (ab) to provide for compensation payable to Malaysian citizens, the Government of Malaysia or the Government of a State in Malaysia in the event of any loss or damage caused by foreign fishing vessels to local fishing vessels, their fishing appliances or catches, or to cables, pipelines, or other property belonging to Malaysian citizens, the Government of Malaysia or the Government of a State in Malaysia;
- (ac) to promote, regulate and carry out scientific research;

MALA 54

- (ad) to prescribe areas of Malaysian fisheries waters in which fishing shall be reserved to local fishing vessels and Malaysian fishermen;
- (ae) to prescribe areas in Malaysian fisheries waters through which unlicensed foreign fishing vessels may pass to facilitate enforcement of the provisions of this Act and in such manner as not to deny or impair the right of innocent passage of such vessels;
- (af) to prescribe regulations for the control of endangered species of fish;
- (ag) to prescribe regulations for the control of movement of fish within Malaysia;
- (ah) to prescribe standards for the quality control of fish or fish products and methods to effect such standards and control;
- (ai) to prescribe measures for the control of fish diseases;
- (aj) to prescribe or regulate any other matter required to be prescribed or regulated under this Act.

Article 62. - Repeal. - The Fisheries Act 1963 is repealed.

3. REGULATIONS

(a) Fisheries (Maritime) Regulations, 1967 (as amended)

Article 1. - Citation and application. - These regulations may be cited as the Fisheries (Maritime) Regulations, 1967, and shall have application only in respect of fishing and fisheries in maritime and estuarine waters.

PRELIMINARY

Article 2. - Interpretation. - In these Regulations, unless the context otherwise requires:

"Fishing appliances" or "appliances" includes fishing nets, fishing traps, hooks and lines with more than three hooks used with or without floats or buoys especially designed for fishing but does not include casting nets of the type known as "jala", push and scoop nets of the types known as "langgai melaka", "rawa", "sirin", "sodok", "sondong", "sungkor" and "tangkol udang baring" and traps of the types known as "bubu ketam", "enjab" and "lukah".

"Fishery Officer" has the same meaning assigned to it in the Fisheries Act, 1963 and shall for the purpose of these Regulations be the Licensing Officer.

PROHIBITION

Article 3. - Licence to operate fishing stakes and fishing appliances. - No person shall:

- (a) operate, or permit or cause to be operated, any fishing stakes or appliances;
- (b) have in his possession on board a vessel any fishing appliances or any part thereof; or
- (c) set up any fishing stakes,

unless there is in force in respect of such stakes or appliances a licence or permit as the case may be granted under these Regulations.

LICENSING OF FISHING STAKES AND FISHING APPLIANCES

Article 4. - Application for issue of licence for fishing stakes and fishing appliances. - (1) Applications for a licence (or for the renewal thereof) in respect of fishing stakes and appliances shall be made in writing to the Fishery Officer who may issue a licence aforesaid or reject the application; and every application shall contain such particulars as the Fishery Officer may require.

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(2) An applicant for a licence in respect of any of the fishing appliances specified in the first column of the Second Schedule hereto shall:

- (a) deposit with the Fishery Officer the amount specified in the corresponding second column of the said Schedule either in one lump sum or if the Director considers; it just to so allow in cases of genuine hardships, in not more than five monthly instalments commencing on the date on which a licence is issued and the Fishery Officer shall evidence the making of such deposit by the issue of a receipt; or
- (b) if the Director so allows, give the Fishery Officer a banker's guarantee for the amount specified in the corresponding second column of the said Schedule.

(3) Before issuing a licence to operate any new fishing stakes, the Fishery Officer shall first satisfy himself by a survey that the fishing stakes in respect of which the said licence was applied for has been set up in accordance with the terms and conditions of a permit issued under regulations 9 and 10.

(4) Any licence issued under this regulation may be subjected to such terms and conditions as the Fishery Officer deems fit and in any case where trawl nets are used shall be subject to such terms and conditions as specified in the Fifth Schedule hereto.

(4A) The holder of a licence shall only use the boat or boats specified by the Fishery Officer in the licence.

(5) No fishing stakes or appliances shall be operated in such manner or at such place as to obstruct navigation.

(6) Any person who contravenes any of the conditions of the aforesaid licence shall be deemed to have acted contrary to the provisions of these Regulations.

Article 5. - Fees. - There shall be payable in respect of fishing appliances and fishing stakes specified in the first column in the First Schedule hereto the fees specified in the second column of the said Schedule.

Article 5A. - Authorization to use other appliances and exemption from fees. -Where any person is licensed in respect of trawl nets, the Fishery Officer may, by endorsement on such licence, authorize such person to use other fishing appliances.

Provided that where such authorization by endorsement is made on such licence, such person shall be exempted from paying the fees specified in the corresponding second column of the First Schedule.

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Article 6. - Identification of licence for fishing stakes. - (1) A fishing stake licence under these Regulations shall be identified by a number to be allotted by the Fishery Officer; and the holder of such licence shall at all times display in a conspicuous position on the fishing stake a number plate (bearing the said number) which upon the granting of the licence shall be supplied by the Fishery Officer.

(2) A fee of three dollars shall be chargeable in respect of a number plate supplied as aforesaid.

(3) In the event that a number plat aforesaid is lost, mutilated or destroyed the holder of the licence shall forthwith inform the Fishery Officer accordingly; and the said holder shall as soon as is practicable replace the number plate so lost, mutilated or destroyed with a number plate of identical specifications bearing the number supplied under paragraph (1).

Article 7. - Director may determine the number of licences to be issued. - The Director of Fisheries may determine the number of licences which may be issued in any year in respect of fishing stakes and fishing appliances.

Article 8. - Fishing appliances not to be operated within 20 fathoms of fishing stakes. - Subject to the provisions of regulation 10, no person shall operate or permit or cause to be operated any fishing appliances within a distance of two hundred fathoms of any fishing stakes licensed under these Regulations.

SETTING UP OF FISHING STAKES

Article 9. - Application for and issue of permit to set up fishing stakes. -

(1) Any person wishing to set up any fishing stakes may make an application in writing in that behalf to a Fishery Officer, specifying in such application the type and site of the fishing stakes proposed to be set up and, if so required by the Fishery Officer, furnishing the plan of the said site.

(2) On an application being made as aforesaid, the Fishery Officer shall survey the site specified in the application or in the plan furnished if any, and shall, if he is satisfied that the setting up of the fishing stakes as aforesaid will not contravene any of the provisions of these Regulations, issued a permit (with or without conditions), and, in any other case reject the application.

(3) Before a permit under this regulation is issued in respect of the fishing stakes specified in the first column in the Third Schedule the applicant shall be required to make with the Fishery Officer the deposits specified in the corresponding second column in the said Schedule which shall be paid to the State Treasury:

Provided that the Director may in any case where it would be fair or just so to do allow an applicant to make only part of the deposit not being less than one fifth of the amount prescribed; and in every such case the applicant may in lieu of making the full deposit furnish a bank guarantee or execute a bond with or without sureties as may be approved by the Director.

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- (4) The making of deposits shall be evidenced by a receipt issued by the State Treasury.

Article 10. - Conditions attached to a permit. - (1) The following conditions shall attach to a permit issued in respect of the setting up of fishing stakes, that is to say:

- (a) the fishing stakes shall be set up within a period of three months from the date of issue of the permit or within such longer period as the Director may authorize;
- (b) as soon as the stakes have been set up, and in any case not later than twenty-one days thereof, the holder of the permit shall apply for a licence to operate (the said fishing stakes);
- (c) except with the approval of the Director, no fishing stakes which are set up in water less than three fathoms in depth (during low water at spring tides), shall be within a distance of two hundred fathoms from any part of any other fishing stakes or exceed two hundred fathoms in length;
- (d) except with the approval of the Director, no fishing stakes which are set up in water three fathoms or more in depth (during low water at spring tides), shall be within four hundred fathoms from any part of any other fishing stakes or exceed three hundred fathoms in length;
- (e) no fishing stakes shall be set up in such manner as to cause obstruction to navigation.

(2) When required by a Fishery Officer so to do, the holder of a permit shall display on any fishing stakes set up, from sunset to sunrise, a bright light visible for at least one sea mile in every direction.

OFFENCES AND REMOVAL OF FISHING STAKES AND FISHING APPLIANCES

Article 11. - Removal of fishing stakes and appliances. - (1) Any person who ceases to operate any fishing stakes or appliances shall remove such stakes or appliances and any poles, anchors, floats and any other ancillary apparatus used in the operation of such stakes or appliances forthwith or within such time as a Fishery Officer may direct.

(2) On the failure of any person aforesaid to comply with the direction of a Fishery Officer or with the provisions of this regulation, the Fishery Officer may remove and destroy the fishing stakes or fishing appliances or poles, anchors, floats or other ancillary apparatus used in the operation of such appliances; and any expenses incurred thereby shall in relation to any of the fishing stakes be deducted from the deposits made under regulation 9:

Provided that where the expenses so incurred exceed the amount of such deposit the balance shall be recoverable from the person in whose name the deposit was made.

MALA 59

(3) No person shall remove any fishing stakes or appliances under paragraphs (1) and (2) except under the supervision of a Fishery Officer.

Article 12. - Compensation for damage caused by fishing appliances. - Where by the operation of any fishing appliance licensed under these Regulations any fishing stakes or other fishing appliances are damaged, the licensee of the fishing appliance first mentioned shall forfeit so much of the deposit (if any) made in respect of that appliance as equals the claim made in respect of the fishing stakes or appliances damaged aforesaid.

Article 13. - Cancellation of licence and forfeiture of deposits. - Any licence or permit issued under these Regulations may be cancelled where for any reason the holder of such licence or permit fails to comply with any conditions imposed thereon by virtue of these Regulations; and upon the cancellation of a licence or permit the deposit in respect of such licence or permit (either in whole or in part) may be forfeited.

Article 14. - Renewal of existing licences of fishing stakes. - All fishing stakes which immediately before the commencement of these Regulations were licensed shall be deemed to have been set up in accordance with the provisions of these Regulations subject to the condition that there shall be paid to the State Treasury in respect of such fishing stakes, within 3 months of the commencement of these Regulations, the deposits required to be made under the Third Schedule hereto or so much thereof as has not already been made; and the making of such deposits shall be evidenced by a receipt issued by the said Treasury.

Article 15. - Revocation. - So much of the written law (as amended from time to time) specified in the Fourth Schedule hereto as shall relate to maritime and estuarine fishing or fisheries are hereby revoked.

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FIRST SCHEDULE

(Regulation 5)

LICENCE FEES

1.	Bag Nets	\$ 2.00 per set of 4 nets or part thereof per annum
2.	Barrier Nets	\$ 2.00 per gear per annum
3.	Fishing Stakes:	
	Belat Pok	\$50.00 per gear per annum
	Jermal and Kelong: in water 3 fathoms or more in depth during low water at spring tides	\$50.00 per gear per annum
	Fishing stakes (other than Belat Pok, Jermal and Kelong) in water 3 fathoms or more in depth during low water at spring tides	\$20.00 per gear per annum
	Fishing stakes in water 1 fathom or more but less than 3 fathoms in depth during low water at spring tides	\$10.00 per gear per annum
	Fishing stakes in water less than 1 fathom in depth during low water at spring tides	\$ 5.00 per gear per annum
4.	Gill/Drift Nets	\$ 2.00 per gear per annum
5.	Hooks and Lines	\$ 2.00 per gear per annum
6.	Lift Nets	\$ 2.00 per gear per annum
7.	Seine Nets	\$ 2.00 per gear per annum
8.	Traps:	
	Bubu	\$ 2.00 per set of 20 traps or part thereof per annum
	Bintoh/Tangkok Ketam	\$ 1.00 per set of 20 traps or part thereof per annum

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9. Trawl Nets:
- (i) Trawl Nets used with inboard engined boats:
 - (a) of 60 h.p. and above \$50.00 per annum
 - (b) of 40 h.p. but under 60 h.p. \$40.00 per annum
 - (c) of 25 h.p. but under 40 h.p. \$30.00 per annum
 - (d) of above 10 h.p. but under 25 h.p. \$20.00 per annum
 - (e) of 10 h.p. and below \$ 5.00 per annum
10. Moro Ami \$50.00 per gear per annum
11. Other Fishing Appliances \$ 5.00 per gear per annum

SECOND SCHEDULE
(Regulation 4(2))

DEPOSITS FOR FISHING APPLIANCES

	(1) Fishing Appliances	(2) Deposit
1.	Trawl Nets used with inboard engine boats:	
	(a) of 60 h.p. and above	\$ 400.00
	(b) of 25 h.p. but under 60 h.p.	\$ 100.00
	(c) below 10 h.p.	Free
2.	Trawl Nets used with outboard engine boats	Free

THIRD SCHEDULE
(Regulations 9(3) and 14)

DEPOSITS FOR FISHING STAKES

	(1) Fishing Appliances	(2) Deposit
	Bolat Pok	\$ 5,000 per gear
	Ambai, Jermal, Kelong and Langgai Berampis:	
	Set up in water 5 fathoms or more in depth (during low water at spring tides)	\$ 3,000 per gear

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Ambai, Jerraal, Kelong and Langgai
Berampis:

Set up in water 3 fathoms or more but less than 5 fathoms in
depth (during low water at spring tides) \$ 2,000 per gear

Ambai, Jermal, Kelong and Langgai
Berampis:

Set up with platforms in water less than 3 fathoms in depth
(during low water at spring tides) \$ 1,500 per gear

Belat (other than fishing stakes specified
above):

Set up in water 3 fathoms or more in depth (during low
water at spring tides) \$ 1,000 per gear

FOURTH SCHEDULE

(Regulation 15)

REVOCATION

Reference	Title
F.M.S. Government Gazette Notification N° 5616 of 1938	Fisheries Rules, 1938
F.M.S. Government Gazette Notification N° 300 of 1939	Fisheries Rules, 1938
S.S. Government Gazette Notification N° 2034 of 1924	The Fisheries Ordinance, 1924 Rules
Federation of Malaya Government Gazette, Legislative Supplement (Subsidiary Legislation), Johore, L.N. 51 of 1952	Fishing Rules, 1952
Malayan Union Gazette Notification N° 8381 of 1947	Fisheries (Trengganu) Rules
Kedah Government Gazette Notification N° 711 of 1931 Rules for Fishing under	Enactment N° 40 (Fisheries) section 6

Kelantan Government Gazette Notification
N° 276 of 1952

Johore Government Gazette, Legislative
Supplement, L.N. 161 of 1964

Johore Government Gazette, Legislative
Supplement, J.L.N. 77 of 1964

Fisheries Rules, 1952

Fisheries (Kelantan and Perlis)
Regulations, 1964

Fisheries (Johore) (N° 2)
Regulations, 1964

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FIFTH SCHEDULE

[Regulation 4 (4)]

TERMS AND CONDITIONS OF LICENCE FOR TRAWL FISHING

AMENDED VIDE P.U. (A) 135/184. 1974)

Otter Trawl Net

1. - The mesh size of any otter trawl net shall be not less than one (1) inch extension measure at the cod end.

2. - (1) Except as may be restricted to any area by the Fishery Officer in the terms and conditions of the licence otter trawl nets used with engined boats:

- (a) of 100 tons gross tonnage and above with 200 horse power and above shall be used in waters beyond 12 miles; or
- (b) of 25 tons gross tonnage and above with 60 horse power and above shall be used only in waters beyond 7 miles; or
- (c) of less than 25 tons gross tonnage with less than 60 horse power shall be used only in waters beyond 3 miles,

off the coast of any of the States of West Malaysia and of the islands of Pulau Langkawi, Pulau Bidan, Pulau Pinang, Pulau Pangkor, Pulau Ketam, Pulau Tioman, Pulau Redang and Pulau Perhentian:

Provided that in the waters off the coast of Kelantan, Trengganu and Pahang and off the eastern coast of Johore, fishing with trawl nets may be permitted within any distance from the coast during the months of November to March.

(2) All engined boats of less than 25 tons gross tonnage but with 60 horse power and above which immediately before the commencement of this Schedule were issued with a licence to operate trawl nets shall be deemed to be licensed in accordance with the provisions of this Schedule subject to the conditions that those boats with 60 horse power and above shall be used only in waters beyond 7 miles off the coast of any of the States of West Malaysia and of the islands aforesaid.

(3) Fishing with trawl nets may be permitted only within the periods specified by the Fishery Officer in the licence.

(4) Except as may be restricted to any time of the day by the Fishery Officer in the terms and conditions of the licence, fishing with otter trawl nets used with engined boats of 25 tons gross tonnage and above with 60 horse power and above is permitted throughout the day and night.

(5) Fishing with otter trawl nets used with engined boats of less than 25 tons gross tonnage with less than 60 horse power shall be carried out only within the hours of 6.00 a.m. to 6.00 p.m.

3. - Prohibition. - The use of beam trawl net is prohibited.

4. - Fish Landing Places. - Fish shall be landed only at a place or places specified by the Fishery Officer in the licence.

MALA 65

- (b) Fisheries (Cockles Conservation and Culture) Regulations, 1964 as amended

In exercise of the powers conferred by section 2 of the Fisheries Act, 1963, the Yang di-Pertuan Agong hereby makes the following Regulations:

Article 1. - Citation and application. - These Regulations may be cited as the Fisheries (Cockles Conservation and Culture) Regulations, 1964, and shall have application only with respect to maritime or estuarine waters.

Article 2. - Interpretation. - In these Regulations unless the context otherwise requires:

"cockles" means edible bi-valves of the type known as Kerang, *Anadara granosa*;

"cultured cockle bed" means an area where cockles have been transplanted and allowed to grow under culture;

"natural cockle bed" means an area where cockle spatfalls occur;

"registered buyer" means a person registered under these Regulations as a buyer of cockles;

"fishery officer" means a Maritime Fishery Officer and includes any Deputy Maritime Fishery Officer authorized in writing by the Director of Fisheries to issue licences under these Regulations.

PART I - LICENCE TO TAKE COCKLES

Article 3. - Licence for taking of cockles. - (1) No person shall take any cockles from a natural or cultured cockle bed except in accordance with a licence granted under this regulation.

(2) Any person wishing to take cockles from a natural or cultured cockle bed may make a written application for a licence to a Fishery Officer who may in his discretion grant subject to such conditions as he may impose, such licence, or reject the application; and every application shall contain such particulars as the Fishery Officer may require.

(3) A licence granted under this regulation shall:

- (a) in respect of the taking of cockles from a natural bed be valid only for the period or periods provided in regulation 5; and
- (b) in respect of the taking of cockles from a cultured bed be valid until the 31st day of December of the year in which it is issued.

MALA 66

(4) A fee of one dollar shall be payable in respect of a licence aforesaid.

Article 4. - Sale of cockles taken from a natural bed. - A person licensed under regulation 3 to take cockles from a natural cockle bed shall not sell any cockles so taken to any person other than a registered buyer.

Article 5. - Taking of cockles from natural cockle beds. - (1) No person shall take (whether for the purpose of transplanting to a cultured cockle bed or for consumption) any cockles from any natural cockle bed except during the periods and for the purpose prescribed by a Fishery Officer by notice to be displayed at public places or at such places as he deems fit.

(2) The public notice aforesaid may prescribe different periods and different purposes for which cockles may be taken.

Article 6. - Sizes of cockles to be taken. - (1) No cockle which is less than 1/4 inch, measured in a straight line across the widest part of the shell, shall be taken for the purpose of transplanting to a cultured cockle bed.

(2) No cockle which is less than 1.1/4 inches, measured in a straight line across the widest part of the shell shall be taken for consumption.

Article 7. - Period during the day for taking cockles. - The period of the day during which cockles may be taken from a natural cockle bed shall be between six o'clock in the morning and six o'clock in the evening.

Article 8. - Prohibition of the use of mechanical apparatus. - Save with the permission of a fishery officer, no person shall use any mechanical apparatus to take cockles from any cockle bed (whether natural or cultured).

PART II - LICENCES FOR BUYING COCKLES

Article 9. - No person other than a registered buyer may buy cockles. - No person other than a registered buyer shall buy any cockles directly from any person taking such cockles from any natural cockle bed.

Article 10. - Registration of buyer. - (1) Any person may apply in writing to the Director of Fisheries to be registered as a buyer of cockles and the Director may subject to such conditions as he may impose so register such person and issue him with a licence in that behalf, or reject the application; and every application shall contain such particulars as the Director may require.

(2) A registration and licence under this regulation shall unless sooner cancelled be valid for a year (ending on the 31st day of December) and may be renewed on an application in writing in that behalf being made to the Director.

(3) A fee of two dollars shall be payable in respect of a registration and licence aforesaid.

MALA 67

(4) Nothing in this regulation provided shall be taken to authorise a registered buyer to buy cockles which he has reason to believe have been taken from a natural cockle bed in contravention of the provisions of these Regulations.

Article 11. - Breach of condition and of the provisions of these Regulations. - A licence issued or a registration made under these Regulations shall be liable to cancellation upon there being committed in respect of such licence or registration a breach of any of the conditions imposed thereon or upon the person licensed or registered contravening any of the provisions of these Regulations.

Article 12. - Revocation. - So much of the written laws (as amended from time to time) specified in the Schedule hereto as shall relate to cockles are revoked.

SCHEDULE

Reference	Title
F.M.S. Government Gazette Notification N° 5616 of 1938	Fisheries Rules, 1938
F.M.S. Government Gazette Notification N° 300 of 1939	Fisheries Rules, 1938
S.S. Government Gazette Notification N° 2034 of 1924	The Fisheries Ordinance, 1924 Rules
Federation of Malaya Government Gazette, Legislative Supplement (Subsidiary Legislation), Johore, L.N. 51 of 1952	Fishing Rules, 1952
Malayan Union Gazette Notification N° 8381 of 1947	Fisheries (Trengganu) Rules
Kedah Government Gazette Notification N° 711 of 1931	Enactment N° 40 (Fisheries) Rules for Fishing under section 6

MALA 68

(c) Fisheries (Prohibition of method of fishing) Regulations, 1971

IN exercise of the powers conferred by section 2 of the Fisheries Act, 1963, the Yang di-Pertuan Agong hereby makes the following regulations:

Article 1. - Citation. - These regulations may be cited as the Fisheries (Prohibition of Method of Fishing) Regulations, 1971

Article 2. - Prohibition of fishing. - No person shall use for the purpose of fishing or have in his possession on board any vessel, any fishing net or trap described in the Schedule hereto.

SCHEDULE

Any fishing net, used with boat propelled by engine, called by whatever name which consists of a triangular net supported between two poles which are crossed and secured some distance from the top and each of them tapers from this point to end in a ski-shaped shoe, being of a kind normally operated by pushing or thrusting the gear along the seabed before raising.

MALA 69

(d) Fisheries (Prohibition of import, etc. of Piranhas) Regulations, 1973

Article 1. - Citation. - These regulations may be cited as the Fisheries (Prohibition of Import, etc., of "Piranhas") Regulations, 1973

Article 2. - Prohibition. - (1) No person shall import into, sell, cultivate or keep live "piranhas" (*Serrasalmus*) in the States of West Malaysia and East Malaysia except with the written permission of the Minister.

(2) The Minister may impose any condition he deems fit in the written permission granted in pursuance to paragraph (1).

Article 3. - Penalty. - Any person who contravenes the provision of regulation 2(1) or any condition imposed in the written permission granted by the Minister under regulation 2(2) shall be guilty of an offence and shall be liable to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding one year or to both.

Article 4. - Revocation P.U.331/66. - The Fisheries (Prohibition of Import, etc., of "Piranhas") Regulations, 1966 is hereby revoked.

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* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Article I of the Constitution of the Republic of Maldives (as amended)

"... The political territory of Maldives extends over the islands situated within 12 miles of the territorial waters measured from the outside reef adjoining the Ocean in every Atoll in Maldives, and over the seas, air and everywhere connected with these islands". (Unofficial translation of the text)

MALD 2

- (b) Law N° 30/76 of 27 November 1976, relating to the Exclusive Economic Zone of the Republic of Maldives.

Article 1. - The area, including the sea as well as the sea-bed and sub-soil thereof, situated within the line joining the points of which the co-ordinates are given below, shall constitute the Exclusive Economic Zone of the Republic of Maldives.

(1) 7° 57' 27" N	69° 35' 45" E
(2) 7° 57' 27" N	69° 11' 48" E
(3) 4° 02' 20" S	69° 11' 48" E
(4) 4° 02' 20" S	77° 05' 42" E
(5) 3° 27' 15" N	77° 05' 42" E
(6) 4° 47' 04" N	77° 01' 40" E
(7) 4° 52' 15" N	76° 56' 48" E
(8) 5° 05' 35" N	76° 43' 15" E
(9) 5° 13' 56" N	76° 36' 48" E
(10) 6° 28' 14" N	75° 41' 34" E
(11) 6° 33' 21" N	75° 38' 31" E
(12) 6° 51' 06" N	75° 25' 46" E
(13) 7° 15' 27" N	75° 16' 19" E
(14) 7° 24' 00" N	75° 12' 06" E
(15) 7° 25' 19" N	75° 11' 18" E
(16) 7° 51' 30" N	74° 56' 09" E
(17) 7° 48' 30" N	74° 29' 45" E
(18) 7° 41' 50" N	73° 38' 34" E
(19) 7° 39' 02" N	73° 19' 38" E
(20) 7° 40' 52" N	73° 03' 23" E
(21) 7° 42' 19" N	72° 49' 30" E
(22) 7° 42' 54" N	72° 42' 26" E
(23) 7° 49' 05" N	72° 03' 45" E
(24) 8° 05' 38" N	70° 15' 08" E
(25) 7° 57' 27" N	69° 35' 45" E

Article 2. - The Republic of Maldives shall have the sovereign rights and exclusive jurisdiction over its Economic Zone for the purpose of exploitation, conservation and management of the natural resources therein, both living and non-living, or for any other economic purpose. Thus the use and exploitation of the products or natural resources found in the said Zone for any economic purpose, or the conduct of scientific researches, or the construction, maintenance or operation of artificial structures and devices for any purpose within the said Zone shall not be executed by non-Maldivians without assent of the Government of the Republic of Maldives.

MALD 3

Article 3. - Any person or persons contravening the sovereign rights of the Republic of Maldives over its Economic Zone shall be liable to prosecution and conviction in accordance with Laws and Regulations of the Republic of Maldives.

3. REGULATIONS

- (a) Law N° 1/74 relating to Fishing in the Lagoons of Maldives (enacted 1374 Hejira, amended by Laws 19 of 1971 and 22 of 1975)

Article 1. - Fishing shall be conducted in the lagoon of an inhabited island by the people of another island after obtaining permission from the office of that island. Similarly, fishing shall be conducted in an uninhabited island after obtaining the permission of the person or persons in charge of that island.

Article 2. - If the lagoon of an inhabited island extends to an unusually large area the Atoll Chief in consultation with the Department of Fisheries, may demarcate a certain portion of the lagoon for common fishing.

Article 3. - If the lagoon of an uninhabited island is longer than 3000 feet from the shore of that island to the reef, the Atoll Chief in consultation with the Department of Fisheries, may demarcate a distance of 2000 feet from the shore and leave the area beyond it for common fishing.

Article 4. - If the people of an island or islands together prepares an enclosure for fishing in a lagoon, and during the period of fishing in the enclosure, the people of another island shall not fish within the enclosure in that lagoon without the permission of the party in charge of the enclosure.

Article 5. - If the inhabitants of an island or islands wish to make a temporary enclosure in a lagoon without an island, they shall obtain permission from the Atoll Chief and they shall register at the Atoll Office, one party in charge of the enclosure and the season during which fishing would be conducted in the enclosure.

Article 6. - If the people of an atoll visits another atoll for the purpose of lagoon fishing, they shall conduct their fishing in that atoll after obtaining the permission from the said atoll's office.

Article 6. - Collecting bait for fishing shall be exempted from the provisions mentioned in this law.

MALD 4

(h) Regulations for Issuing the Licence to Fish in the Exclusive Economic Zone of the Republic of Maldives!

1. These regulations have been framed with a view to the utilisation of the fishery resources within the Exclusive Economic Zone of the Republic of Maldives and to issue the licence to parties who desire to fish within that zone. The Licence shall be issued, subject to the conditions specified in the various articles of these Regulations.
2. The Licence issued under these Regulations shall permit fishing in the sea outside and beyond 75 miles from the archipelago baselines of the islands situated at the outer edge of the atolls of the Republic of Maldives. The aforesaid area shall be divided into four sub-areas and licences shall be granted to fish in one or several of the said four sub-areas. Licences thus granted and the division of such sub-area will be subject to change at anytime whenever the Government so desires.
3. When issuing licences, the total weight of the permitted catch within the entire Exclusive Economic Zone of the Republic of Maldives for every year from the first day of January at that year, shall have been determined. This figure shall be determined by the Ministry of Fisheries. The maximum total weight of fish permitted to be caught by any one party annually shall not exceed 15,000 (fifteen thousand) metric tonnes. The minimum weight permitted shall be 3,000 (three thousand) metric tonnes. The quantity of fish permitted to be caught by every licensee, shall be determined by the Ministry of Trade and Industries.
4. Fishing Licences under these Regulations shall be issued by the Ministry of Trade and Industries.
5. Licences shall be granted under the present arrangement to the following types of fishing only:
 - (a) pole and line fishery
 - (b) long-line fishery
 - (c) trolling
6. Vessels issued with Fishing Licences shall not be permitted to engage in bait fisheries. This activity shall be conducted in vessels which are traditionally engaged in bait fisheries in the Maldives.
7. The Ministry of Trade and Industries shall determine the number of vessels to be engaged in fish activities by each and every party taking into consideration the licensed quantity.
8. Fishing Licences shall be issued subject to a pre-determined fee. This fee and the manner in which such fee is to be paid, shall be determined by the Ministry of Trade and Industries.

MALD 5

9. Every party to whom a Fishing Licence is issued, shall make a deposit in a foreign currency acceptable to and at a place designated by the Government of Maldives, to the equivalent of Rs. 150/- per tonne, for every tonne of the gross tonnage of the vessel or vessels such party engages in fishing. Alternatively, a bank guarantee to that sum and in a manner acceptable to the Government shall be deposited. Such deposit shall be refunded at the end of the licensed period, provided there is no outstanding financial claim in the Maldives, against the party or any of its employees. Should there be any such claim, only such balance, if any after settling the claim shall be refunded.

10. Licences shall be granted each time for a maximum period of 1 (one) year.

11. Fishing vessels, when engaged in fishery operations within the Exclusive Economic Zone of the Republic of Maldives shall abide by all the Laws relating to the Exclusive Economic Zone of the Maldives. Further, when entering the Territorial Waters of the Republic of Maldives and when operating in the said Waters, such vessels shall fully obey the Laws and Regulations of the Republic of Maldives, in relation to the Territorial Waters, and in all other instances.

12. At the sole discretion of the Government, the appropriate authorities reserve the right to board licensed fishing vessels and effect such inspection as is deemed necessary.

13. At the sole discretion of the Government, its officials shall be stationed on any or all licensed fishing vessels. Those responsible for the operation of the vessels shall meet board, lodging and medical expenses of such officials and deal with them in a reasonable manner.

14. If required by the Government, the parties issued with Fishing Licences shall give fisheries training, under their supervision to Maldivian nationals, free of any charge.

15. Every vessel that has been issued a Fishing Licence, shall supply its fishery statistical data to the Ministry of Trade and Industries. The Ministry of Fisheries and Customs, by filling the statistical data sheet provided for that purpose.

16. Should a Licensee contravene any of the provisions of these Regulations or any condition of the licence, such party shall be fined by a sum deemed appropriate by the Government depending on the nature and extent of such contravention. Further, the Fishing Licence may be withdrawn in such cases, if the Government deems it necessary. These regulations do not prevent further penalisation in accordance with the Law, for the offence committed. Such offences however shall be tried by the appropriate Court of the Maldives.

17. Should it be proved or reasonably believed that a licensed vessel or an employee of such a vessel is engaging in any activity that could endanger the security and public order of the Maldives, the Government reserves the right to cancel the Licence issued to that vessel.

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* Title only

1. LIMITS OF NATIONAL JURISDICTION

Maritime Zones Act, 1977

1. - Short title. - This Act may be cited as the Maritime Zones Act.

2. - Interpretation. - In this Act:

"baseline" means the baseline as determined in accordance with the straight baseline system;

"continental shelf" means the continental shelf of Mauritius;

"designated area" means an area declared as such under section 9;

"exclusive economic zone" means the exclusive economic zone of Mauritius;

"historic waters" means the historic waters of Mauritius and includes such places or areas, as may be designated by the Minister by notice published in the Gazette, rights over which are, or may become exercisable by, the State of Mauritius;

"limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Mauritius, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Mauritius;

"resources" includes living and non-living resources as well as resources for the production of energy from tides, winds and currents;

"submarines" includes underwater vehicles however propelled;

"territorial waters" means the territorial waters of Mauritius.

3. - Sovereignty over territorial waters. - (1) The sovereignty of Mauritius extends and has always extended to the territorial waters and to the seabed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

(3) Notwithstanding subsection (2), where the Prime Minister considers it necessary so to do having regard to international law and state practice, he may, subject to subsection (4), by regulations amend the limit of the territorial waters.

(4) No regulations shall be made under subsection (3) unless they have been approved by the Assembly.

MAU 2

4. - Use of territorial waters by foreign ships. - (1) Without prejudice to any other enactment, but subject to subsections (2) (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the Permanent Secretary, Prime Minister's Office.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the Prime Minister is satisfied that it is necessary so to do:

(a) in the interest of public safety, public order, defence or security of Mauritius or any part of it; or

(b) under any treaty to which Mauritius is a party;

he may, by regulations, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the regulations, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the regulations.

5. - Continental shelf. - (1) The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Mauritius:

(a) to the outer edge of the continental margin; or

(b) to a distance of 200 nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Mauritius has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

6. - Exclusive economic zone. - (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of 200 nautical miles from the baseline.

(2) Notwithstanding subsection (1), where the prime Minister considers it necessary so to do having regard to international law and state practice, he may, subject to subsection (3), by regulations, amend the limit of the exclusive economic zone as specified in subsection (1)

(3) No regulations shall be made under subsection (2) unless they have been approved by the Assembly.

7. - Rights over shelf and zone. - (1) Without prejudice to sections 3, 5 and 6, but subject to subsections (3) and (6), Mauritius has in the continental shelf and the exclusive economic zone:

MAU 3

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of all resources;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorize, regulate and conduct scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognised by international law or state practice.

(2) Except in accordance with the terms of any agreement entered into with Mauritius or of a licence granted by or under the authority of the Prime Minister, no person shall, in relation to the continental shelf or the exclusive economic zone;

- (a) explore or exploit any resources;
- (b) carry out any search, excavation or drilling operations;
- (c) conduct any research;
- (d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (4) and to any measures that may be necessary for protecting the interest of Mauritius, foreign states may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the authority of the Prime Minister has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Mauritius or a body corporate registered in Mauritius and approved by the Minister of Fisheries.

(6) Ships and aircraft of all states shall, subject to the exercise by Mauritius of its sovereign rights over its continental shelf or within the exclusive economic zone, enjoy:

- (a) freedom of navigation; and
- (b) freedom of overflight.

8. - Historic waters. - (1) The Prime Minister may, by regulations, specify the limits of the historic waters.

(2) The sovereign rights of Mauritius extend, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the air space over, the historic waters.

9. - Designated areas. - The Prime Minister may, by regulations:

(a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and

(b) make such provision as he considers necessary with respect to:

- (i) the exploration, exploitation and protection of the resources within the designated area;
- (ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in the designated area;
- (iii) the regulation and conduct of scientific research in the designated area;
- (iv) the protection of the marine environment in the designated area;
- (v) customs and other fiscal matters in relation to the designated area;
- (vi) the regulation of entry into and passage of foreign ships through the designated area;
- (vii) the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Mauritius.

10. - Extension of enactments. - The Prime Minister may, by regulations:

(a) extend, with such restrictions and modifications as he thinks fit, any enactment to the continental shelf or the exclusive economic zone, or any part of it, including any designated area;

(b) make such provision as he considers necessary for facilitating the enforcement of that enactment.

11. - Publication of charts. - The Prime Minister may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

MAU 5

12. - Offences. - (1) Any person who contravenes this Act or any regulations made under it, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees or to imprisonment for a term not exceeding 5 years.

(2) Any person who commits an offence shall be tried before the Intermediate Court.

13. -

14. - Application of Act. - Where this Act is in conflict with any other enactment, this Act shall prevail.

15. - Regulations. - (1) The Prime Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for:

- (a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historic waters;
- (b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;
- (c) the regulation of the construction, maintenance of the artificial islands, off-shore terminals, installations and other structures and devices;
- (d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;
- (e) the regulation and conduct of scientific research;
- (f) the fees in relation to licences; and
- (g) any matter incidental to any of the matters specified in paragraphs (a) to (f).

2. BASIC FISHERIES LEGISLATION

Fisheries Act, 24 May 1980

1. - Short Title. - This Act may be cited as the Fisheries Act.

2. - Interpretation. - In this Act:

"accessory":

(a) means any equipment used on a fishing boat; and

(b) includes a sail, an oar and any motor of any description;

"bait net" means a net approved by the Principal Assistant Secretary for catching fish to be used as bait;

"barachois" means a pond enclosed towards the sea by a weir or dam fitted with one or more barred gates or grids through which the sea flows and reflows;

"basket trap" means a basket with one or more entrances and having meshes of sufficient size to allow a cylinder measuring not less than 4 centimetres in diameter to pass through easily;

"Board" means the Fishery Advisory Board established under section 35;

"canard net" means a net:

(a) used in conjunction with a large net for catching mullets;

(b) made by several layers of nets fitted with poles to maintain the whole net afloat on the surface of the water;

(c) the meshes of any of the layers which measure not less than 9 centimetres when stretched diagonally and when the net is wet;

"carlet net" means a net in the shape of a bag with meshes of any size, the mouth of which is kept open by a hoop not more than one metre in diameter; |

"cast net" means a conical net with weights attached to the open circumference of the base and having meshes measuring not less than 9 centimetres when stretched diagonally and when the net is wet;

"citizen" means a citizen of Mauritius;

"close period" means the periods specified in section 16 and any prescribed period during which fishing with any specified implement may be prohibited;

"explosive" has the same meaning as in the Explosives Act;

MAU 7

"fish":

- (a) means any aquatic animal organism; and
- (b) includes:
 - (i) shells and corals, whether live or dead;
 - (ii) salted fish, dried fish, cooked fish and frozen fish;

"fisherman" means a person who fishes with a view to selling his catch and includes the owner of any fishing boat used;

"fishing" includes catching or killing any fish;

"fishing boat" means a person who fishes with a view to selling his catch and includes the owner of any fishing boat used;

"fishing limits" includes:

- (a) the territorial waters;
- (b) the exclusive economic zone;
- (c) the continental shelf; and
- (d) areas where Mauritius has traditional or historic rights;

as provided for in the Maritime Zones Act;

"fish spear" includes a fouine, a gaffe and a hand propelled harpoon;

"gill net" means a net which:

- (a) is set for catching migrating fish;
- (b) does not exceed 250 metres in length;
- (c) is made up of square meshes measuring not less than 11 centimetres when stretched diagonally and when the net is wet;

"implement" means any article or thing used or intended to be used for fishing;

"landing net" means a net in the form of a bag having:

- (a) meshes of any size;
- (b) a hoop measuring not more than 50 centimetres in diameter and fitted with a handle;

"landing station" means any area near the shore which is designated by the Minister as a landing place for fish;

"large net" means a net which:

- (a) does not exceed 500 metres in length;
- (b) is made up of square meshes measuring not less than 9 centimetres when stretched diagonally and when the net is wet;

"lure" means any artificial bait;

"Minister" the Minister to whom responsibility for the subject of fisheries is assigned;

"net" means any net used or intended to be used for fishing;

"officer":

(a) means any fisheries officer; and

(b) includes a police officer, a customs officer, a forest officer;

"pass" means a channel through the reefs in which the sea flows and reflows and includes the entrance to any harbour, bay or creek;

"permit" means any written authority or approval granted by the Principal Assistant Secretary;

"Principal Assistant Secretary":

(a) means the Principal Assistant Secretary of the Ministry of Fisheries, Cooperatives and Co-operative Development;

(b) includes any person deputed by him;

"reserved areas" means such area of the sea as the Minister may prescribe where fishing with a large net or a gill net is prohibited;

"sardine net" means such area of the sea as the Minister may prescribe where fishing with a large net or a gill net is prohibited;

"sell" includes hawk, expose, keep, offer, transport and consign for sale;

"shrimp net" means a net in the form of a bag not exceeding 2 square metres which:

(a) is used for catching shrimps; and

(b) is fitted with a hoop measuring not more than 50 centimetres diametrically or diagonally; or

(c) is mounted on 2 handles and fitted with weights;

"undersized fish" means any species of fish the size of which may be prescribed;

3. - Licences. - (1) Any person who wishes to obtain a licence for any purpose under this Act shall make a written application to the Principal Assistant Secretary.

(2) Upon receipt of an application under subsection (1), the Principal Assistant Secretary may request the applicant to furnish such particulars as he may require for the purpose of determining whether the application should be granted.

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(3) Where the Principal Assistant Secretary is satisfied that a licence may be issued, he shall, subject to subsection (6), issue the licence in the prescribed form, on such terms and conditions as he thinks fit and on payment of the prescribed fee.

(4) No licence issued under this Act shall be transferable.

(5) Every licensee shall, on demand, produce to an officer any licence issued to him under this Act.

(6) The Principal Assistant Secretary shall not at any time license the use of more than:

(a) 33 large nets, 33 canard nets and 20 gill nets in the Island of Mauritius;

(b) 14 large nets, 14 canard nets and 10 gill nets in the Island of Rodrigues;

(c) 8 large nets, 8 canard nets and 8 gill nets for Cargados Carajos Archipelago, Agalega, Tromelin and the Chagos Archipelago and any other area where Mauritius has fishing rights.

4. - Restriction on import and export of fish. - (1) No person shall, except with the written approval of the Principal Assistant Secretary, import into, or export from, Mauritius:

(a) any live fish;

(b) any coral or shell, whether live or dead.

(2) The Principal Assistant Secretary may, in writing, authorise the introduction into Mauritius of fish intended for release.

(3) No fish introduced under subsection (2) shall be released except:

(a) after it has been kept under observation and control for such period and on such terms and conditions as the Principal Assistant Secretary thinks fit; and

(b) with the written approval of the Principal Assistant Secretary.

(4) Where the Principal Assistant Secretary is satisfied that fish introduced into Mauritius and intended for release is unsuitable for the purpose, he may order the fish to be forfeited and destroyed without any compensation to the importer.

5. - General prohibition of fishing. - Subject to the other provisions of this Act, the Minister may, by regulations prohibit fishing by any means in such area and for such period as may be prescribed.

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6. - Restriction of fishing. - (1) Notwithstanding any other enactment, no person shall fish within the fishing limits of Mauritius, other than the territorial waters, except under a licence granted by the Prime Minister.

(2) No person shall fish any turtle or any marine mammal within the fishing limits of Mauritius without the written approval of the Principal Assistant Secretary.

7. - Fish landing stations. - (1) No fisherman shall land any fish except at a fish landing station.

(2) Any fisherman who lands fish at a fish landing station shall:

(a) at the request of an officer, cause the fish to be weighed by the officer;

(b) keep or store the fish in such manner and at such place as an officer may direct;

(c) not expose the fish to rain, sun and flies and other unhygienic conditions.

(3) Where an officer is satisfied that fish landed is unsuitable for human consumption on account of its bad state of preservation or of its toxic nature, he shall order the fish to be forfeited and destroyed without any compensation to its owner.

8. - Sale of fish. - (1) Subject to subsection (2), no person shall sell or have in his possession for sale any fish unless he holds a licence.

(2) Subsection (1) shall not apply to a fisherman who sells fish to a fishmonger at a fish landing station.

(3) No fishmonger who purchases fish at a fish (landing station shall refuse to sell fish at the landing station.

(4) No person shall sell or have in his possession for sale any fish which is unfit for human consumption.

9. - Protection of fish and the environment. - (1) Subject to subsection (2), no person shall fish or have in his possession any undersized fish, crab "carlet" or spiny lobster in the berried state.

(2) The Principal Assistant Secretary may, subject to such terms and conditions as he thinks fit, authorise the capture on:

(a) the fishes specified in subsection (1) for scientific or reproductive purposes;

(b) undersized fish by the owner of a barachois for stocking the barachois.

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(3) No person shall put, throw, discharge or cause to be put, thrown or discharged into the waters within the fishing limits of Mauritius and into any river, lake, pond, canal or tributary, any substance likely to injure any fish.

10. - Oyster farming. - (1) Subject to subsection (2) and (8), no person shall run an oyster farm without the written approval of the Minister.

(2) Any person who wishes to run an oyster farm shall:

- (a) make a written application to the Minister in the prescribed form;
- (b) cause a notice of his application to be published in the Gazette, and in 2 daily newspapers.

(3) Any person who wishes to object to an application made under subsection (2) may, within one month after the publication of the notice in the Gazette, lodge a written objection to the application with the Minister.

(4) The Minister shall, not later than 14 days after receiving an objection under subsection (3), by written notice require the applicant to show cause, within such time as may be specified in the notice, why the objection should be upheld.

(5) Where no objection is lodged under subsection (3), the Minister may grant or refuse the application.

(6) Where an objection to an application has been lodged under subsection (3), the Minister shall, after the time limit specified in a notice issued under subsection (4) has elapsed, hear and consider the application and any objection to it and, after making such inquiries as he considers necessary, grant or refuse the application.

(7) The Minister shall specify the grounds for refusing to grant an application or the reason for rejecting any objection lodged against the application, as the case may be.

(8) This section shall not apply to any person farming oysters in a barachois.

11. - Authorized fishing implements. - (1) Subject to subsection (2) and the other provisions of this Act, no person shall fish with, or have in his possession at sea, any implement other than:

- (a) a hook, lure, line, rod or reel;
- (b) a fish spear;
- (c) a bait net;
- (d) a basket trap;
- (e) a canard net;
- (f) a carlet net;
- (g) a cast net;

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- (h) a gill net;
- (i) a landing net;
- (j) a large net;
- (k) a shrimp net;
- (l) a sardine net.

(2) The Minister may, on the advice of the Board and on such terms and conditions as he thinks fit, authorize the use of any implement for any purpose.

12. - Licensing of nets. - No person shall have in his possession any net, other than a carlet net or a landing net, unless he holds a licence to that effect.

13. - Duties of licensee of net. - The licensee of a net shall:

- (a) keep or store the net in such place as may be approved by the Principal Assistant Secretary;
- (b) on demand, produce the net or indicate its location to any officer;
- (c) surrender the net to the Principal Assistant Secretary upon the expiry or revocation of his licence;
- (d) report to the Principal Assistant Secretary any damage to any seal affixed to the net by an officer.

14. - Disposal of nets

(1) (a) Subject to paragraph (b), no licensee shall dispose of any licensed net without the written approval of the Principal Assistant Secretary;

(b) No 1: licensee shall replace any licensed net unless:

- (i) the net has become unserviceable;
- (ii) the net is surrendered to the Principal Assistant Secretary;
- (iii) the Principal Assistant Secretary approves the replacement in writing.

(2) The Principal Assistant Secretary shall cause to be destroyed any net which is surrendered to him under subsection (1).

15. - Trading restrictions. - (1) No person shall, unless he holds a licence to that effect:

- (a) import or deal in any net;
- (b) manufacture or deal in implements, other than basket traps, fish spears, hooks, lines, rods, reels and lures.

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- (2) Any person who holds a licence under subsection (1) shall:
- (a) keep a register in which he shall daily enter:
 - (i) every sale or purchase made by him;
 - (ii) the name and address of every seller or purchaser;
 - (iii) the description, measurement and number of nets sold or purchased by him;
 - (iv) the number and date of issue of the licence held by the seller or purchaser;
 - (b) not later than 14 days after any sale or purchase, inform the Principal Assistant Secretary in writing of the sale or purchase, giving the particulars specified in paragraph (a).

16. - Close periods. - (1) No person shall, between sunset and sunrise, fish with or be in possession at sea of a large net or canard net.

- (2) No person shall fish with or be in possession at sea of:
- (a) a large net or a gill net from 1 October in any year to the last day of February of the year following;
 - (b) a canard net from:
 - (i) May to the last day of July in any year;
 - (ii) 1 October in any year to the last day of February of the year following.

(3) The Principal Assistant Secretary may, subject to such terms and conditions as he thinks fit, authorise fishing with a large net, a canard net or a gill net in any barachois during any close period.

17. - Setting and removal of gill nets. - No person shall between sunset and sunrise:

- (a) set or remove a gill net at sea;
- (b) displace a gill net after it has been set, except with the approval of the Principal Assistant Secretary;
- (c) beat the surface of the water or make any noise for the purpose of luring any fish to enter a gill net.

18. - Fishing with artificial light. - No person shall fish with the aid of any artificial light except:

- (a) within a barachois of which he is the owner or lessee or with the permission of the owner or lessee;
- (b) for the purpose of capturing undersized crabs to stock a barachois as the Principal Assistant Secretary may approve;

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- (c) for the purpose of capturing shrimps with a shrimp net as the Principal Assistant Secretary may approve;
 - (d) for the purpose of capturing flying fish outside the reef.
19. - Fishing in reserved areas. - No person shall:
- (a) fish in a reserved area with a large net, gill net or canard net;
 - (b) beat the surface of the water in a reserved area for the purpose of catching any fish or luring any fish to leave the reserved area.
20. - Fishing in a pass. - No person fishing in a pass shall:
- (a) make use of any net; or
 - (b) place in the pass any object likely to cause obstruction to navigation.
21. - Prohibition of the use of explosives. - No person shall fish with an explosive in, above or near any water within the fishing limits.
22. - Prohibition of underwater fishing. - (1) Subject to subsection (2), no person shall do any underwater fishing within the fishing limits of Mauritius without the written approval of the Principal Assistant Secretary.
- (2) The Principal Assistant Secretary shall not authorise any underwater fishing except:
- (a) for scientific purposes; or
 - (b) for the purpose of capturing aquarium fishes, in accordance with such terms and conditions as he thinks fit to impose.
- (3) No person shall import into or manufacture in Mauritius any underwater implement without a licence.
- (4) Any officer may seize any fish, other than fish captured with the written approval of the Principal Assistant Secretary granted under subsection (2), which he reasonably suspects has been caught by underwater fishing.
- (5) No person shall, unless he has a licence to that effect, have in his possession any speargun.
- (6) Any fish seized under subsection (4) may be disposed of as the Principal Assistant Secretary may approve.
23. - Fishing boats. - (1) Any person who owns a fishing boat shall cause it to be registered.
- (2) No person shall make use of a fishing boat which:

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- (a) is not registered;
 - (b) does not bear any identification badge and any identification mark assigned to it.
24. - Identification of fishing boats. - (1) The Principal Assistant Secretary shall assign to every registered fishing boat an identification badge and an identification mark.
- (2) The owner of a fishing boat shall:
 - (a) fix to the stem post of the boat any identification badge assigned to the boat;
 - (b) conspicuously display on both sides of the bow of the boat any identification mark assigned to the boat.
25. - Register of fishing boats. - (1) The Principal Assistant Secretary shall keep a register in which shall be entered:
- (a) the particulars of every registered fishing boat;
 - (b) the identification badge and the identification mark assigned to every fishing boat.
- (2) Every person who is a party to any sale or transfer of a fishing boat shall, within 14 days after the sale or transfer, give notice thereof to the Principal Assistant Secretary.
- (3) Every person who owns a fishing boat shall, within 14 days from the loss or destruction of the boat, give notice thereof to the Principal Assistant Secretary.
26. - Power to search boats and vehicles. - Any officer may stop and search any fishing boat or vehicle on reasonable suspicion that:
- (a) the boat or vehicle is being used or has been used in the commission of an offence under this Act; or
 - (b) the boat or vehicle is carrying any fish or implement obtained contrary to, or the use or possession of which is prohibited by, this Act.
27. - Power of entry and search. - A Magistrate may, where he is satisfied by information on oath that there is reasonable ground to believe that an offence against this Act has been, is being or is about to be committed, issue a warrant authorising an officer:
- (a) to enter any fishing boat, land or premises; and
 - (b) to search for any fishing boat, fish or implement.

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28. - Search warrants. - Where the Principal Assistant Secretary is satisfied upon sworn information that:

- (a) there is reasonable ground to believe that an offence against this Act has been, is being or is about to be committed; and
- (b) communication with a Magistrate for the purpose of securing a search warrant might cause delay;

he may issue a search warrant authorizing an officer:

- (i) to enter any fishing boat, land or premises; or
- (ii) to search for any fish or implement.

29. - Power to arrest and detain. - An officer may, without warrant, arrest and detain any person found;

- (a) fishing in breach of this Act;
- (b) in possession of any fish or implement in breach of this Act; or
- (c) selling undersized fish;

unless he gives satisfactory information regarding his name and address and the place of origin of any fish in his possession.

30. - Origin or source of fish. - Any fisherman or fishmonger found in possession of fish shall, on being required so to do by an officer, furnish the officer with particulars of the origin or source of the fish.

31. - Seizure. - (1) An officer may, on reasonable suspicion that a net, an implement or a fishing boat has been or is being used in the commission of an offence under this Act, seize the net, the implement or the boat with all its accessories.

- (2) An officer may seize any fish caught, landed or sold in breach of this Act.

32. - Disposal of articles seized. - (1) Any article seized under section 31 shall be returned to its owner, if known, or to the person from whom it was seized if, upon examination, it is found not to have been used in the commission of an offence under this Act.

(2) Where the owner or person in charge of any article seized under section 3 does not claim the article within 15 days after its seizure, the Principal Assistant Secretary may dispose of the article without any compensation.

(3) Any fish seized under section 31 may be disposed of as the Principal Assistant Secretary may direct and without any compensation to its owner or to the person from whom it was seized.

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33. - Things used in commission of offence. - Where any net, implement or fishing boat and accessories is used in the commission of an offence under this Act, the owner or the person in charge shall commit the same offence unless he proves:

- (a) that he was not a party or privy to the commission of the offence; and
- (b) that he took all reasonable steps to prevent the use of the net, the implement or the bot by unauthorized persons.

34. - Penalties. - (1) Subject to subsections (2) and (3), any person who contravenes:

- (a) this Act; or
- (b) any condition imposed in any permit or licence granted under this Act;

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) Any person who contravenes sections 5, 6, 9, 10, 11, 12, 15, 18, 19, 20 and 22 shall, on conviction, be liable in the case of:

- (a) a first conviction, to a fine of not less than 500 rupees and not more than 1,000 rupees and to imprisonment for a term not exceeding 12 months;
- (b) a second or subsequent conviction, to a fine of not less than 1,000 rupees and not more than 2,000 rupees and to imprisonment for a term of not less than 12 months and not more than 3 years.

(3) Any person who contravenes section 21 shall, on conviction, be liable in the case of:

- (a) a first conviction, to imprisonment for a term of not less than one year and not more than 5 years together with a fine of not less than 500 rupees and not more than 1,000 rupees;
- (b) a second conviction, to imprisonment for a term of not less than 2 years together with a fine of not less than 1,000 rupees and not more than 2,000 rupees; and
- (c) a third or subsequent conviction, to imprisonment for a term of not less than 3 years together with a fine of not less than 2,000 rupees and not more than 5,000 rupees.

(4) The Probation of Offenders Act and sections 152 and 153 and Part XII of the Criminal Procedure Act shall not apply to any penalty under this Act other than a penalty inflicted under subsection (1).

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(5) The court may, in addition to any other penalty, order the forfeiture of any implement and any fishing boat, including its accessories, used in the commission of an offence under this Act.

35. - The Board. - (1) There is established for the purposes of this Act a Fishery Advisory Board.

(2) The Board shall consist of;

- (a) The Principal Assistant Secretary, Ministry of Fisheries, Co-operatives and Co-operative Development as Chairman;
- (b) a representative of the Attorney-General's Officer;
- (c) a representative of the Police Department;
- (d) a representative of the Ministry of Agriculture, Natural Resources and the Environment;
- (e) a representative of the Ministry of Economic Planning and Development;
- (f) a representative of the Ministry of Health;
- (g) a representative of the Ministry of Prices and Consumer Protection;
- (h) a representative of the Ministry of Rodrigues;
- (i) a representative of the Mauritius Fishermen,s Co-operative Federation Limited;
- (j) a representative of the distributors of frozen fish;
- (k) a representative of fresh water fish breeders delegated by the Chamber of Agriculture;
- (l) a representative of deep sea fishermen;
- (m) a representative of basket trap fishermen;
- (n) a representative of net fishermen.

(3) Every member specified in subsection (2) either than an ex-officio member shall:

- (a) hold and vacate office on such terms as the Minister may determine;
- (b) not be considered as holding a public office by virtue of his appointment.

(4) The composition of the Board shall be published in the Gazette.

36. - Functions of the Board. - The Board shall:

- (a) advise the Minister on all matters of general policy relating to fisheries;
- (b) inquire and report to the Minister, on such specific matters relating to fisheries as the Minister may refer to it.

37. - Meetings of the Board. - (1) The chairman shall convene a meeting of the Board whenever required to do so in writing by the Minister or by not less than 3 of the members.

(2) The chairman shall preside at all meetings but, in his absence, the members present shall elect from amongst themselves a member to preside at that meeting who shall exercise all the powers of the chairman.

(3) The quorum of the Board shall be 7.

(4) Subject to the other provisions of this section, the Board shall regulate its own procedure.

38. - Regulations. - (1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Any regulation made under subsection (1) may provide for:

- (a) the levying of fees and charges;
- (b) the grant and revocation of licences;
- (c) measures relating to the furnishing of security for the return of seized articles and equipment.

3. REGULATIONS

(a) Fisheries Regulations, 1983 (as amended)

THE FISHERIES ACT

Regulations made by the Minister under section 38 of the Fisheries Act

Article 1. - These regulations may be cited as the Fisheries Regulations 1983.

Article 2. - In the regulations:

"Act" means the Fisheries Act.

Article 3. - Any person who wishes to have in his possession any net specified in the first column of the First Schedule shall pay the corresponding fee specified in the second column of that Schedule.

Article 4. - (1) No fisherman shall land any fish except within a distance of 100 feet from the sign post indicating the location of a fish landing station.

(2) The places specified in the Second Schedule shall be fish landing stations.

Article 5. - The fees payable in respect of a licence specified in the first column of the Third Schedule shall be as set out in the corresponding column of that Schedule.

Article 6. - The species of fish specified in the Fourth Schedule shall be toxic fish.

Article 7. - No person shall catch, sell or have in his possession any fish of the species specified in the first column of the Fifth Schedule unless it is of the corresponding minimum size specified in the second column of that Schedule.

Article 8. - The areas specified in the Sixth Schedule shall be reserved areas.

Article 9. - Any person who wishes to register a fishing boat shall pay a fee of 25 rupees.

Article 10. - The Fisheries Regulations 1948 are revoked.

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FIRST SCHEDULE

PART A

IN RESPECT OF THE ISLAND OF MAURITIUS

Canard net	Rs. 25 per month
Cast net	Rs. 15 per quarter
Gil net	Rs. 25 per quarter
Large net	Rs. 50 per quarter
Sardine net	Rs. 50 for the period 1 May to 31 August and Rs. 25 for any extension of the period after the 31 August of the same year.
Shrimp net	Rs. 15 per quarter

PART B

IN RESPECT OF RODRIGUES AND THE OTHER ISLANDS

Large net	Rs. 17.35 per quarter
Gill net	Rs. 17.35 per quarter

SECOND SCHEDULE

LANDING STATIONS

Island of Mauritius

1. Roches Noires
2. Pointe des Lascars
3. Poudre d'Or
4. Bain de Rosnay
5. Melville
6. Grand Gaube I (near Fisheries Post)
7. Grand Gaube II (near cemetery)
8. Missie Pitit
9. St. François
10. Cap Malhereux
11. Bain des Boeufs
12. Grand Bay
13. Pointe aux Cannoniers
14. Trou aux Biches
15. Pointe aux Piments
16. Tombeau Bay (near Police Station)
17. Roche Bois (behind slaughter house)
18. Fort George (near Taylor Smith)
19. Caudan (near Cannery)

20. Pleasure Ground (near Sugar Bulk Terminal)
21. Bain des Dames
22. G.R.N.W.
23. Pointe aux Sables I (near net pegs)
24. Pointe aux Sables II (near La Pointe)
25. Albion
26. Flic en Clac
27. Tamarin
28. La Preneuse
29. Black River
30. Petite Rivière Noire
31. Case Noyale
32. La Gaulette
33. Le Morne
34. Baie du Cap I (Cocos)
35. Baie du Cap II (Fish Shed)
36. St. Martin
37. Baie du Jacotet
38. St. Félix
39. Riambel
40. Souillac (Battelage)
41. La Sourdine
42. Le Bouchon
43. Blue Bay (Public Beach)
44. Pointe d'Esny (near Pointe Jerome)
45. Mahebourg
46. Ville Noire
47. Rivière des Créoles
48. Old Grand Port I (Débarcadère Road)
49. Old Grand Port II (near Church)
50. Bois des Amourettes
51. Anse Jonchée
52. Bambous Virieux
53. Petit Sable
54. Grand Sable
55. Quatre Soeurs
56. Deux Frères
57. G.R.S.E.
58. Camp Pecheurs
59. Trou d'Eau Douce
60. Morcy
61. Palmar
62. Belle Mare
63. Poste de Flacq
64. Poste Lafayette

Island of Rodrigues

1. Port Mathurin
2. Oyster Bay place called Pointe l'Aigle
3. Baie du Nord
4. Pointe Mapou

5. Bangelique
6. Pointe Vingt Tour
7. Rivière Coco
8. Tamarin
9. Port Sud Est
10. Gravier
11. St. François
12. Pointe Coton
13. Grenade
14. Grand Bay
16. Baie Malgache
17. Pointe l'Herbe
18. Songes
19. Mourouk

THIRD SCHEDULE

Fishmonger's Licence	Rs. 200 yearly
Licence to import and/or deal in fishing nets	Rs. 150 quarterly

FOURTH SCHEDULE TOXIC FISH

1. Yellow-tailed Croissant (*Variola louti*)
2. Sinsillac or Vieille Babonne (*Plectropomus Maculatus*)
3. Vieille Loutre or Otter Wrasse (*Epinephelus fuscoguttatus*)
4. Vara-vara (*Lutjanus bohar*)
5. Giblot (*Lutjanus monostigmus*)
6. Wrasse, called Grabe Noir, Vieille Cuisinier (*Cephalopholis argus*)
7. Cheval de Bois (*Anyperodon leucogrammicus*)
8. Chemis (*Lutjanus gibbus*)
9. Large Tartara or Grosse Sardine (*Harengula ovalis*)
10. Flat Wrasse called Bambara or Vieille Plate (*Epinephelus areolatus*)
11. Crab with red spots or Crab Onze Taches (*Carpilius maculatus*)
12. Benitier (*Tridacna spp.*)
13. Sea Urchin (*Echinothrix sp.0*)
14. Caret or Hawk's Bill Turtle (*Eretmochelys imbricata*)
15. Laffe, if alive (*Synanceja verrucosa*)
16. Boule Tangué (*Diedon hystrix*)
17. Remora or Pilot of the Shark (*Remora remora*)
18. Coffre (*Lactoria cornuta*)
19. Barracuda commonly called "Tazar Lichien" (*Syphyaena barracuda*)
20. Bourgeois (*Lutjanus sebae*)

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FIFTH SCHEDULE

Barbets	20 centimetres
Battardets	20 centimetres
Capitaines	30 centimetres
Carpes	15 centimetres
Cordonniers	20 centimetres
Rougets	20 centimetres
Dame Berries	30 centimetres
Gueules Pavées	30 centimetres
Licornes	30 centimetres
Mullets (all species)	30 centimetres
Crabs (Carlet	15 centimetres
Oysters and Mussels	5 centimetres
Rock Lobsters (from the eye stalks to the end of the thorax)	10 centimetres

SIXTH SCHEDULE

RESERVED AREAS

1. Port Louis

That part of the sea between the sea-coast from high water mark and a line drawn from martello Tower at Pointe aux Sables to a point due west on the reefs - Place called "Pointe Tortue" along a straight line to the most westerly point of Fort George.

2. Rivière-du-Rempart - Poudre d'Or

That part of the sea between the sea-coast from high water mark and a line drawn from Pointe Grand Courant to the nearest shore of Ile d'Ambre and along the shore of that island to Pointe Dejeuner, thence along a prolonged line to the southern side of Passe St. Geran, along the reef of Pointe Roches Noires.

3. Flacq

- (i) That part of the sea between the sea-coast at high water mark and a line drawn from place called "Pointe La Brise" at Poste Lafayette to Pointe de Flacq.
- (ii) Trou d'Eau Douce: That part of the sea between the sea-coast from high water mark and a line drawn from the old lime kiln at Le Maho to the extreme western point of Ile aux Rats, thence along the inner shore of the several Isle aux Cerfs to Point Petit Vacoas, thence to the extreme point of Ilot Lièvre and to Pointe Saint Lain, commonly known as Pointe Cassis.

4. Grand-Port - Mahebourg

That part of the sea coast at high water mark and a straight line drawn from a stone bearing the letters "R.L." behind the Roman Catholic Church at Old Grand Port to the extreme eastern point of Ile aux Aigrettes to the reefs and along the sinuosities of the reefs to Ilot at Le Bouchon.

5. Black River

That part of the sea between the sea-coast at high water mark and:

- (i) the sinuosities of the reefs from the place called Petit Vacoas where the reefs meet the coast to Pointe Lascars on the northern part of Black River Pass;
- (ii) a straight line from the said Pointe Lascars to Grand Pointe on the southern point of the pass, both Black River and Case Noyale being included in the Reserves;
- (iii) straight line drawn from the said Grand Pointe to the southern extremity of Pointe des Requins.

(b) Maritime Zones (Fishing Licences) Regulations, 1978 (as amended)

Article 1. - These regulations may be cited as the Maritime Zones (Fishing Licences) Regulations 1978.

Article 2. - In these regulations:

"Act" means the Maritime Zones Act 1977;

"authorised officer" means any person duly authorised by the Minister of Fisheries to ensure compliance with these regulations;

"fishing" means the catching, taking, harvesting or attempted catching, taking or harvesting of any fish for any purpose and includes any support activity;

"fishing support vessel" means any vessel which aids or assists one or more fishing vessels carrying out any fishing operations or any support activity;

"fishing vessel" means any vessel which is used for, equipped to be used for, or of a type normally used for fishing;

"licence" means a licence granted by or under the authority of the Prime Minister under section 7(2) of the Act;

"maritime zones" includes the territorial waters, the exclusive economic zone, the continental shelf and historic waters;

"stock" in relation to fish, means any type, species or any other category capable of management and conservation as a unit;

"support activity" means any activity in support of any fishing operations and includes, inter alia, storage, refrigeration or processing;

"vessel" means any seagoing vessel, boat, ship,; contrivance or other craft.

Article 3. - (1) Every application for the approval of a body corporate for the purposes of section 7(5) of the Act shall be made in the form set out in the First Schedule.

(2) No body corporate shall be approved by the Minister of Fisheries unless it is substantially owned, and is controlled, by citizens of Mauritius.

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Article 4. - (1) Every application for the grant of a licence shall be made in the form set out in the Second Schedule.

(2) Every application for a licence shall be accompanied by a fee of Rs. 100.

(3) Every licensee shall, at the time of the issue of the licence, pay an annual fee of Rs. 200 per gross registered ton in relation to the vessels in respect of which the licence is in force.

(4) A licence may be on such terms and conditions as the Prime Minister may determine and may include the following:

- (a) the stock, size number, weight, sex of the fish to be harvested or any matter relating thereto;
- (b) the use of specified types and sizes of fishing vessels, nets and any other fishing equipment;
- (c) the taking on board of authorised officers;
- (d) the inspection of any fishing or fishing-support vessel at any time while fishing in the maritime zones;
- (e) the area where fishing can be conducted;
- (f) the prohibition of fishing of any stock of fish during any specified periods;
- (g) the landing in Mauritius of fish;
- (h) the number of fishing vessels or fishing-support vessels to be used;
- (i) the period during which the licence has effect and the date of commencement of operations under the licence;
- (j) the charges to be paid;
- (k) the forfeiture of fishing vessels and fishing-support vessels and other penalties in the event of non-compliance with the terms and conditions of the licence;
- (l) the training and employment of Mauritian citizens.

Government Notices 1978

FIRST SCHEDULE
(regulation 3)

APPLICATION FOR APPROVAL OF BODY CORPORATE

1. Name and address of body corporate
2. Date of registration
3. Details of share structure
4. Name of principal shareholders Amount of shareholding Nationality Residence & Address
.....
.....
.....
.....
.....
.....
.....
.....
.....
5. Number and type of fishing vessels/fishing-support vessels to be used
6. If vessels are not owned by the body corporate, details of arrangements under which vessels are to be used
7. Method of fishing
8. Equipment to be used

I hereby certify that the information given above is correct.

Date

.....
Signature of Applicant

SECOND SCHEDULE
(regulation 4)

APPLICATION FOR LICENCE

1. Name of applicant
2. Address
3. If application is made by a body corporate:
 - (a) Principal place of business in Mauritius
 - (b) Nature of business
 - (c) Name of directors
4. Length of expedition (Giving dates)
5. Description of area where fishing is intended
6. Description of stock intended to be fished
7. Name, registration, tonnage and other particulars of vessels intended to be used
8. Method of fishing
9. Equipment to be used

I hereby declare that the information given above is correct

Date

.....
Signature of Applicant

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(c) Maritime Zones (Exclusive Economic Zones) Regulations 1984

Article 1. - These regulations may be cited as the Maritime Zones (Exclusive Economic Zones) Regulations 1984.

Article 2. - The exclusive economic zones falling within the jurisdiction of Mauritius extend and have always extended from the baselines of the territory of Mauritius within the coordinates specified in the First and Second Schedule.

Article 3. - These regulations are without prejudice to the continental shelf of Mauritius as defined in the Maritime Zones Act 1977.

FIRST SCHEDULE

(regulation 2)

Geographical Coordinates adopted to designate the limits of the exclusive economic zones for the Islands of Mauritius, Rodrigues, Cargados Caragos (St. Brandon), Agalega and Tromelin.

Latitude (South)			Longitude (East)		
°	'	"	°	'	"
08	58	00	54	28	04
08	48	55	55	56	00
08	40	21	57	15	09
08	33	29	58	20	19
08	26	13	59	23	13
09	36	54	59	57	30
10	28	42	60	04	44
11	20	30	59	59	06
12	08	42	59	38	00
12	57	15	58	58	00
12	57	48	60	11	12
13	41	30	61	48	36
14	35	00	62	38	43
15	25	12	62	57	54
16	18	48	63	09	44
16	25	46	64	18	36
16	56	36	65	30	12
18	16	17	66	41	43
19	59	19	67	02	02
20	51	12	66	50	27
22	06	37	66	00	00

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22	42	42	65	12	44
23	10	02	63	20	40
22	03	03	62	24	41
22	10	28	60	47	34
23	22	24	59	26	36
23	48	05	58	14	23
22	00	32	57	14	40
21	18	19	56	50	09
20	35	55	56	27	44
20	04	57	56	17	39
19	00	49	55	50	45
15	17	06	52	33	22
14	01	33	52	45	33
13	31	25	52	58	48
12	43	06	53	33	54
12	17	52	53	48	02
11	44	15	53	49	25
10	36	15	53	51	58
09	38	16	53	54	17

SECOND SCHEDULE
(regulation 2)

Geographical Coordinates adopted to designate the limits of the exclusive economic zones for Chagos Archipelago.

Latitude (South)		Longitude (East)	
°	'	°	'
01	37	71	48
01	37	73	07
02	04	74	23
02	58	75	20
04	03	75	55
05	15	76	06
06	28	75	54
07	45	75	58
08	53	75	38
09	54	74	55
10	39	73	40
10	53	72	18
10	34	70	55
09	52	69	52
08	43	69	04
07	26	68	46
06	20	68	15
05	08	68	08
03	55	68	24
02	37	69	13
01	52	70	21

1. LIMITES DE JURISDICAÇÃO NACIONAL
Decreto-Lei N° 31/76 de 19 de agosto de 1976 MOZ 1
2. LEGISLAÇÃO BÁSICA SOBRE A PESCA
 - (a) Diploma Legislativo N° 50/71 de 29 de maio de 1971 aprovando o regulamento da pesca do Camargo MOZ 3
 - (b) Diploma Legislativo N° 65/71 de 15 de junho de 1971 aprovando o regulamento da pesca marítima MOZ 12
 - (c) Diploma Legislativo N° 34/772 de 2 de maio de 1972 MOZ 29
 - (d) Lei N° 8/78 de 22 de abril de 1978 MOZ 30
3. REGULAMENTOS
4. LEGISLAÇÃO COMPLEMENTAR
 - (a) Decreto presidencial N° 83/83 de 29 de dezembro *
 - (b) Despacho de 1 de Janeiro de 1985 cria a comissão instaladora de Unidade de Direcção das Pescas de Maputo - UPDM e indica os elementos que a constituem *
 - (c) Diploma ministerial N° 66/85 de 30 de outubro aprova o estatuto da Secretaria de Estado das pescas *
 - (d) Despacho de 27 de março de 1986 cria o Serviço de pescas de Sofala e define as suas competências *

1. LIMITES DE JURISDIÇÃO NACIONAL

Decreto-Lei N° 31/76 de 19 de agosto de 1976

Torna-se imperiosa a definição, pela República Popular de Moçambique, dos direitos sobre os recursos económicos do mar adjacente as suas costas.

Ao fazê-lo, no entanto, a República Popular de Moçambique, consciente das suas responsabilidades internacionais tendo em conta que está em curso a Conferência do Direito do Mar das Nações Unidas com vista à elaboração de uma Convenção, evitou tomar posição sobre matérias que possam considerar-se contraversas, ou proceder a uma excessiva pormenorização de todos os aspectos sobre que importa legislar, contribuindo deste modo para a criação um clima favorável ao estabelecimento dum entendimento internacional em matérias do direito do mar.

A República Popular de Moçambique não podia, contudo, deixar de adoptar, desde já, um mínimo de medidas destinadas a salvaguardar os legítimos direitos e interesses do povo moçambicano, defendendo os seus espaços marítimos da pilhagem e abusos a que têm sido sujeitos.

Nestes termos, ao abrigo do disposto na alínea c) do artigo 54º. da Constituição, o Conselho de Ministros decreta:

Artigo 1º.

1. A largura do mar territorial da República Popular de Moçambique é de doze milhas marítimas a partir de linhas de base.

2. A linha de base normal a partir da qual se mede a largura do mar territorial é definida pela linha de baixa-mar ao longo da costa, tal como vem indicada nas cartas marítimas oficialmente reconhecidas para esse fim pela República Popular de Moçambique.

3. A linha de base normal é suplementada pelas linhas de fecho e de base rectas, a traçar pela República Popular de Moçambique, de acordo com o direito internacional, entre pontos da sua costa, que serão definidas em portaria conjunta dos Ministros do Desenvolvimento e Planificação Económica e dos Transportes e Comunicações.

Artigo 2º.

Na zona contígua ao mar territorial, até às duzentas milhas marítimas da linha de base, a República Popular de Moçambique tem poderes soberanos relativamente a prospecção e exploração, conservação e administração dos recursos naturais, biológicos ou não biológicos, do fundo dos mares, do seu subsolo e das águas suprajacentes.

Artigo 3º.

1. Quando não haja acordo em contrário, e quando exista sobreposição dos limites estabelecidos nos artigos anteriores com os

MOZ 2

estabelecidos por Estados cuja costas sejam opostas às da República Popular de Moçambique, os limites estabelecidos pela República Popular de Moçambique não irão além da linha equidistante dos pontos mais próximos das linhas de base a partir das quais è medida a largura do mar territorial e zona económica exclusiva de cada um dos dois Estados.

2. Se a linha equidistante referida no artigo anterior se situar aquèm do limite de àguas territoriais e zona económica exclusiva estabelecidos por Estados cujas costas sejam opostas as da República Popular de Moçambique, a zona económica exclusiva fixada no presente diploma estender-se-à até àquele limite.

Aprovado em Conselho de Ministros.

Publique-se.

O Presidente da República, Samora Moisés Machel.

2. LEGISLAÇÃO BÁSICA SOBRE A PESCA

(a) Diploma Legislativo N.º 50/71 de 29 de Maio de 1971

Considerando a conveniencia de alterar algumas disposições do Regulamento da Pesca do Camarão, aprovado pelo Diploma Legislativo N.º 2893, de 14 de Junho de 1969;

Por proposta da Direcção Provincial dos Serviços de Marinha e da Missão de Estudos Bioceanológicos e de Pescas de Moçambique;

Ouvido o Conselho Económico e Social;

Usando da competência atribuída pelo artigo 151.º da Constituição, o Governador-Geral de Moçambique, determina o seguinte:

REGULAMENTO DA PESCA DO CAMARÃO

Artigo 1.º

1. E autorizada a pesca do camarão dentro das águas jurisdicionais da Provincia de Moçambique a artes de pesca de propriedade de nacionais e a embarcações arvorando o pavilhão nacional.

2. O Governador-Geral por proposta da Direcção Provincial dos Serviços de Marinha ou da Missão de Estudos Bioceanológicos e de Pescas de Moçambique, e ouvida a outra entidade, poderá proibir ou limitar, definitiva ou temporariamente, dentro de determinada área e como medida especial de defesa, a continuação desta pesca desde que se verifique que está a ser prejudicial à conservação do mañaneial em exploração.

3. As embarcações, os aparelhos propulsores, as redes e, em geral, o exercicio da pesca do camarão por meio de arrasto para bordo e arrasto a motor terão que satisfazer as normas consignadas no presente regulamento.

Artigo 2.º

1. O número de embarcações autorizadas na exploração da pesca eosteira do camarão com artes de arrasto a motor é limitado a 100.

O número de licenças a conceder para as embarcações que actuem dentro de balas ou estuários com artes de arrasto a motor fixa-se nos seguintes quantitativos:

Na bala de Lourenço Marques - 25 embarcações.

No restante da Provincia - 50 embarcações.

2. Na bala de Lourenço Marques o reajustamento do número de embarcações actualmente autorizadas para o número indicado no N.º 1

MOZ 4

deste artigo far-se-á progressivamente pela aplicação rigorosa do disposto no artigo 24º. e ainda pela transferencia das licenças desta bala para outras áreas, não podendo as licenças canceladas, ou vagas por transferencia, serem concedidas a novos requerentes enquanto o referido número de embarcações não for atingido (a).

3. A distribuição pelos diferentes portos da Provincia das licenças a conceder para as embarcações que actuem dentro das balas ou estuários com artes de arrasto a motor, será feita por despacho do Governador-Geral, sob proposta da Direcção Provincial dos Serviços de Marinha, ouvida a Missão- de Estudos Bioceanológicos e de Pescas de Moçambique.

4. O número de embarcações fixado no Nº. 1 deste artigo pode ser alterado por despacho do Governador-Geral, sob proposta da Direcção Provincial dos Serviços de Marinha, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique.

Artigo 3º.

1. As tripulações de todas as embarcações referidas no artigo anterior serão portuguesas e deverão ser matriculadas, sendo a matricula válida pelo prazo de um ano dentro do respectivo ano civil.

2. Poderá ser autorizada a matricula de técnicos de pesca estrangeiros, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique.

Artigo 4º.

As embarcações de pesca de arrasto do camarão deverão ter sempre a bordo os seguintes documentos: titulo de propriedade, rol de matricula da embarcação, .licença de pesca ou de arrais de pesca ou de arrais de pesca local e cédulas de inserição marítima dos tripulantes e pescadores.

Artigo 5º.

1. O comprimento das embarcações utilizadas na pesca de arrasto do camarão não deve exceder 25 m entre perpendiculares.

2. O comprimento das embarcações utilizadas na pesca de arrasto para a terra ou para bordo dentro das balas ou estuários não deve exceder 12 m.

3. A pesca de que trata o presente regulamento, quando exercida na zona da costa próxima das barras e canais de acesso aos portos e, bem assim, na foz de cada rio até uma milha da costa, numa faixa com largura igual aos limites da foz, só será permitida com carácter artesanal a embarcações cujo comprimento, entre perpendiculares, não exceda a 12 m e desde que não impeçam o livre movimento de entradas e saídas de embarcações que demandem os respectivos portos nem prejudiquem a conservação do mananeial.

Artigo 6º.

As embarcações de pesca de arrasto do camarão devem possuir as necessárias condições para o serviço com o mar grosso e vento fresco.

Artigo 7º.

1. As embarcações com os pesos a bordo colocados nas posições normais devem mostrar estabilidade, reserva de flutuabilidade suficiente, condições para o reboque e alagem mecânica da rede e segurança do pessoal.

2. Nas embarcações de arrasto a motor é obrigatória a alagem mecânica de redes com guinchos de pesca de arrasto, ou guinchos polivalentes.

3. As embarcações de arrasto a motor cujo comprimento entre as perpendiculares não exceda 12 m poderão, alternativamente, fazer a alagem das redes com cabrestantes mecânicos.

4. As embarcações referidas no N.º 3 já licenciadas, deverão instalar o referido equipamento até 31 de Dezembro de 1972.

Artigo 8º.

A compartimentagem das embarcações deve ser tal que fiquem perfeitamente separados:

- a) Alojamento para o pessoal;
- b) Porão do pescado;
- c) Local do aparelho por propulsão.

Artigo 9º.

Os alojamentos para o pessoal (tripulantes e pescadores) satisfarão, quanto possível, às condições de área e volume, ventilação, iluminação e isolamento prescritas para as embarcações mercantes de igual categoria, considerando as temperaturas e humidades médias tropicais e devem ser lavados e desinfectados com facilidade.

Artigo 10º.

O porão do pescado, que deverá poder ser lavado e desinfectado com facilidade, considerando a flora microbiana local, será isolado a poliuretano ou substância equivalente por forma a garantir, para as condições climatéricas da Província, a boa conservação do pescado durante o período normal da viagem da pesca.

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MOZ 6
Artigo 11°.

As máquinas ou os motores, os depósitos e a iluminação obedecerão as condições seguintes:

- a) As máquinas e motores de propulsão terão potencia suficiente para reboque satisfatório da rede carregada com a pescaria e dos respectivos cabos e portas.
- b) Os depósitos de combustível, de óleo de lubrificação e de aguada terão capacidade suficiente para o número provável de dias do serviço no mar, calculados por excesso, relativamente à zona a explorar;
- c) A iluminação, incluindo as luzes regulamentares, será eléctrica.

Artigo 12°.

1. O aparelho de propulsão satisfará aos preceitos técnicos e regulamentares.
2. Os encanamentos e as garrafas de ar devem ter sempre margem de segurança suficiente relativamente à pressão interna respectiva, devendo estar pintados com as cores regulamentares.
3. O hélice deve ter características próprias para o reboque.

Artigo 13°.

A rede será estivada de modo a permitir a manobra do lerne em todas as circunstâncias.

Artigo 14°.

1. As artes camaroeiras a utilizar são as de arrasto simples e duplo, utilizando varas ou portas, não devendo as portas exceder de 1,80 m 0,90 m, dentro de balas ou estuários 3,20 m 1,50 m em águas exteriores, dentro das águas jurisdicionais de pesca.
2. E autorizado o arrasto duplo - uso Simultaneo de duas redes pelo mesmo barco. Fica contudo limitado a embarcações com mais de 15 m de entre perpendiculares.
3. E autorizado o uso de urna rede de amostra com o máximo de 4 m de arracal.

Artigo 15°.

1. Nenhuma embarcação de pesca de arrasto de camarão poderá ter a bordo ou empregar na pesca qualquer rede de arrasto que em qualquer das suas partes componentes tenha malpagem efectiva inferior às seguintes:

MOZ 7

Em arrasto para terra dentro de balas e estuários 32 mm entre dois nós não consecutivos (16 mm entre nós consecutivos);

Em arrasto para bordo tipo dinamarquês (Danish seine) - 32 mm entre dois nós não consecutivos (16 mm entre nós consecutivos);

Em arrasto a motor dentro de balas e estuários - 38 mm entre dois nós não consecutivos (19 mm entre nós consecutivos);

Em arrasto a motor dentro das águas jurisdicionais de pesca -38 mm entre dois nós não consecutivos (19 mm entre nós consecutivos).

2. A medição das malhas será feita pela introdução, no seu interior, de bitolas planas com 2 mm de espessura e configuração triangular apresentando um adelgacamento de 2 cm em cada 8 cm, devendo, após introduzidas na malha, suportar o peso de 1 Kg.

O modelo da bitola è apresentado no anexo 1.

3. A malhagem de cada urna das partes constituintes da rede è a média das medições feitas numa carreira de 20 malhas consecutivas afastadas dos porfios das redes pelo menos dez malhas. Tratando-se porém do saco da rede, a carreira de vinte malhas consecutivas a medir deverá também estar afastada dez malhas da boca e ser paralela ao eixo longitudinal do mesmo.

4. Não é permitido o emprego de forras ou de qualquer dispositivo susceptível de obstruir ou por qualquer forma diminuir as dimensões da malhagem.

5. É permitido o uso de sacos de fio duplo.

6. É igualmente autorizado o uso de bobinas, discos e correntes de tiela.

7. Além das dimensões máximas das portas e mínimas das malhas, não se impõem quaisquer outras medidas as artes de pesca de arrasto a motor. As redes das artes de arrasto para terra ou para bordo de pequenas embarcações não devem exceder 120 ou 150 m de comprimento, respectivamente dentro e fora das balas ou estuários, podendo este comprimento máximo ser alterado por despacho do Governador-Geral.

8. A título experimental poderão ser autorizados processo eléctricos ou luminosos de atracção ou controle do comportamento do camarão e gambas.

Artigo 16°.

Nas balas estuários e rios onde esteja autorizada o arrasto a motor é proibido este tipo de pesca desde as 18 horas de sábado às 24 horas de domingo, não podendo nenhuma embarcação zarpar para as áreas de pesca entre as 12 horas de sábado e as 24 horas de domingo.

Artigo 17°.

1. As licenças para a exploração da pesca o camarão são concedidas mediante processo organizado na Direcção Provincial dos

MOZ 8

Serviços de Marinha, do qual constem informações da Missão de Estudos Bioceanológicos e de Pescas de Moçambique e da capitania em cuja área se exerce a actividade.

2. As licenças são emitidas pelas capitánias dos portos de acordo com as tabelas legais. As taxas correspondentes são anuais mas podem ser pagas em duas prestações, nos meses de Janeiro e Julho respectivamente.

3. a substituição, reconstrução ou outras grandes reparações, incluindo a substituição de motores de embarcações já registadas na pesca do camarão, dependem da autorização do Governador-Geral em processo organizado na Direcção Provincial dos Serviços de Marinha, do qual constem informações da Missão de Estudos Bioceanológicos e de Pescas de Moçambique e da capitania onde se encontrarem registadas as embarcações.

Artigo 18º.

1. Os pedidos de licenças são dirigidos ao Governador-Geral e entregues nas capitánias dos portos pelo individuo ou empresa nacional, ou seu legitimo representante, que pretenda explorar a pesca.

2. O requerente terá que provar por documento e no prazo de tres meses, contados da data do despacho de autorização, ter encomendado em estaleiro a construção da embarcação ou embarcações com as características indicadas neste regulamento. A importação da embarcação do estrangeiro só será autorizada se a construção não for possível em território nacional.

3. A construção da embarcação cujo licenciamento foi referido não pederá exceder o prazo de um ano.

4. Se o requerente já possuir embarcação deverá apresentar os seus planos, a sua descrição e das artes de pesca que pretende empregar, e provar que está habilitado a iniciar o exercicio da pesca no prazo de quatro meses após ter sido licenciado.

Artigo 19º.

1. As licenças serão requeridas pelos donos ou armadores, separadamente por cada embarcação, e serão passadas nominalmente.

2. Em caso aigum serão as licenças negociáveis.

3. E permitida a venda e a substituição de urna embarcação por outra a proprietário ou armador, singular ou colectivo, desde que o requeira à Direcção Provincial dos Serviços de Marinha e o fundamente quando se trate de substituição.

4. Para garantia do cumprimento dos prazos de execução a que se refere o artigo anterior, o proprietário ou armador prestará urna caução de 10% do valor da embarcação, de acordo com a avaliação feita pela Direcção Provincial dos Serviços de Marinha.

5. Se o requerimento for assinado por um único representante de uma empresa, deverá ser junto a ele cópia autêntica da escritura de constituição da sociedade requerente.

Artigo 20°.

1. Será obrigatória a elaboração de fichas diárias de captura, conforme modelo aprovado pela Missão de Estudos Bioceanológicos e de Pescas de Moçambique, nas quais se registará o número de arrastos, sua posição aproximada, direcção, batimetria e duração, características da arte usada e resultado das capturas em quantidade e qualidade, por espécies, incluindo as capturas de outro pescado, mesmo que não utilizado e tenha sido lançado ao mar. Estas fichas deverão ser remetidas de quinze em quinze dias à Missão de Estudos Bioceanológicos e de Pescas de Moçambique, referidas à quinzena anterior.

2. Os elementos contidos nestas fichas são absolutamente confidenciais, destinando-se unicamente nos trabalhos de estudo e investigação a cargo da Missão.

Artigo 21°.

Os armadores das embarcações licenciadas deverão comprometer-se a conceder uma percentagem do seu tempo operacional a estudos de pesca nas áreas em que exercem as suas actividades, na base de vinte dias por unidade e por ano, seguidos e interpolados, por acordo a estabelecer entre o armador e a Missão de Estudos Bioceanológicos e de Pescas de Moçambique, sendo o pescado capturado durante esses estudos, se algum, propriedade do armador, sem prejuízo das operações programadas.

Artigo 22°.

1. É proibida às embarcações nacionais a baldeação do pescado no mar, ou para embarcação estrangeira ou entre embarcações licenciadas para tipos de pesca diferentes.

2. Esta proibição não se aplica à baldeação do pescado de embarcações nacionais para outras nacionais exclusivamente destinadas ao transporte ou ao aproveitamento do pescado.

Artigo 23°.

1. As infracções ao disposto no presente regulamento serão punidas com multas até 50 000 \$, graduada conforme as circunstâncias e com a apreensão das redes e portas que não satisfaçam as prescrições constantes do regulamento.

2. Além das penalidades referidas no N° 1 deste artigo, aos mestres e arrais das embarcações transgressoras poderão ser cassadas por um período até um ano, as respectivas cédulas de inscrição marítima.

3. O exercício de preparativos de pesca dentro de áreas

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proibidas para a pesca será considerado traísgressão da proibição correspondente e fica sujeito às mesmas penalidades.

4. Consideram-se preparativos de pesca: fundear, amarrar estacionar ou pairar nos locais de pesca, quando não seja motivo de força maior, mau tempo, fortes correntes ou outra causa independente da vontade do mestre ou arrais de embarcação.

5. Às embarcações que forem encontradas a pescar ou em preparativos de pesca em áreas proibidas ou empregando redes e portas que não satisfaçam às prescrições deste regulamento, além das penalidades indicadas nos N° 1 e 2 deste artigo, será apreendido e vendido em hasta pública o pescado encontrado a bordo, revertendo o seu produto para o Fundo Comum da Delegação da Junta Central das Casas dos Pescadores, liquido de despesas e impostos. Quando o volume do pescado apreendido for diminuto ou a sua conservação perigar com a demora correspondente às formalidades de hasta pública será imediatamente distribuída a instituições de caifidade, mediante guia e recibo, a titulo gratuito.

Artigo 24°.

1. Serão canceladas as licenças concedidas, com perda da caução referida no N° 4 do artigo 19°., sem direito a qualquer indemnização:

- a) Quando o requerente não prove ter firmado contrato com o estaleiro para a construção da embarcação no prazo de três meses apòs a concessão da licença;
- b) Quando a construção da embarcação exceder o prazo de um ano, salvo os casos de força maior devidamente comprovados, que serão apreciados pelo Governador-Geral, ouvida pela Direcção Provincial dis Serviços de Marinha;
- c) Quando, possuindo já embarcação, não comece a exploração de pesca dentro do prazo de quatro meses a contar da data da concessão da licença, salvo os casos de força maior devidamente comprovados, que serão apreciados como se estabelece na alinea anterior;
- d) Quando a exploração de pesca for interrampida por periodo superior a um ano, salvo os casos de força maior devidamente comprovados, que serão apreciados como se refere na alinea b);
- e) Pela segunda reicidência nas infraccões ao disposto no presente regulamento, independente das multas a que se refere o artigo 23°. ;
- f) Pela desistencia do concessionàries venda da embarcação ou a inda por transmissão a herdéiros não requerida ou deferida;
- g) Por alteração não autorizada no pacto social de qualquer empresa concessionária.

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2. A alteração do pacto social só poderá ser autorizada quando o número de embarcações licenciadas não tiver atingido os limites previstos no artigo 2º..

Artigo 25º.

A fiscalização do exercício da pesca de arrasto do camarão, incluindo as determinações regulamentares respeitantes às redes e ao produto da pesca, compete aos comandos dos navios da armada, as autoridades marítimas e aos agentes seus subordinados.

Artigo 26º.

Compete aos capitães dos portos da Provincia a aplicação das sanções previstas neste regulamento, seguindo-se na formação do processo o preceituado no Regulamento Geral das Capitanías e mais legislação em vigor.

Artigo 27º.

O pagamento das multas, quando não satisfeito no prazo de dez dias a contar da notificação da sentença, será obtido coercivamente pelo processo das execuções fiscais.

Artigo 28º.

Fica revogado o Diploma Legislativo Nº. 2893, de 14 de Junho de 1969.

Publique-se e cumpram-se como nele se contém.

Residência do Governo-Geral, em Lourenço Marques, aos 29 de Maio de 1971. - O Governador Geral, Eduardo de Arantes e Oliveira.

(b) Diploma Legislativo N.º 65/71 de 15 de junho de 1971

Considerando a necessidade de actualizar a legislação sob o licenciamento e o exercício da exploração da pesca na Província de Moçambique;

Ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique e o Conselho Económico e Social;

Usando da competência atribuída pelo artigo 151.º da Constituição, conforme o voto do Conselho Legislativo, o Governador-Geral de Moçambique determina o seguinte:

REGULAMENTO DA PESCA MARÍTIMA

CAPÍTULO I

Generalidades

Artigo 1.º

1. É autorizada a pesca dentro das águas jurisdicionais da Província de Moçambique a artes de pesca pertencentes a nacionais e a embarcações arvorando o pavilhão nacional.
2. Fora das águas jurisdicionais de pesca da Província o exercício da pesca é livre, salvo no que respeita ao cumprimento das medidas de conservação dos mananciais, prescritas ao abrigo de convenções internacionais a que o Governo Português tenha aderido.
3. Este regulamento não se aplica à pesca praticada por armadores, a qual se rege por diploma especial.

Artigo 2.º

1. A pesca, consoante o registo da embarcação empregada e as zonas onde é exercida, classifica-se em:
 - a) Local;
 - b) Costeira;
 - c) Do alto;
 - d) Longínqua.
2. A pesca local exerce-se nos rios, lagoas, esteiros ou muros e, em geral, na área sob jurisdição da respectiva capitania.
3. A pesca costeira exerce-se, duma maneira geral, à vista da costa, desde o paralelo que passa pela foz do rio Rovuma até ao paralelo que passa pela Ponta do Ouro.

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4. A pesca do alto exerce-se na área limitada a oeste pela costa oriental de África até ao Meridiano do Cabo da Boa Esperanza, a sul pelo paralelo dos 37° sul, a leste pela costa ocidental de Madagáscar e meridiano de Cabo de Santa Maria e a norte pela linha que une Mombaça a Diogo Suarez.

5. A pesca longinqua exerce-se em qualquer zona do mar aberto.

Artigo 3°.

Salvo autorização especial do Governo Gerai, as embarcações registadas para a pesca do alto e longinqua não podem ser empregadas na zona da pesca costeira local, dentro da distancia de seis milhas a partir da linha de base para a medição do mar territorial.

Artigo 4°.

1. Nas águas jurisdicionais de pesca da Provincia de Mozambique sao permitidos os processos de pesca seguintes:

- a) Pesca de anzol nas suas diferentes modalidades;
- b) Pesca com redes de arrastar, de emalhar e de cercar para bordo (cerco americano);
- c) Pesca com armações fixas;
- d) Pesca com artes de xavéga;
- e) Tarrafas ou pequenas redes;
- f) Camaroeiros;
- g) Covos e gaiolas
- h) Gamboas.

2. O Governador-Geral poderá autorizar outros processos de pesca, além dos indicados no N° 1, por proposta da Direcção Provincial dos Serviços de Marinha, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique.

Artigo 5 .

O Governador-Geral, por proposta da Direcção Provincial dos Serviços de Marinha, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique, podera proibir ou limitar definitiva ou temporariamente, dentro de determinadas áreas das águas jurisdicionais de pesca e como medida especial de protecção, o exercicio de determinados processos de pesca desde que se verifique que sao prejudiciais à conservação dos mananciais em exploração ou a outras actividades cuja importancia o justifique.

Artigo 6º.

1. As tripulações das embarcações empregadas na pesca serão de nacionalidade portuguesa e deverão ser matriculadas nos termos do Regulamento da Inscrição Marítima, sendo a matrícula válida pelo prazo de um ano, dentro do respectivo ano civil.

2. Pederá ser autorizada, com carácter temporário, a matrícula de técnicos de pesca estrangeiros, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique.

3. Não será exigida matrícula às companhias das gamboas e outras artes trabalhando sem embarcações.

Artigo 7º

As embarcações de pesca local e costeira deverão ter a bordo os seguintes documentos: título de propriedade, rol de matrícula, licença de pesca, carta de capitão, mestre ou arrais e cédulas de inscrição marítima dos tripulantes.

Artigo 8º.

As embarcações de pesca do alto e longinqua, além dos documentos indicados no artigo anterior, deverão ter a bordo mais os seguintes:

- a) certificado de navegabilidade;
- b) Passaporte (se frequentarem portos estrangeiros);
- c) Certificado de linhas de carga (se tiverem mais de 50 t de arqueação bruta);
- d) Código Internacional de Sinais;
- e) Código Penal e Disciplinar da Marinha Mercante;
- f) Regulamento Geral das Capitanias;
- g) Convenção Internacional para protecção dos Cabos Submarinos;
- h) Urna separata deste regulamento.

Artigo 9º.

1. O Governador-Geral poderá, por despacho, fixar o número de embarcações que se dedicam a determinados processos de pesca, por proposta da Direcção Provincial dos Serviços de Marinha, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique, como medida de protecção para a conservação dos mananciais.

2. Sempre que for julgada conveniente, a pesca de determinadas espécies ictiológicas, bem como a utilização de certos processos de pesca, poderão ser objecto de regulamentos próprios.

CAPITULO II

Das embarcações e Heus aparelhos de propulsão

Artigo 10°.

1. As embarcações de pesca devem possuir as necessárias condições para exercer a actividade nas zonas em que a pesca lhes è autorizada.

2. Serão consideradas embarcações de pesca não sò as que se dedicam à apanha de espècies ictiológicas e de plantas marinhas, como também as embarcações acessórias destinadas à condução e aproveitamento do pescado.

3. Será permitida a construção e a utilização de embarcações polivalentes, desde que possuam condições para os processos de pesca a explorar.

Artigo 11°.

As embarcações comos apetrechos a bordo colocados nas posições normais deverão mostrar estabilidade, reserva de flutuabilidade suficiente, condições para o reboque ou alar da rede e segurança para o pessoal.

Artigo 12°.

A compartimentagem da embarcação deverá ser tal que fiquem perfeitamente separados:

- a) Alojamentos para o pessoal;
- b) Porão do peixe;
- c) Local do aparelho de propulsão.

Artigo 13°.

Os alojamentos para o pessoal deverão satisfazer às condições de àrea e volume, de ventilação, iluminação, isolamento e sanitárias prescritas para as embarcações mercantes de igual categoria, considerando as temperaturas e humidades médias tropicais, e deverão poder ser lavados e desinfectados com facilidade.

Artigo 14°.

1. Os porões do pescado, que deverão poder ser lavados e desinfectados com facilidade, considerando a flora microbiana local, serão isolados a poliuretano ou outra substancia equivalente por forma a garantir nas condições climatéricas da Provincia a boa conservação do pescado durante o periodo normal das viagens de pesca.

2. A Direcção Provincial dos Serviços de Marinha, ouvida a Missão de Estudos Bioceanológicos e de Pescas de Moçambique, estabelecerà as prescrições relativas à lavagem e desinfecção dos porões do pescado.

Artigo 15°.

As máquinas ou motores, os depósitos e a iluminação obedecerão às condições seguintes:

- a) As máquinas ou os motores de propulsão terão potência suficiente para o reboque satisfatório da rede carregada com pescaria e dos respectivos cabos e portas, se se tratar de embarcações de pesca de arrasto;
- b) Os depósitos de combustível, de óleo de lubrificação e de aguada terão capacidade suficiente para o número provável de dias de serviço no mar, calculados por excesso, relativamente à zona a explorar;
- c) A iluminação incluindo as luzes regulamentares, será eléctrica nas embarcações dotadas de propulsão mecânica.

Artigo 16°.

1. O aparelho de propulsão satisfará aos preceitos técnicos regulamentares.
2. Os encanamentos e as garrafas de ar deverão ter sempre margem de segurança suficiente relativamente à pressão interna respectiva.
3. A hélice deverá ter características próprias para o reboque das redes, se se tratar de embarcação de arrastp.

Artigo 17°.

As embarcações que utilizam artes de pesca de arrasto a motor deverão possuir meios mecânicos para alagem das redes.

Artigo 18°.

As redes serão estivadas de modo a permitir a manobra do lerne em todas as circunstâncias.

Artigo 19°.

As embarcações de pesca local poderão ser ou não dotadas de propulsão mecânica.

Artigo 20 .

As embarcações de pesca costeira deverão ser sempre dotadas de propulsão mecânica e, além das condições indicadas nos artigos 10°. a 17°. , deverão satisfazer ao seguinte:

- a) Ter convés corrido;
- b) Ter comprimento entre perpendiculars não superior a 32 m e

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motores com a potência não superior a 500 cavalos-vapor;

- c) Ter sonda acústica e estação radiofónica;
- d) Ter os meios necessários para o completo esgotamento das águas dos porões de peixe.

Artigo 21º.

As embarcações de pesca do alto longínqua serão sempre dotadas de propulsão mecânica e, além das condições indicadas nos artigos 10. a 17., deverão satisfazer o seguinte:

- a) Ter tonelagem de arqueação bruta superior a 150 t Moorson, se se destinarem à pesca do alto, e a 250 t Moorson, se se destinarem à pesca longínqua;
- b) Ter sonda acústica, estação radiotelefónica e radar;
- c) Ter os meios adequados para a evisceração e lavagem expedita do pescado e para que os locais destinados a esse fim se possam facilmente lavar e desinfetar;
- d) Ter meios apropriados para a conservação do pescado pelo frio;
- e) Ter os meios necessários para o completo esgotamento das águas dos porões de peixes;
- f) Ter instalação frigorífica especialmente destinada à conservação de alimentos para o pessoal.

Artigo 22º.

1. As embarcações de pesca adquiridas ou mandadas construir em qualquer parcela do território nacional para serem registadas nos portos da Provincia gozarão das isenções ou reduções de direitos estabelecidos na legislação em vigor.

2. A importação de embarcações do estrangeiro só pederá ser autorizada para embarcações acabadas de construir ou cuja construção tenha sido efectuada há menos de cinco anos e desde que a aquisição não seja possível em território nacional.

Artigo 23º.

1. Os materiais destinados ao fabrico ou construção e aparelho de embarcações nacionais terão despacho de reexportação nos termos da legislação em vigor, assim como os materiais destinados a reparo, conserto ou aprestos e sobresselentes das mesmas embarcações.

2. As embarcações de pesca nacionais serão isentas do pagamento de emolumentos de entrada e salda dos portos da Provincia.

CAPITULO III

Das redes e aparelhos de pesca

Artigo 24°.

1. As artes de arrasto podem ser de arrasto simples ou duplo, utilizando varas ou portas, não devendo as portas exceder 3,20 m 1,50 m no arrasto quando efectuado na zona até seis milhas da linha de base para medição do mar territorial.

2. As portas das artes de pesca de determinadas espécies sujeitas a regulamentos próprios terão as dimensões que neles forem fixadas.

3. Será autorizado o arrasto duplo-uso simultaneo de duas redes pelo mesmo barco, ficando porém, limitado a embarcações com mais de 15 m entre perpendiculares.

Artigo 25°.

1. Nenhuma embarcação de pesca de arrasto poderá ter a bordo ou empregar na pesca qualquer rede de arrasto que, em qualquer de suas partes tenha malhagem efectiva inferior às seguintes:

Em arrasto para terra - 38 mm entre dois nós não consecutivos (19 mm entre nós consecutivos);

Em arrasto para bordo, tipo dinamarquês (danish seine) -38 mm entre dois nós não consecutivos (19 mm entre nós consecutivos);

Em arrasto a motor - 60 mm entre dois nós não consecutivos (30 mm entre nós consecutivos).

2. As redes das artes de pesca de determinadas espécies sujeitas a regulamentos próprios terão as dimensões que neles forem fixadas.

Artigo 26°.

1. As redes empregadas na pesca com artes de cercar para bordo (cerco americano) e nas artes de sacada deverão ter uma malhagem minima de 9 m entre os nós consecutivos ou 18 mm entre nós não consecutivos.

2. O comprimento máximo das redes utilizadas nas artes de cercar para bordo (cerco americano) não deverá exceder 700m.

3. As dimensões máximas das redes das artes de sacada serão 20 m 12 m.

Artigo 27°.

As redes empregadas nas artes de arrastar para terra ou para pequenas embarcações tundeadas não deverão ter comprimento superior a 150 ou 180 m, respectivamente dentro e fora das barras ou estuários.

Artigo 28°.

1. As gamboas deverão ser de rede ou de arame, com a malhagem mínima de 25 mm entre nós consecutivos, não devendo a sua área máxima exceder a 300 ares.
2. Não serão concedidas licenças para gamboas feitas com estacas. As licenças das actualmente existentes serão apenas renovadas a pescadores autoetònes tradicionais.
3. Compete às capitánias fixar O número de gamboas e os locais onde poderão ser instaladas.
4. A distância entre gamboas não deverá ser inferior a 300 m.

Artigo 29°.

Os camaroeiros (redes em forma de saco de café) não deverão ter malhagem inferior a 5 mm entre nós consecutivos ou 10 mm entre nós não consecutivos.

Artigo 30°.

As tarrafas ou pequenas redes lançadas à mão deverão ter a malhagem mínima de 5 mm entre nós consecutivos ou 10 mm entre nós não consecutivos.

Artigo 31°.

As redes de emalhar ou quaisquer outras não especificadas neste regulamento não deverão ter malhagem inferior a 25 mm entre nós consecutivos ou 50 mm entre nós não consecutivos.

Artigo 32°.

1. Não será permitido o uso de forras ou outros dispositivos de protecção do saco.
2. Será autorizado o uso de sacos de fio duplo, bobinas, discos e corrente de ticla.

Artigo 33°.

Poderão ser autorizados na pesca, a título experimental processos eléctricos e luminosos de atracção do peixe.

Artigo 34°.

1. A medição da malhagem será feita pela introdução na rede de bitolas planas com 2 mm de espessura e configuração triangular, apresentando um adelgaçamento de 2 cm em cada 8 cm, devendo após introduzidas na malha, suportar o peso de 1 kg.

2. A malhagem de cada urna das artes constituintes da rede será a média das medições feitas numa carreira de vinte malhas consecutivas afastadas dos porfios das redes pelo menos dez malhas. Tratando-se do saco de rede, a carreira de malhas consecutivas a medir deverá também estar afastada dez malhas. da boca e ser paralela ao eixo longitudinal do saco.

Artigo 35°.

Não será permitido o emprego de qualquer dispositivo susceptível de obstruir ou por qualquer forma diminuir as dimensões da malhagem das redes de pesca.

Artigo 36°.

1. As portas das redes de arrasto obedecerão aos seguintes preceitos:
 - a) Todas as cabeças de pregos ou cavilhas mortas empregadas em qualquer das faces serão arredondadas e sem asperezas;
 - b) As cavilhas vivas serão de cabeça arredondada e lisa e serão colocadas somente na face anterior da porta, o menos salientes possível para a face posterior e com as arestas arredondadas;
 - c) O canto inferior da porta do lado da proa será em curva bem pronunciada;
 - d) A sapata protegendo a parte inferior: da porta será lisa, de arestas inferiores bem arredondadas, embebidas as cabeças das cavilhas que a fixam à porta;
 - e) A parte de vante da sapata deverá subir bastante pela proa da porta e ajustar-se o melhor possível às chapas de ferro que protegem essa porta, sem fazer saliência nem deixar intervalos e as arestas das chapas do lado de vante serão arredondadas;
 - f) Em geral, todas as peças de fixação deverão ser simples e lisas. Nas portas não poderão existir saliências e arestas vivas.
2. Entende-se por sapata o pesado revestimento de ferro que guarnece a parte inferior da porta.

3. Face inferior da porta é aquela a que está ligado o triângulo; face exterior, a face oposta; proa da porta, a parte do lado do virador; popa da porta, a parte do lado da rede.

4. Será também obrigatório:

- a) Adotar ligeira curvatura na face inferior da porta;
- b) Evitar o emprego de ferro fundido na construção das sapatas.

CAPITULO IV

Das licenças para a exploração da pesca

Artigo 37°.

1. A concessão de licenças para a exploração da pesca compete ao Governador-Geral.
2. As licenças para as artes de pesca local artesanal, de anzol, de arrastar para terra ou para a bordo de pequenas embarcações com ou sem motor volante, de emalhar, de sacada, covos, gaiolas, tarrafas, gamboas e camaroeiros, serão autorizadas pelos capitães dos portos.
3. Os requerimentos para a concessão de licenças serão entregues nas capitánias onde se pretendam registrar as embarcações e deverão conter indicação resumida das características da embarcação tipo e potência do aparelho, motor, arte de pesca empregar a zona onde se pretende exercer a pesca e condições de tratamento do pescado.
4. Para a concessão das licenças a que se refere o N°1 deste artigo os requerentes terão que provar por documento e no prazo de três meses, contados da data do despacho de autorização que encomendaram em estaleiro a construção de embarcação ou embarcações com as características necessárias para o exercício do processo de pesca que requereram.
5. No caso do número anterior, os requerentes apresentarão, com o requerimento, se o não tiverem feito antes, os elementos detalhados das embarcações, incluindo os planos, memória descritiva, descrição das artes de pesca e dos sistemas de tratamento do pescado a bordo.
6. A construção de qualquer embarcação cujo licenciamento foi requerido não pederá exceder o prazo de um ano, após o despacho de autorização.

Artigo 38°.

1. As licenças serão requeridas separadamente para cada embarcação e emitidas nominalmente.
2. Se o requerimento for assinado por um único representante

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de urna empresa, deverà ser accmpanhado de còpia autêntica da escritura de constituição da sociedade requerente.

3. As licenças não são negociáveis.

4. Será permitida a venda ou a substituição de urna embarcação por outra, a proprietário ou armador, singular ou colectivo, desde que o requeira, fundamentado-o quando se trate da substituição. Os requerimentos serão dirigidos à entidade que o autorizou o licenciamento.

5. Para a garantia do cumprimento dos prazos de execução mencionados no artigo anterior, o titular das licenças a que se refere o N.º 1 do mesmo artigo prestará na Direcção Provincial dos Serviços de Marinha urna caução de 10 por cento, do valor da embarcação, de acordo com a avaliação feita pela mesma Direcção.

Artigo 39.º

1. As licenças referidas no N.º 1 do artigo 37.º serão concedidas mediante processo organizado na Direcção Provincial dos Serviços de Marinha, do qual constem informações da Missão de Estudos Bioceanológicos e de Pescas de Moçambique e da capitania em cuja área se basear a actividade piscatória.

2. As restantes licenças serão emitidas pelas capitánias de acordo com as tabelas legais. As taxas correspondentes serão anuais.

3. As taxas das licenças referidas no N.º 1 serão anuais mas poderão ser pagas em duas prestações nos meses de Janeiro e Julho, respectivamente.

4. A substituição, reconstrução ou outras grandes reparações, incluindo a substituição de motores de embarcações de pesca já registadas dependem de autorização da entidade que conceder a licença, mediante processo organizado, respectivamente, na Direcção Provincial dos Serviços de Marinha, com os pareceres da Missão de Estudos Bioceanológicos e de Pescas de Moçambique e da capitania onde estão registadas, ou na capitania onde foi concedida a licença.

Artigo 40.º

1. Serão canceladas as licenças concebidas, com a perda da caução referida no N.º 5 do artigo 38.º, sem direito a qualquer indemnização:

- a) Quando o requerente não prove ter firmado contrato com um estaleiro para a construção da embajrcação no prazo de três meses após a concessão da licença;
- b) Quando a construção da embarcação exceder o prazo de um ano, salvo os casos de força maior devidamente comprovados, que serão apreciados pelo Governador-Geral, ouvida Direcção Provincial dos Serviços de Marinha;

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- c) Quando a exploração da pesca for interrompida por período superior a um ano, salvo os casos de força maior devidamente comprovados, que serão apreciados como se refere na alínea b);
 - d) Quando houver desistência do concessionário;
 - e) Quando, sem deterimento prévio se verificar a transmissão, em vida ou morte, da embarcação;
 - f) Quando o pacto social de qualquer empresa concessionária for alterado sem prévia autorização.
2. Quando houver perda de caução, o seu valor reverterá para o Fundo de Acção Social no Trabalho.

CAPITULO V

Do exercício e do produto da pesca

Artigo 41º.

1. O emprego do arrasto a motor será proibido nas rias, rios, lagoas, esteiros, estuários, barras, canais de acesso, balas e de um modo geral nas águas interiores sob a jurisdição das autoridades marítimas.

2. Este procedimento admitirá apenas as excepções que se contiverem nos regulamentos específicos previstos para determinadas pescas.

Artigo 42º.

Não será permitida a pesca de arrasto a motor a menos de 500 m das praias ou de qualquer arte de pesca fixa.

Artigo 43º.

As embarcações de pesca de arrasto a motor darão um resguardo de, pelo menos, 500 m a todos os outros aparelhos e redes não incluídos no artigo anterior, quando devidamente assinalados.

Artigo 44º.

As artes de cercar para bordo (cerco americano), de emalhar e da sacada darão um resguardo de uma milha às artes de pesca fixas e o resguardo de 500 m às outras artes de pesca.

Artigo 45º.

As artes de anzol deverão dar o resguardo de 300 m às outras artes de pesca.

Artigo 46°.

1. Será proibida a baldeação do pescado no mar entre embarcações nacionais e estrangeiras, ou entre embarcações licenciadas para tipos de pesca diferentes.

2. Esta proibição não se aplicará à baldeação do pescado de embarcações nacionais para outras nacionais exclusivamente destinadas ao transporte ou ao aproveitamento do pescado.

Artigo 47°.

Será proibido o lançamento de redes ou o uso de quaisquer outros apetrechos de pesca que prejudiquem o livre trânsito, ou possam ser causa de perigo, nos locais determinados para fundeadouros.

Artigo 48°.

Será proibido o lançamento de redes ou aparelhos de pesca nas águas das barras, portos e canais que possam prejudicar a navegação.

Artigo 49°.

Será proibido o lançamento de redes nas embocaduras dos rios, entradas para baías, lagoas, canais ou qualquer porção de água parcialmente fechada que possam interceptar por completo a passagem do peixe entrando e saindo.

Artigo 50°.

1. O pescado deverá ser tratado e acondicionado de forma a evitar, tanto quanto possível, o esmagamento daquele que fica na parte inferior das carnadas e a assegurar a melhor conservação até a descarga ou apresentação à venda.

2. O pescado destinado a consumo em fresco deverá ser acondicionado em caixas de modelo aprovado pela Missão de Estudos Bioceanológicos e de Pescas de Moçambique, construídas em polietileno, fibra de vidro ou alumínio e estivadas no porão. O gelo usado na conservação do pescado deverá ser potável.

3. As caixas usadas no acondicionamento e transporte de pescado deverão ser mantidas em bom estado de conservação e limpeza, sendo obrigatoriamente lavadas com água e detergente, depois da entrega do pescado.

4. A partir de 31 de Dezembro de 1912 será proibida a utilização de caixas de madeira para acondicionamento e transporte de pescado.

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Artigo 51°.

1. Será obrigatória a evisceração, antes da estiva a bordo, dos peixes com mais de 25 cm de comprimento total.

2. As embarcações deverão possuir meios adequados, nomeadamente tinas ou tanques, para a evisceração e lavagem expedita de pescado, antes do seu acondicionamento, de modo a evitar a contaminação de todo o lote.

3. As tinas ou tanques de evisceração e lavagem de pescado deverão ser de modelo de fácil lavagem e desinfecção, devendo possuir os cantos e pontos de encontro arredondados.

Artigo 52°.

1. Todo o pescado capturado será imediatamente acondicionado em caixas com gelo triturado e estivado no porão de modo a reduzir ao mínimo a exposição à temperatura ambiente.

2. Será proibida a estiva de pescado para consumo, a granel ou em caixas, misturado ou não com gelo triturado, no convés das embarcações, bem como manter a bordo pescado em putrefação.

3. Nas embarcações utilizadas na captura de peixes para consumo publico será proibido manter a bordo quaisquer animais domésticos.

Artigo 53°.

Nos portos da Provincia onde tal for julgado conveniente poderão ser criados entrepostos de verificação, acondicionamento e conservação do pescado.

Artigo 54°.

Não poderão ser retidos ou guardados a bordo, nem apresentados à venda, exemplares de peixes ou outros animais marinhos de dimensões inferiores aos tamanhos comerciais mínimos que forem fixados por despacho do Governador-Geral.

Artigo 55°.

A fiscalização do exercicio de pesca, incluindo as determinações regulamentares respeitantes as redes e ao produto da pesca, compete aos comandos dos navios da Armada, as autoridades marítimas e aos agentes seus subordinados.

Artigo 56°.

As autoridades marítimas, quando o julgarem inconveniente, examinarão os aparelhos e redes existentes nos depósitos de material dos armadores.

Artigo 57°.

1. Será obrigatória a elaboração de fichas diárias de capturas, conforme modelo aprovado pela Missão de Estudos Bioceanológicos e de Pescas de Moçambique, nas quais se registará o número de lanços, sua posição aproximada, batimetria, duração, características de arte usada e capturas efectuadas em quantidade e qualidade, por espécies, mesmo do peixe não utilizado que tenha sido; lançado ao mar. Estas fichas deverão ser remetidos quinzenalmente à Missão de Estudos Bioceanológicos e de Pescas de Moçambique, referidos à quinzena anterior.

2. As informações contidas nestas fichas serão absolutamente confidenciais, destinando-se unicamente aos trabalhos de estudo e investigação a cargo da Missão.

Artigo 58°.

Os armadores das embarcações licenciadas deverão comprometer-se a conceder uma percentagem do seu tempo operacional a estudos de pesca nas áreas em que exercem as suas actividades, não excedendo dez dias por unidade e por ano, seguidos ou interpolados por acordo a estabelecer entre o armador e a Missão de Estudos Bioceanológicos e de Pescas de Moçambique, sendo o peixe capturado durante esse estudo propriedade de armador, sem prejuízo das operações programadas.

CAPITULO VI

Penalidades

Artigo 59°.

1. Os proprietários ou armadores das embarcações nacionais que forem encontradas a pescar ou em preparativos de pesca dentro das áreas ou nas épocas em que a pesca lhes seja proibida incorrem na pena de multa até 50 000 \$, graduada conforme as circunstâncias.

2. Para efeitos do N° 1, consideram preparativos de pesca: fundear, amarrar, estacionar, pairar, nos locais de pesca, quando não seja por motivo de força maior, mau tempo, fortes correntes ou outra causa independente da vontade do capitão, mestre ou arrais da embarcação.

3. Os proprietários ou armadores das embarcações abrangidos pelo N° 1 terão de pagar aos lesados os prejuízos materiais que porventura causem a outras artes ou aparelhos de pesca.

4. Aos capitães, mestres e arrais das embarcações transgressoras poderão ser cassadas até um ano as respectivas cédulas de inscrição marítima.

Artigo 60°.

1. Os proprietários ou armadores das embarcação onde forem

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encontradas redes ou portas que não satisfaçam às prescrições constantes deste regulamento serão punidos com a pena de multa até 50 000 \$, graduada conforme as circunstancias.

2. Incorrerão na penalidade prevista no N.º 1 os proprietários e ou armadores das embarcações onde foi retido ou guardado pescado, ou apresentada à venda, de dimensão inferior aos tamanhos comerciais mínimos que forem estabelecidos nos termos do artigo 54..

3. Serão apreendidas ou inutilizadas as portas e as secções da rede que não satisfaçam as prescrições constantes deste regulamento.

Artigo 61.º

Nos casos previstos nos artigos 59.º e 60.º, o pescado encontrado a bordo será apreendido e vendido em hasta pública, revertendo o seu produto para o fundo comum da Delegação da Junta Central das Casas dos Pescadores, liquido de despesas e impostos. Quanto ao volume do pescado apreendido for diminuto ou a sua conservação perigar com a demora correspondente as formalidades da hasta pública, será imediatamente distribuido, a titulo gratuito, a instituições de caridade, mediante guia e recibo.

Artigo 62.º

As infracções as restantes disposições deste regulamento serão punidas com multa até 30 000 \$, graduada conforme as circunstancias.

Artigo 63.º

Compete aos capitães dos portos da Provincia a aplicação das sanções previstas neste regulamento, seguindo-se na formação do processo o preceituado no Regulamento Geral das Capitanías e mais legislação em vigor.

Artigo 64.º

O pagamento das multas, quando não satisfeito no prazo de dez dias a contar da notificação da sentença, será obtido coercivamente pelo processo das execuções fiscais.

Artigo 65.º

As reincidencias ocorrerão em multa não inferior ao dobro da anteriormente aplicada.

CAPITULO VII

Disposições transitórias

Artigo 66°.

Às embarcações actualmente registadas na pesca será permitida a renovação anual da licença, mesmo que não abedeçam às condições estabelecidas neste regulamento, mas tão somente enquanto forem julgadas nas precisas condições de segurança e eficiência pelas comissões de vistoria das capitanias dos portos.

Artigo 67°.

Não será permitida a substituição, reconstrução ou grandes reparações, incluindo a substituição de motores do aparelho de propulsão, quando se tratar de embarcações abrangidas pelo artigo anterior, a não ser que se destinem a outra modalidade de pesca compatível com as suas características.

Publique-se e cumpra-se como nele se contém.

Residencia do Governo-Geral, em Lourenço Marques, aos 15 de Junho de 1971. - 0
Governador-Geral, Eduardo de Arantes e Oliveira.

(c) Diploma Legislativo N° 34/772 de 2 de Maio de 1972

Verificando-se a conveniência de alterar a redacção do artigo 10º do Regulamento da Pesca do Camarão, aprovado pelo Diploma Legislativo N° 50/71, de 29 de Maio, no sentido de assegurar a conveniente conservação do pescado;

Ouvido o Conselho Económico e Social;

Usando da competencia atribuida pela alinea b) do artigo 135. da Constituição, o Governador-Geral de Moçambique determina o seguinte:

Artigo único. O artigo 10º do Diploma Legislativo N° 50/71 de 29 de Maio, passa a ter a seguinte redacção:

Artigo 10º.

1. As embarcações de pesca de arrasto do camarão que actuem fora de balas ou estuários deverão possuir sistema de congelação do pescado à temperatura de, pelo menos, -35° C e câmaras de conservação a -20°C.

2. As embarcações actualmente licenciadas para a pesca do arrasto do camarão que não satisfaçam os requisitos referidos no N°. 1 não poderão permanecer na faina da pesca por periodos superiores a dois dias, devendo fazer a conservação do pescado a bordo por adição de gelo potável moldo na proporção de 1 para 4.

3. Os porões do pescado que deverão poder ser lavados e desinfectados com facilidade, considerando a flora microbiana local, serão isolados a poliuretano ou substancia equivalente, por forma a permitir, para as condições climatéricas da Provincia, a boa conservação do pescado durante o periodo normal da viagem de pesca.

4. As caixas que sirvam para acondicionamento de pescado deverão ser mantidas escrupulosamente limpas, livres de escamas, restos do pescado e outros detritos aderentes.

5. Quando o descabeçamento do camarão se efectue a bordo, as embarcações deverão possuir moinhos para a trituração das cabeças.

6. As embarcações de pesca de arrasto do camarão, que o processem sem cabeça, deverão ser equipadas com máquina de calibração.

Publique-se e cumpra-se como nele se contém

Residência do Governo-Geral de Moçambique, aos 2 de Maio de 1972 - O Governador-Geral, Manuel Pimentel Pereira dos Santos.

(d) Lei Nº 8/78 de 22 de Abril de 1978

Na República Popular de Moçambique as condições do aproveitamento e uso dos recursos naturais, são determinadas pelo Estado com vista a promover a criação de uma economia independente e capaz de prosseguir o objectivo essencial de satisfazer as necessidades do Povo.

De entrsos recursos naturais existentes, os recursos piscícolas são uma importante fonte de obtenção de divisas necessárias à prossecução da política económica traçada pelo III Congresso da FRELIMO. Importa, pois, que se proceda à regulamentação da pesca efectuada por estrangeiros nas águas jurisdicionais da República Popular de Moçambique, não só para assegurar que a exploração dos recursos piscícolas seja feita com salvaguarda dos interesses do País, como também para criar meios mais eficazes de combate à pilhagem daqueles recursos.

Nestes termos e ao abrigo do disposto no artigo 45º. da Constituição, a Comissão Permanente da Assembleia Popular decreta:

Disposições Gerais

Artigo 1º.

Para efeitos do disposto no presente diploma entende-se por:

- a) "Águas jurisdicionais", a zona que compreende o mar territorial e a zona económica exclusiva, tal como vêm definidos no Decreto-Lei Nº. 31/76, de 19 de Agosto;
- b) "Preparativos de pesca", qualquer das actividades de fundear, amarrar, estacionar ou pairar nas águas jurisdicionais, quando isso não tenha sido motivado por caso de força maior, como avarias!, mau tempo, fortes correntes ou outra causa independente da vontade do proprietário, armador, capitão ou responsável pela embarcação ou veículo de pesca. Considera-se igualmente em "preparativos de pesca" toda a embarcação ou veículo que apresente sinais de utilização recente ou próxima dos seus aparelhos de pesca;
- c) "Actos prejudiciais ao exercício de pesca", o uso de explosivos ou quaisquer substâncias nocivas à pesca ou quaisquer outros processos de afugentar as espécies marinhas, com intenção de as matar, capturar ou de lhes causar qualquer dano, bem como a danificação ou destruição de quaisquer aparelhos de pesca legalmente instalados no mar;

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- d) "Reincidências, todos os casos em que, tendo o agente sido condenado por sentença transitada em julgado por qualquer das infracções previstas neste diploma, cometa outra infracção antes de terem passado três anos da data da última condenação, considerando-se que existe reincidência sempre que se trate do mesmo proprietário, armador, capitão ou responsável pela embarcação;
- e) "Obstrução", qualquer comportamento que, por acção ou omis-são, dificulte a fiscalização da embarcação ou veiculo, designadamente o não arvoramento do respectivo pavilhão e a não ostentação do seu número de registo;
- f) "Agente da infracção", o proprietário, o armador, o capitão ou responsável pela embarcação ou veiculo que cometer qualquer infracção prevista no presente diploma.

Artigo 2º.

Poderão pescar ou estar em preparativos de pesca nas águas jurisdicionais da República Popular de Moçambique as embarcações e veiculos de pesca que para tal estejam devidamente autorizados.

Artigo 3º.

1. A partir da data da entrada em vigor do presente diploma compete ao Ministro da Indústria e Energia, determinar quais as embarcações ou veiculos estrangeiros autorizados a pescar nas águas jurisdicionais, fixando, segundo as circunstancias, as modalidades apropriadas a tal exercicio.

2. A competência a que se refere o número anterior poderá ser delegada noutras entidades.

Artigo 4º.

Todas as embarcações ou veiculos estrangeiros autorizados a pescar nas águas jurisdicionais da República Popular de Moçambique deverão manter arvorado o respectivo pavilhão e ostentar o seu número de registo, cumprindo-lhes ainda respeitar a regulamentação prevista para a pesca por embarcações ou veiculos nacionais.

Fiscalização

Artigo 5º.

Toda a embarcação ou veiculo estrangeiro encontrado nas águas jurisdicionais a pescar, em preparativos de pesca ou a baldear produtos pesqueiros, estará sujeito a fiscalização pelas autoridades marítimas competentes, que poderá incidir sobre todas as artes e aparelhos de pesca, pescado capturado, registos de sonda e respectivo diário de bordo.

Artigo 6º.

1. O pessoal da equipagem da embarcação ou veículo estrangeiro que desobedecer à acção da fiscalização è responsável civil e criminalmente por tais actos nos termos da lei geral.

2. Em caso de desobediencia ou obstrução à acção da fiscalização o proprietário, armador, capitão ou responsável pela embarcação ou veículo ficam ainda sujeitos ao pagamento das despesas que a fiscalização tiver feito por motivo de tais actos, sendo a cobrança destas despesas efectuadas nos termos previstos na lei geral para a cobrança das multas, custos e selos.

Artigo 7º.

São competentes para efectuarem a fiscalização e a detenção de embarcações ou veículos estrangeiros, os responsáveis das unidades de fiscalização da pesca bem assim, todas as autoridades e mais agentes da Policia Militar, ou outras a quem o Ministério da Defesa Nacional deferir tal competência.

Sanções

Artigo 8º.

1. Qualquer embarcação ou veículo estrangeiro que for encontrado nas águas jurisdicionais a pescar, em preparativos de pesca ou a baldear produtos pesqueiros, sem para tal estar autorizado, será detido com todos os respectivos apetrechos, pertences, aparelhos e embarcações auxiliares e com o pescado nele existente, incorrendo o respectivo proprietário, armador, capitão ou responsável, solidariamente, na pena de multa de Esc. 750 000 a Esc. 10 000 000.

2. Se a infracção a que se refere o número anterior for praticada dentro da zona do mar territorial ou verificando-se haver reincidencia, proceder-se-á ao confisco da embarcação ou veículo que der causa à infracção.

Artigo 9º.

1. Qualquer embarcação ou veículo estrangeiro que for encontrado nas águas jurisdicionais a pescar, em preparativos de pesca ou a baldear produtos pesqueiros numa área, uma espécie ou utilizando um sistema de pesca para que não esteja devidamente autorizada, ou ainda a prejudicar o exercicio da pesca, será detido com todos os respectivos apetrechos, pertences, aparelhos e embarcações auxiliares, e com o pescado nela existente, incorrendo o respectivo proprietário, armador, capitão ou responsável por qualquer destas infracções, solidariamente, na pena de multa de Esc. 500 000 a Esc. 5 000 000 graduada de acordo com as circunstancias e gravidade do delito.

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2. Se a infracção a que se refere o número anterior for praticamente dentro da zona do mar territorial, serão os limites mínimo e máximo de multa aplicável elevados ao dobro.

3. Havendo reincidência, serão os limites mínimo e máximo da multa aplicável elevados ao triplo.

Artigo 10º.

1. O proprietário, armador, capitão ou responsável da embarcação ou veículo estrangeiro que for encontrado a pescar nas águas jurisdicionais, violando a regulamentação estabelecida para a pesca por embarcação ou veículo nacionais, incorrem solidariamente na pena de multa de Esc. 250 000 a Esc. 5 000 000 graduada de acordo com as circunstâncias e a gravidade de delito.

2. São consideradas agravantes para efeitos do disposto no número anterior, a pesca durante o período do defeso e a verificação da existência a bordo de espécie de idade ou tamanho inferior ao mínimo legal.

Artigo 11º.

1. O proprietário, armador, capitão ou responsável da embarcação ou veículo estrangeiro que causar avarias ou quaisquer danos em redes, aparelho ou outras artes de pesca ficarão responsáveis pelo pagamento do valor dos prejuízos provocados, incorrendo ainda solidariamente na pena de multa de Esc. 250 000 a Esc. 1 500 000.

2. O disposto no N° 1 deste artigo, será aplicável em todos os casos em que outro procedimento não estiver previsto em convenções ou acordos internacionais de que a República Popular de Moçambique seja parte.

Artigo 12º.

Os autos das infracções previstas neste diploma serão imediatamente remetido à autoridade marítima com jurisdição sobre a área em que se tiver praticado a infracção.

Artigo 13º.

Recebido o auto, cumpre à autoridade marítima tomar imediatamente as seguintes medidas:

- a) Ordenar a venda dos produtos pesqueiros existentes na embarcação que sejam susceptíveis de se deteriorarem, com preferência especial atribuída à Empresa Nacional de Comercialização de Produtos Pesqueiros, mandando depositar produtos de venda à ordem da autoridade marítima do porto, num dos estabelecimentos referidos no artigo 20. do presente diploma;
- b) Dar conhecimento da ocorrência ao Ministério dos Negócios Estrangeiros;

- c) Ordenar todas as diligencias necessárias ao apuramento dos factos.

Artigo 14°.

1. Estando a embarcação ou veículo detido, poderá a autoridade marítima arbitrar caução, que não será inferior a 10% do valor da embarcação ou veículo, desde que tal não perturbe a instrução do processo ou que, em razão da natureza e circunstâncias da infracção, não haja justificado receio de continuação da actividade delituosa.

2. Ao proprietário, armador, capitão ou responsável de qualquer embarcação ou veículo detido é permitido proceder às beneficiações que entender convenientes, sob vigilância da autoridade marítima, não sendo todavia esta em caso algum responsável pelos prejuízos que da falta do beneficiamento possam resultar.

Artigo 15°.

1. O tribunal com competência para o julgamento das infracções referidas no presente diploma será constituído pela autoridade marítima com jurisdição na área onde se verificou a infracção, que presidirá, e por dois adjuntos, sendo um juiz nomeado do respectivo Tribunal Provincial e outro designado conjuntamente pela autoridade marítima e pelo juiz nomeado, se não existir no local um delegado da Direcção Nacional de Pescas.

2. O julgamento será efectuado com observância das formalidades prescritas para o processo sumário.

Artigo 16°.

Caberá recurso para o Tribunal da Rejlação da sentença que condene em multa de valor igual ou superior a Esc. 500 000, que será processado e julgado como os recursos em processo penal, com efeito meramente devolutivo.

Artigo 17°.

1. Transitada em julgamento a sentença, observar-se-á o seguinte:

- a) Se for absolutória, será entregue ao proprietário, armador, capitão ou responsável pela embarcação ou veículo, esta e todo o material detido, bem como o produto da venda dos produtos desoueiros ordenada nos termos da alínea a) do artigo 13. deste diploma, não sendo o Estado responsável pelos prejuízos ou lucros cessantes que resultem quer da venda, quer da detenção.
- b) Se for condenatória, e o pagamento da quantia em que o infractor for condenado não for efectuado no prazo de quinze dias contados da data de trânsito em julgado, proceder-se-á ao confisco da embarcação ou veículo

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infractor, efectuando-se a venda de todo o pescado apreendido, cujo produto reverterá para o Estado.

Artigo 18°.

Efectuado o pagamento da multa ou multas de demais quantias em dívida, a embarcação e todo o material apreendido serão entregues, mediante requerimento, ao proprietário armador, capitão ou responsável.

Artigo 19°.

A apresentação de caução e o pagamento das multas em que o infractor for condenado, será efectuada em moeda livremente convertível.

Artigo 20°.

Os depósitos à ordem do tribunal e os pagamentos feitos por motivo de condenação serão efectuados directamente no Banco de Moçambique, em qualquer urna das suas agências.

Disposições Gerais

Artigo 21°.

Salvo disposição em contrário, resultante de convenção, acordo ou convénio internacional, as redes, aparelhos e outras artes de pesca encontrados ao abandono nas águas jurisdicionais, serão considerados arrojados do mar e entregues às instâncias fiscais, quando se verificar que não pertencerem a pescadores nacionais.

Artigo 22°.

Todo exercício de actividades de pesquisas científicas, relacionado com a existência de recursos vivos nas águas jurisdicionais da República Popular de Moçambique, fica subordinado ao que pelo presente diploma se estabelece para exercício da pesca.

Artigo 23°.

As dúvidas suscitadas na aplicação do presente diploma serão resolvidas por despacho conjunto dos Ministros da Indústria e Energia e dos Transportes e Comunicações.

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1. LIMITS OF NATIONAL JURISDICTION

- (a) Royal Decree N° 15/81 concerning the Territorial Sea, Continental Shelf and Economic Zone

Article 1. - The Sultanate of Oman exercises full sovereignty over the territorial sea of the Sultanate and over the airspace, and the seabed and the subsoil beneath the territorial sea of the Sultanate, in harmony with the principle of innocent passage of ships and planes of other States through international straits, and laws and regulations of the Sultanate relating thereto.

Article 2. - The territorial sea of the Sultanate extends twelve nautical miles (22,224 meters) seaward, measured according to the following standards and regulations set forth:

(a) the outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline;

(b) except as otherwise provided in this Decree, the normal baseline for measuring the breadth of the territorial sea is the low water line along the coast of the mainland or of islands and rocks;

(c) the Government of the Sultanate of Oman will be issuing a directive in which the application of the system of straight baselines will be set forth and which will, in accordance thereof, determine the baselines for any part of the coast of the Sultanate of Oman, so also the lines relating to the closed waters lying within gulfs and bays or in between islands and the mainland coast. Any line described therein will be regarded as the baseline. Provided it is so required the Government of the Sultanate of Oman may amend or revoke any provisions which will be promulgated under this clause.

Internal Waters

Article 3. - The internal waters of the Sultanate of Oman shall include the waters on the landward side of the baseline of the territorial sea. The Omani laws which are applicable to national ports, roadsteads and bays shall, ipso facto, be applicable to internal waters also.

The Exclusive Economic Zone

Article 4. - The Sultanate of Oman exercises sovereign rights over the exclusive economic zone for the purposes of exploring, developing and exploiting its natural wealth, whether living or non-living.

Article 5. - The exclusive economic zone extends 200 nautical miles and is measured from the baseline from which the breadth of the territorial sea is measured.

The Continental Shelf

Article 6. - The Sultanate of Oman exercises sovereign rights over its continental shelf for the purposes of exploring and exploiting its natural resources.

Article 7. - The Sultanate of Oman will be issuing a declaration for delimiting the span of its continental shelf.

Miscellaneous Provisions

Article 8. - Where the coast of another State is opposite or adjacent to the coast of the Sultanate of Oman, the outer limits of the territorial sea, exclusive economic zone and continental shelf shall be (measured upto) the median line (so that) every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the Sultanate and the territorial sea of such other States is measured.

Article 9. - The precise limits of the territorial sea, exclusive economic zone and the continental shelf shall be determined by the Government of the Sultanate of Oman on maps and hydrographic charts and geodatic datas.

Article 10. - The provisions of the Royal Decree dated 20 July 1972 concerning the territorial sea, the continental shelf and exclusive fishing zone and those of the Royal Decree N° 44/77 of 15 June 1977 and all other provisions which are in contravention to the provisions of the present Decree stand cancelled.

Article 11. - This Decree shall be published in the official Gazette and shall come into force from the date of its issue

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- (b) Royal Decree N° 38/82 Relating to the Application of the Straight Baselines System for the Demarcation of Baselines for the Territorial Sea, the Internal Waters and the Enclosed Waters

Article I. - In implementing Article II para "c" of the Sultanic Decree N° 15/81, the straight baselines in any part of the Sultanate of Oman, the water-enclosure-lines falling between Al Ashram and the Straights, as well as the waters dividing the islands from the coastline of the basic mainland, shall be determined as indicated in the statement appended thereto.

Article II. - The Minister of State for Foreign Affairs shall declare that the straight baselines are determined by the Sultanate in the aforementioned manner and shall deposit relevant documents with competent authorities. All concerned Government departments shall apply this decree, each within its competence.

Article III. - This Decree shall be published in the Official Gazette, and shall enter into force as of the date of its issuance.

(c) Notification of 1 June 1982

Article 1. - By application of Article 2 paragraph "c" of the Royal Decree N° 15/81 referred to above, the fixing of the straight baselines for any part of the sultanate of Oman and the lines for enclosed waters lying between gulfs and bays and also the waters in between islands and the mainland coast shall be on the following basis:

(a) The co-ordinates of latitudes and longitudes mentioned below shall determine the positions of points for drawing the straight baselines for the Sultanate of Oman.

(b) The straight lines joining the points between the co-ordinates of latitudes and longitudes referred to in the preceding paragraph shall determine the straight baselines as provided by the Royal Decree N° 15/81.

(c) The co-ordinates of latitudes and longitudes referred to shall also be the basis for the demarcation of the internal and enclosed waters in the Sultanate:

<u>NUMBER OF THE POINT</u>	<u>CO-ORDINATES OF POINTS</u>	
	<u>NORTH LATITUDES</u>	<u>EAST LONGITUDES</u>
	<u>GROUP "A"</u>	
1.	26° 03' 04.703"	56° 05' 01.869"
2.	26° 04' 04"	56° 05' 22"
3.	26° 13' 30"	56° 10' 52"
4.	26° 14' 28"	56° 11' 34"
5.	26° 15' 08"	56° 12' 19"
6.	26° 22' 29"	56° 21' 02"
7.	26° 30' 19"	56° 30' 34"
8.	26° 29' 50"	56° 31' 37"
9.	26° 29' 11"	56° 32' 14"
10.	26° 21' 59"	56° 32' 13"
11.	26° 10' 32"	56° 32' 58"
12.	26° 05' 02"	56° 28' 34"
13.	25° 56' 30"	56° 28' 17"
14.	25° 48' 32"	56° 22' 02"
15.	25° 45' 10"	56° 19' 55"
16.	25° 37' 32.345"	56° 16' 03.950"

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GROUP "B"

17.	23° 48' 40"	57° 41' 38"
18.	23° 47' 00"	57° 46' 00"
19.	23° 50' 28"	57° 57' 30"
20.	23° 51' 26"	58° 03' 41"
21.	23° 52' 00"	58° 06' 00"
22.	23° 52' 06"	58° 07' 09"
23.	23° 50' 28"	58° 10' 33"
24.	23° 40' 55"	57° 29' 50"
25.	23° 37' 38"	57° 35' 29"
26.	23° 31' 18"	58° 45' 09"

GROUP "C"

27.	20° 57' 18"	58° 49' 00"
28.	20° 41' 29"	58° 54' 38"
29.	20° 41' 08"	58° 54' 47"
30.	20° 30' 12"	58° 58' 39"
31.	20° 30' 00"	58° 57' 18"
32.	20° 16' 29"	58 ⁰ 46' 41"
33.	20° 12' 44"	58° 43' 20"
34.	20° 10' 36"	58° 39' 22"
35.	20° 09' 18"	58° 38' 18"
36.	20° 20' 30"	58 ⁰ 19' 30"
37.	20° 19' 12"	57° 59' 00"

GROUP "D"

38.	17° 55' 02"	56° 20' 29"
39.	17° 30' 17"	56° 24' 02"
40.	17° 29' 42"	56° 02' 33"
41.	17° 29' 12"	55° 51' 48"
42.	17° 27' 57"	55° 35' 03"
43.	17° 24' 00"	55 ⁰ 17' 02"

Article 2. - The provisions of this Notice shall come into force from the date of issue of this Notice and it shall be published in the Official Gazette.

2. BASIC FISHERIES LEGISLATION

Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Conservation of Living Aquatic Resources

Article I. - The following Act on Marine Fisheries and Conservation of Living Aquatic Resources is hereby promulgated.

Article II. - This Decree shall be published in the Official Gazette and shall come into force three months after its publication.

Law on Marine Fisheries and the Conservation of Living
Aquatic Resources

CHAPTER I - DEFINITION AND TERMS

Article 1. - Definitions

- "Living marine resources" means all species of marine plants and animals, living in fishing waters or inland waters, or on the sea-bed and subsoil together with structures constructed within these living organisms (pearls) or after its death (coral reef).
- "Minister" means the Minister charged with responsibility for living aquatic resources.
- "Competent authority" means the administrative department, under the Authority for the Minister, which has responsibility for the management, exploitation, conservation and development of living aquatic resources.
- "Technical Department" means all government units, other than the Ministry, which should be referred to within its mandate and in accordance with the laws have authority to enforce.
- "Fishing boat" means any floating craft which is used for catching or processing living aquatic resources, irrespective of its means or locomotion or of its objective, whether professional or amateur.
- "Fishing" means capture of any living marine resource by any method and for any purpose.
- "Fisherman" means whoever practices fishing either on foot or by a fishing boat.

- "Fishing water" means the sea area extending seawards for two hundred nautical miles from the baseline considered for measurement of the territorial sea, taking into account the provisions of the Sultanic Decree N° 15/81 on the Continental Shelf Beyond Two Hundred Nautical Miles, and amendments thereto, and the rules of IMCO on fishing in the maritime lanes in the strait of Hormuz and Ras al Hadd.
- "Water reserves" means areas where fishing is prohibited on a permanent basis.
- "Inland waters" means water areas, whether saline, brackish or fresh water, lying beyond the baseline of the territorial sea landward.
- "Sea-bed and subsoil" means the part of sea-bed and subsoil flooded by fishing water and inland water.

Article 2. - The provisions of this Law shall apply to fishing water, inland water, sea-bed and subsoil in the Sultanat of Oman, without prejudice to other laws applicable in the Sultanat such as the Maritime Law and the Law on the Protection of Environment and Control of Pollution.

CHAPTER TWO - REGULATION OF FISHING

Article 3. - The Minister shall establish a body called "The Council for Living Marine Resources Management", presided over by the Minister or his representative. The Council shall include representatives of government and non-government administrative and technical bodies concerned with such resources or their conservation and development. The Council shall perform the following functions:

- (1) propose policies which ensure the conservation, development and rational utilization of living marine resources and to supervise its implementation,
- (2) propose programmes for regulation of fishing and to enforce them,
- (3) co-ordination of activities of government and non-government bodies concerned with living marine resources; ensuring a balance between projects and activities performed by different agencies in a manner that guarantees the viability of aquatic resources, their replenishment and their rational utilization,
- (4) propose legislations, or amendments thereto, and examine matters related to living marine resources proposed by government and non-government agencies. On these items, the Council shall present to the Minister recommendations for adoption and promulgation.

Article 4. - The Minister shall issue the regulations for the rational management and development of living marine resources and enforcement of the provisions of this law. In particular, he shall issue regulations for any of the following purposes:

- (1) Conditions and terms of licences under this law;
- (2) prescribe fees for the above mentioned licences, define their amounts, ways of payment and cases of exemption therefrom in collaboration with financial authorities;
- (3) establish specifications of fishing boats including their form, size, seaworthiness, power of motor, fishing technique, security measures, identification by numbers or other signs to be displayed on the sides or any other specifications and ways of control thereof, prior to granting the licence;
- (4) Identify equipment and gear allowed for use in seafaring and fishing and their specifications; identify also prohibited equipment and gear because of the risk they present to the crew or to living marine resources;
- (5) Identify materials which are harmful to the growth, recruitment and emigration of living marine resources and to prohibit its use;
- (6) Identify reserved areas and the means for their preservation;
- (7) Specify locations where catch is seasonably prohibited, and also specify those seasons and the species to which prohibition applies;
- (8) Specify species of living marine resources excluded from catch, whether for a definite or an indefinite period, in all or part of fishing waters, internal waters, the bed of the sea or its subsoil, and also specify the period and location for each species;
- (9) Specify the minimum size allowed in the catch of fish and other living marine resources;
- (10) Specify the quantities of living marine resources that may be caught at certain seasons and from certain species;
- (11) Formulate conditions for preservation and handling of fish to ensure their quality and to avoid spoilage;
- (12) Specify factors affecting the safety of living marine resources, and specify the materials which are categorically prohibited to be disposed of in internal waters or fishing waters or on the bed of the sea or in its subsoil and specify the allowed concentration of all or some of such material, so that they do not harm the living marine resources or the human health whether directly or indirectly;

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- (13) Specify the data which the fishing community should gather and deliver to competent authorities, and the regulation of books and documents they should keep;
- (14) Determine rewards to be granted to persons who discover or inform about cases of infringement to the provisions of this law;
- (15) Specify the general conditions which apply to building of plants or laboratories at locations near to inland waters or fishing waters, and also specify the precautions to be adhered to by vessels for the protection of living marine resources.

Article 5. - The director of the competent authority shall be responsible for enforcing the provisions of the this law and its regulations.

Article 6. - Any person working in fishing or marketing of living marine resources or related industries shall submit the data specified by the competent authority, which shall be responsible for the recording and analysis of such data.

Article 7. - Fishing boat or fisherman shall not fish without a licence for specified duration issued by the competent authority. The licence shall specify details including specification of the boat, the techniques and fishing gear which may be utilized, maximum and minimum number of crew according to their various specialties. The licence should also specify the permitted area of operation, fishing seasons, and the species and size of catch of living marine resources for each area of operation and season.

Article 8. - Fishing boats and fishermen should, at all times, be carrying the licence, which should be produced upon request by the officials of the appropriate authority, and may not be transferred to other persons.

Article 9. - If the owner of such fishing boat decided to sell or transform his boat into a cargo or passenger vessel, or any other such purpose, he should then change the licence of the boat for the required corresponding licence. No boat shall have two licences simultaneously.

Article 10. - Every boat owner should ensure that the boat displays navigational lights, as required by maritime navigation regulations, during night fishing operations. He should also ensure that the boat has the necessary safety means and salvage equipment as required by the regulations of the competent authority consultation with other concerned departments in the Sultanate.

Article 11. - The competent authority shall determine the number of licences granted to fishing boats or fishermen engaged in fishing activities in any of the fishing waters, or inland waters, or sea-bed or its subsoil.

Article 12. - It is absolutely forbidden for fishing boats to fish for living marine resources in territorial fishing waters without permission from the authorized agency.

Article 13. - The Minister may grant scientific bodies, individuals and technical personnel engaged in research and scientific studies, permission to fish and exemption from all, or part, of the provisions of this law.

CHAPTER III - CONSERVATION AND MANAGEMENT

Article 14. - Fishing of various species of living marine resources during reproduction and spawning seasons shall not be allowed. The competent authority shall determine such reasons of such a prohibition and have it publicized through the information media.

Article 15. - Without prejudice to the provisions of environment protection and anti-pollution laws of the Sultanate, it shall be unlawful to dispose, into fishing waters or inland waters, or sea bottom, of any waste from laboratories, factories, sewers or industrial waste, or chemical and petroleum materials, boat oils or any other liquids and solutions which shall cause damage to living marine resources.

Article 16. - Without specific permission from the competent authority, it shall be unlawful to:

- (a) erect or build any barriers or baricade wtyich may hindr the free movement of living marine resources;
- (b) extricate and utilize various types of marine weeds and plants which are useful for living resources;
- (c) utilize gill nets, and other such fishing gear, in shallow waters; and the competent authority shall specify in the licence the location for such gear, its measurements and mesh size;
- (d) utilize techniques of mass extermination of living marine resources, such as explosives, poisonous substance, chemical materials, electrical means or any other such technique;
- (e) utilize techniques, methods and gear harmful to eggs and sprat of living marine resources.

Article 17. - The competent authority should endeavour to develop and modernize fishing techniques and practices, and should also promote the training of fishermen on the use of such modern techniques.

Article 18. - The competent authority should determine waters suitable for acquaculture activities, and should promote their establishment and provide necessary technical assistance and supervision.

CHAPTER IV - HANDLING, MARKETING AND INDUSTRIALIZATION

Article 19. - Fishing boats and vehicles utilized in the transport of living marine resources should be equipped with refrigerating units or with insulated ice-cooled containers; and the cleanliness and hygiene conditions therein should fulfill requirements specified by the competent authority.

Article 20. - It shall be unlawful to sell living marine resources except in markets which satisfy hygienic and commercial requirements as specified by the competent authority in consultation with other technical departments in the Sultanate.

Article 21. - Processing, drying and smoking of living marine resources prior to their marketing, should satisfy required hygienic standards; and all domestic and foreign boats carrying imported products of living marine resource, be it fresh, or dried, or canned or salted or smoked shall comply with the customs and quarantine regulations.

Article 22. - Persons engaged in the trade of living marine resources shall keep records, according to the format established by the competent authority, which specify the quantities according to species and prices.

Article 23. - Import or export of living marine resources and their products in any form or for any purpose, shall not be permitted without the approval of the competent authority in consultation with other concerned authorities in the Sultanate.

Article 24. - Foreign fishing boats entering harbour shall not sell or market living marine resources without obtaining the required licence for such purpose from the competent authority, and in accordance with the provisions of Article 23 above.

Article 25. - The competent authority shall, in accordance with established regulations, extend to artisanal fishermen encouragement, care and extension, and shall arrange for the provision of necessary financing and gear, and to provide and organize such basic services for those engaged in fishing as they may not be able to provide for themselves.

Article 26. - The competent authority shall, in consultation with other technical departments In the Sultanate, promote the processing of living marine resources.

CHAPTER V - OFFENCES AND PENALTIES

Article 27. - Without prejudice to any other stronger penalty, any violation of Articles 6, 8, 9, 11, 14, 20, 22, 23 and 24 of this Law shall be punishable for the first offence by a fine to the amount of Omani Riyals 30 and a written warning; and by double this fine for the second offence. Offenders for the third time shall be subject to the temporary or indefinite revocation of their licence, as well as paying the fine.

Article 28. - Without prejudice to any other stronger penalty, any violation of Articles 7, 10, 13, 15, 16 and 21 of this law shall be punishable for the first offence by a fine to the amount of Omani Riyals 60 and a written warning; and by doubling this fine for the commission of a second offence, and such means as utilized in committing the offence shall be liable to be ordered to halt operations for a specified period of time. In the case of a third offence, conviction may include in addition to the prescribed fine, the seizure of the boat and gear and equipment appertaining to it, as well as seizure of fishing gear and catch aboard.

Order to release a seized boat may be made upon payment of a financial bond to be determined by the investigating authority and deposited in Court pending the final determination of the case.

Article 29. - The authorized agency shall have the right to ask legal officers for the purpose of ascertaining such violations, to accompany its representatives in case of boarding a boat, and in inspecting fisheries, stores and sites containing living marine resources and fishing gear; and shall take necessary legal action as required under this law.

CHAPTER VI - GENERAL PROVISIONS

Article 30. - The Minister, or whomsoever he delegates, may consult with his counterparts in other concerned countries on a joint plan for the exploitation and management of living marine resources in common areas, and to coordinate by way of agreement or declaration of intention as the case may be, measures for their management. In all cases, the management of such zones shall be subject to the provisions of this law.

Article 31. - The authorized agency, in coordination with technical departments and media organs, shall endeavour to keep the fishermen informed, by means of a daily bulletin, on the sea and wind conditions so that they may be able to take the necessary precautions.

3. REGULATIONS

- (a) Ministerial Decree N° 3/82 on the Executive Regulations for the Law on Marine Fisheries and the Conservation of Living Marine Resources

Article 1. - The attached regulations shall be applied and shall be called the Executive Regulations of the Marine Fisheries and Protection of Living Marine Resources Law.

Article 2. - The General Directorate for Fisheries shall assume the activities of the "authorized agency" referred to in the above-mentioned Law and in these Regulations.

Article 3. - This Decree shall be published in the Official Gazette and shall be effective as of date of publication therein.

REGULATIONS

CHAPTER I - DEFINITIONS

Article 1. - All the terms used hereinafter in these Regulations shall have the same meaning entitled to them in the Marine Fisheries and Protection of Living Marine Resources Law of 1981.

CHAPTER II - LICENSING OF MARINE FISHING AND FISHING BOATS

Article 2. - Boat owners, masters, crews and other workers on board, whatever their job may be, as well as fishermen, shall have to obtain - in addition to licenses required by the Marine law of 1981 and any other laws or regulations - a license for fishing or diving, and another licence for their boat to be issued by the authorized agency.

Article 3. - Those who apply for such licenses should have legal capacity, and of good conduct. They should be good in swimming and should also present a medical certificate proving their physical fitness for fishing.

Article 4. - Fishing licences shall be granted for three renewable years. The licence shall be renewed upon request of possessor at any time during the last four months of its validity, or else it will be cancelled.

Article 5. - The fishing licence shall have the full name of its possessor. Number of identity card (if any) or his passport, profession, marital status, age, photo and any other related appropriate information required by the competent authority which designs the format of such licence and prescribes the necessary documents to obtain it.

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Article 6. - A fishing licence is personal, and shall neither be transferred nor handed over to third parties for the use thereof. The competent authority shall seize and cancel any licence used by someone other than the holder unless the original holder gives an acceptable justification to the said authority.

Article 7. - A fishing boat licence shall be valid for one renewable year. It shall be renewed upon request of the owner at any time during the last two months of its validity, or else it will be cancelled.

Article 8. - The fishing boat licence shall include the following information:

- (a) The full name of the owner, his nationality, profession and his photograph.
- (b) Number and type of the boat, whether with sail, with engine or wooden, etc., specifications thereof and date and place of manufacture.
- (c) The type of engine and whether it is an inboard or outboard engine, power thereof, trademark and year of manufacture.
- (d) Fishing gear and techniques used by the boat.
- (e) Minimum and maximum number of crew according to their professions.
- (f) Fishing zones and seasons, species and quantities of living resources to be caught in each zone or season.

Article 9

- (a) In case of loss or damage of a fishing licence the fisherman or the owner of a ship shall inform the competent authority. A new licence may be issued to replace the lost or damaged one subject to regulations set by the said authority.
- (b) The fisherman or the owner shall be required to give evidence that his licence was lost or damaged.

Article 10. - No foreign fishing or diving boats shall be permitted to work in Oman's fishing zones without permission from the competent authority and after a licence has been granted to the boat and its crew according to the previous articles.

Article 11. - The competent authority shall collect the following fees:

- (a) Omani Ryals 3 for the grant of a fishing licence for fishermen, masters, crew, or any other worker working in fishing or diving. The licence shall be valid for three years.
- (b) Omani Ryal 1 for granting or renewal of the annual licence for the owner of the sail or unmotorized boats.

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- (c) Omani Ryal 1 for granting or renewal of the annual licence of the owner of a motorized boat, if the power of the engine is 50 horses or less; pias 100 shall be added for any additional horsepower provided that the licence fees shall never exceed Ryals 200.
- (d) Ryals 5 for the transfer of property of any boat.
- (e) In case of loss or damage of the licence, a new one shall be granted free, provided that the holder thereof shall show necessary evidence.
- (f) The licence's holder shall pay the amount prescribed by the authorized agency and the manufacturing company for the plate of the ship.

CHAPTER III - CONSERVATION AND DEVELOPMENT OF LIVING ACQUATIC RESOURCES

Article 12. - All fishermen shall have to throw back into the water any living small fish which they may be found in their catch of shrimp or any other kind of fish.

Article 13. - Fishing of living aquatic resources shall be prohibited during the period of spawning and fertilization of eggs as prescribed by the competent authority. Carrying the eggs of sea-birds or turtles to a distance beyond that prescribed by the concerned authority is prohibited and catching turtles on their way to lay eggs on the shores or islands shall be also prohibited during the period prescribed by the competent authority.

Article 14. - The competent authority shall determine:

- (a) Areas of seasonally prohibited fishing.
- (b) Closed seasons and prohibited fishing species.
- (c) Species of living aquatic resources that shall not be fished for limited or unlimited periods, in the whole or part of the operational areas, inland waters, sea-bed and its subsoil.
- (d) Periods and areas of each species and catch quotas that shall be fished during certain seasons according to species.
- (e) Security measures for the living aquatic resources.
- (f) Materials (industrial waste matter, oil, poisonous or other deleterious material to the living marine resources, etc.) that can absolutely not be disposed of in inland waters, fishing zone, sea-bed or its subsoil. It shall determine the degree of concentration of such material that will not harm living aquatic resources or human health through the direct or indirect consumption of these resources.

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- (g) General prerequisites that shall be abided by in the construction of plants and laboratories in locations near to inland waters or the fishing zone.
- (h) Precautionary arrangements that shall be observed by fishing boats for the protection of living aquatic resources.
- (i) Prohibited fishing gear and equipment.
- (j) Specification of accepted fishing gear and methods and also prohibited ones.

CHAPTER IV - REGULATION OF FISHING

Article 15. - Unless provided with a licence by the competent authority, use of underwater harpoon-guns shall be banned.

Article 16. - Automatic fishing gear and seines shall not be used at depths of less than forty metres.

Article 17. - "HAYAL" may be used in fishing in all areas where water depth is no less than ninety meters; heavy objects must be used to keep nets in place, so that they do not get mixed with other fishermen's nettings in such a way as might cause damage to them. Whoever violates this rule shall be liable to compensate fully the party which suffered from the damage.

Article 18. - Anybody, except those who are concerned, shall not be allowed to fish in the zones prescribed by the competent authority and reserved for the government, societies or companies that obtain this right by special contracts with the Ministry.

Article 19. - Fishing activities shall be prohibited near oil and military installations or in any other zones to be specified by competent authorities.

CHAPTER V - PRESERVATION, TRANSPORTATION AND MARKETING OF LIVING ACQUATIC RESOURCES

Article 20. - A licence shall be obtained from the competent authority by whoever wants to exploit, process, handle or market aquatic resources their products.

Article 21. - The competent authority shall lay down the hygienic specifications for drying and packaging of living aquatic resources prior to their marketing.

Article 22. - Traders of living aquatic resources shall comply with the terms hereunder:

- (a) Obtain a health certificate from the concerned technical department.

- (b) Obtain a licence from the concerned technical department.
- (c) Provide for a refrigerator to store fish products in proper conditions.

CHAPTER VI - GENERAL PROVISIONS

Article 23. - The owner of a fishing boat shall not rent, lend or cede his boat to another person in any way without written permission from the competent authority.

Article 24. - OMANI fishery companies and institutions operating in OMANI fishing zones shall not use boats owned wholly or partially by foreigners unless permitted to do so by the competent authority, which shall have the power to levy appropriate tolls on such use, and specify zones and duration of operation for such boats.

Article 25. - All fishing or diving boats shall affix serial number plates on both sides, to be obtained through coordination with the competent authority, and returned to that authority when damaged.

Article 26. - All fishing or diving professionals as well as crew on their relevant boats shall report immediately to the authorities of any infiltrators, smugglers or suspicious marine medium, floating or sunk objects they may have observed, and shall be rewarded by the authorities according to local regulations.

Article 27. - All fishing and diving professionals and crew on board of fishing boats shall comply with all instructions and regulations issued by the technical department which determine sea inlets and outlets, and prohibit stationing at open coast except in cases of emergency.

Article 28. - No fisherman should enter with his fishing boat into the operation areas of other fishermen who use fixed or movable nets. He shall not install his fishing gear inside those areas in such a way as would tear or damage others fishing gear or deprive them from catch. He shall not compete other fishermen inside any operational area within the territorial waters.

Article 29. - In compliance with the regulations set by the competent authority, owners of fishing boats shall hold on board a fishing operations logbook.

Article 30. - Owners and masters of fishing boats should strictly respect the authorized number of fishermen and crew as specified in their licences. They shall not sail with more or less than that number. They shall not, as well, carry other persons, merchandise or other equipment than the fishing gear.

Article 31. - Owners of vessels and fishing boats which have left the harbour to the sea should not load or unload merchandise, or persons from vessels anchored in the sea. They should not carry aboard any prohibited material such as arms, explosives, narcotics, etc.

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Article 32. - Owners or lorries that transport living aquatic resources and preservation material should not carry any merchandise or persons if such merchandise or persons were infiltrated from sea to land or vice versa.

Article 33. - Fishing professionals and lorry owners in charge of transporting living aquatic resources shall provide the competent authority with required data and statistics.

Article 34. - Each fishing professional should follow the weather forecasts issued by the technical department through information media to ensure his safety in seagoing.

Article 35

- (a) These provisions do not apply to amateurs who fish for purposes other than trade.
- (b) An amateur shall obtain a permit from the competent authority to exercise his hobby.
- (c) An amateur shall abide by the fishing methods and means as prescribed by the competent authority.

CHAPTER VII - PENALTIES

Article 36. - Without prejudice to penalties under Articles 27 and 28 of the Marine Fisheries Law and Conservation of Living Aquatic Resources of 1981, the offender of the provisions of this Law shall be fined up to Omani Ryals 60 and shall receive a written warning at first.

In case the offence was repeated, the fine may be doubled and licence withdrawn for a temporary or indefinite period and the fishing boat may be confiscated.

/ PAKISTAN /

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4. <u>SUPPLEMENTARY LEGISLATION</u>	

* Title only

1. LIMITS OF NATIONAL JURISDICTION

Territorial Waters and Maritime Zones Act, 1976.

ACT N° LXXXII of 1976

Article 1. - Short title and commencement. - (1) This Act may be called the Territorial Waters and Maritime Zones Act, 1976.

(2) It shall come into force at once.

Article 2. - Territorial waters. - (1) The sovereignty of Pakistan extends and has always extended to the territorial waters of Pakistan, hereinafter referred to as the territorial waters, as well as to the air space over, and the bed and sub-soil of, such waters.

(2) The limit of the territorial waters is twelve nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline.

(3) The baseline from which such limit shall be measured and the waters on the landward side of which shall form part of the internal waters of Pakistan shall be specified by the Federal Government by notification in the official Gazette.

(4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan is situated off the main coast, the baseline referred to in sub-section (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

Article 3. - Use of territorial waters by foreign ships. - (1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of sub-section (2) and sub-section (3), all foreign ships shall enjoy the right of innocent passage through the territorial waters.

Explanation - For the purpose of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Pakistan.

(2) Foreign warships, including submarines and other under water vehicles and Foreign Military Aircraft may enter or pass through the territorial waters and the air space over such waters with the prior permission of the Federal Government:

Provided that submarines and other under water vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) Foreign super tankers, nuclear powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial waters after giving prior notice to the Federal Government.

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(4) The Federal Government may, if satisfied that it is necessary so to do in the interest of the peace, good order or security of Pakistan or any part thereof, suspend, by notification in the official Gazette, subject to such exceptions and qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

Article 4. - Contiguous Zone. - (1) The Contiguous Zone of Pakistan, hereinafter referred to as the Contiguous Zone, is an area adjacent to and beyond the territorial waters and extending seawards to a line twenty-four nautical miles measured from the baseline declared under sub-section (3) of section 2.

(2) The Federal Government may exercise such powers and take such measures in or in respect of the Contiguous Zone as it may consider necessary to prevent and punish the contravention of, and an attempt to contravene, any law in force in Pakistan relating to:

- (a) the security of Pakistan;
- (b) immigration and sanitation; and
- (c) customs and other fiscal matters.

(3) The Federal Government may, by notification in the official Gazette -

- (a) extend to the Contiguous Zone any law relating to any matter referred to in clause (a) or clause (b) or clause (c) of sub-section (2), for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and
- (b) make such provisions as it may consider necessary for facilitating the enforcement of such law and any law so extended shall have effect as if the Contiguous Zone formed part of the territory of Pakistan.

Article 5. - Continental Shelf. - (1) The Continental Shelf of Pakistan, hereinafter referred to as the Continental Shelf, shall comprise the seabed and sub-soil of the submarine areas that extend beyond the limit of the territorial waters of Pakistan throughout the natural prolongation of the land territory of Pakistan to the outer edge of the continental margin or, where the outer edge of the continental margin does not extend up to a distance of two hundred nautical miles from the baseline declared under sub-section (3) of section (2), up to that distance.

(2) Pakistan has, and always had, full and exclusive sovereign right in respect of its Continental Shelf, including:

- (a) exclusive sovereign rights for the purpose of exploration, development exploitation, conservation and management of all resources, both living and non-living;
- (b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

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- (c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the Continental Shelf, for the convenience of shipping or for any other purpose; and
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(3) No person, including a foreign Government, shall, except under, and in accordance with the terms of, any agreement with the Federal Government, explore the Continental Shelf or exploit its resources or carry out any search or excavation or conduct any research within the Continental Shelf or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial islands, off-shore terminal, installation or other structure or device.

(4) The Federal Government may, by notification in the official Gazette:

- (a) declare any area of the Continental Shelf and its superjacent waters to be a designated area; and
- (b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely:
 - (i) the exploration, development, exploitation and protection of the resources of the Continental Shelf within such designated area;
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area;
 - (iii) the protection of marine environment of such designated area;
 - (iv) customs and other fiscal matters in relation to such designated area; and
 - (v) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Pakistan.

(5) The Federal Government may, by notification in the official Gazette -

- (a) extend to the whole or any part of the Continental Shelf any law for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and

- (b) make such provisions as it may consider necessary for facilitating the enforcement of such law;

and any law so extended shall have effect as if the Continental Shelf or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) Subject to any measures that may be necessary for protecting the interests of Pakistan, and without prejudice to the provisions of sub-section (2), the Federal Government may not impede the laying or maintenance of submarine cables or pipelines on the seabed of the Continental Shelf by foreign States:

Provided that the consent of the Federal Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

Article 6. - Exclusive Economic Zone. - (1) The Exclusive Economic Zone of Pakistan, hereinafter referred to as the Exclusive Economic Zone, is an area beyond and adjacent to the territorial waters the limit of which is two hundred nautical miles from the baseline declared under sub-section (3) of section 2.

(2) In the Exclusive Economic Zone, its bed and sub-soil and the superjacent waters, Pakistan has:

- (a) exclusive sovereign rights for the purpose of exploration, development, exploitation, conservation and management of all resources, both living and non-living, as well as for producing energy from tides, winds, currents and the sun.
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other Structures and devices necessary for the exploration and exploitation of the resources of the Zone or for the convenience of shipping or for any other purpose;
- (c) exclusive rights and jurisdiction to authorize, regulate and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognized by international law.

(3) No person, including a foreign Government, shall, except under, and in accordance with the terms of, any agreement with the Federal Government or a licence or letter of authority granted by the Federal Government, explore or exploit any resources of the Exclusive Economic Zone or carry out any search

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or excavation or conduct any research within the Exclusive Economic Zone or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial island, off-shore terminal, installation or other structure or device:

Provided that fishing in the Exclusive Economic Zone shall be regulated by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXII of 1975).

- (4) The Federal Government may, by notification in the official Gazette:
- (a) declare any area of the Exclusive Economic Zone to be a designated area; and
 - (b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely:
 - (i) the exploration, development, exploitation and protection of the resources of such designated area;
 - (ii) other activities for the economic exploitation and exploration of such designated area, such as the production of energy from tides, winds, currents and the sun;
 - (iii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area;
 - (iv) the protection of marine environment of such designated area;
 - (v) customs and other fiscal matters in relation to such designated area; and
 - (vi) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Pakistan.
- (5) The Federal Government may, by notification in the official Gazette:
- (a) extend to the whole or any part of the Exclusive Economic Zone any law for the time being in force in Pakistan or any part thereof subject to such modifications as may be specified in the notification; and

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- (b) make such provisions as it may consider necessary for facilitating the enforcement of such law, and any law so extended shall have effect as if the Exclusive Economic Zone or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) The provisions of sub-section (6) of section 5 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the Exclusive Economic Zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the Continental Shelf.

(7) In the Exclusive Economic Zone and the air space over the Zone, ships and aircraft of all States shall, subject to the exercise by Pakistan of its rights within the Zone, enjoy freedom of navigation and overflight.

Article 7. - Historic waters. - (1) The Federal Government may, by notification in the official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of Pakistan.

(2) The sovereignty of Pakistan extends, and has always extended, to the historic waters of Pakistan and to the seabed and subsoil underlying, and the air space over, such waters.

Article 8. - Maritime boundaries between Pakistan and States having coasts opposite or adjacent to those of Pakistan. - (1) Notwithstanding anything contained in any other provision of this Act:

- (a) the delimitation of the territorial Waters between Pakistan and any other state whose coast is opposite or adjacent to that of Pakistan shall be determined by agreement between Pakistan and such state and pending such agreement and unless any other provisional arrangements are agreed to between them, the boundary with regard to the territorial waters between Pakistan and such state shall not extend beyond the line every point of which is equidistant from the baseline from which the breadth of the territorial waters of Pakistan and of such state is measured; and
- (b) the delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones between Pakistan and any other state whose coast is opposite or adjacent to that of Pakistan shall be effected by agreement in accordance with equitable principles and taking account of all the relevant circumstances, and pending such agreement or a settlement Pakistan and such state shall make provisional arrangements taking into account the said principles for delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones.

(2) Every agreement referred to in clauses (a) and (b) of sub-section (1) shall, as soon as may be after it is entered into, be published in the official Gazette.

Article 9. - Publication of charts. - The Federal Government may cause the baseline referred to in sub-section (3) of section 2, the limits of the Territorial Waters, the contiguous Zone, the Continental Shelf and the Exclusive Economic Zone and the maritime boundaries as settled by agreements referred to in section 8 to be published in charts.

Article 10. - Offences. - Whoever contravenes any provision of this Act or of any rule or notification made or issued thereunder shall, without prejudice to any other action which may be taken against such person under any other provision of this or of any other law, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Article 11. - Offences by companies. - (1) Where an offence punishable under section 10 has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company or, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under section 10 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section:

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

Article 12. - Place of trial. - Any person committing an offence punishable under section 10 or under any of the laws extended under this Act may be tried for the offence in such place or places as the Federal Government may, by general or special order published in the official Gazette, direct in this behalf.

Article 13. - Previous sanction of the Federal Government for prosecution. - No prosecution shall be instituted against any person in respect of any offence punishable under section 10 or under any of the laws extended under this Act without the previous sanction of the Federal Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

Article 14. - Power to make rules. - (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) regulation of the conduct of any person in the Territorial Waters, Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone or any other maritime zone of Pakistan;
- (b) regulation of the exploration, development, exploitation, conservation and management of the resources of the Continental Shelf;
- (c) regulation of the exploration, development, exploitation, conservation and management of the resources of the Exclusive Economic Zone;
- (d) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices referred to in section 5 and section 6;
- (e) preservation and protection of the marine environment and prevention and control of marine pollution;
- (f) authorisation, regulation and control of the conduct of scientific research;
- (g) fees in relation to licences and letters of authority referred to in sub-section (3) of section 5 and sub-section (3) of section 6 or for any other purpose; or
- (h) any matter incidental to any of the matters specified in clauses (a) to (g).

2. BASIC FISHERIES LEGISLATION

- (a) Exclusive Fishery Zone (Regulation of Fishing) Act, 1975.

PART I

Article 1. - Short title, extent, application and commencement. - (1) This Act may be called the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975.

- (2) It extends to the whole of Pakistan and to waters within the exclusive fishery zone of Pakistan beyond the territorial waters, hereinafter referred to as the Zone.
- (3) It applies to all fishing crafts within the Zone and to all persons on board such fishing craft.
- (4) It shall come into force at once.

Article 2. - Definitions. - In this Act, unless there is anything repugnant in the subject or context:

- (a) "Fish" includes molluscs, crustaceans, kelp and other marine animals;
- (b) "Fishery Officer" means any person who is authorised by the Federal Government, by notification in the official Gazette, to exercise or perform any of the powers or functions of Fishery Officer under this Act;
- (c) "Fishing" means taking or catching of fish within the Zone by any means;
- (d) "Fishing craft" includes every vessel of whatever description and size and in whatever way propelled or moved which is used in fishing or the transport or processing thereof;
- (e) "Fishing gear" includes all appliances used for fishing;
- (f) "Licencing authority" means any person authorised by the Federal Government, by notification in the official Gazette, to issue licences under this Act;
- (g) "Prescribed" means prescribed by rules; and
- (h) "Rules" means rules made under this Act.

Article 3. - Fishing without licence prohibited. - No person shall, for the purpose of fishing, operate a fishing craft or use any kind of fishing gear within the Zone except under the authority of a licence granted by the licencing authority nor otherwise than in accordance with the terms and conditions of such licence.

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Article 4. - Fishing craft subject to navigational [regulations]. - (1) Every fishing craft shall be subject to any law relating to navigation for the time being in force.

(2) The location of nets and traps set by a fishing craft shall be prominently displayed by such means as may be prescribed.

(3) Every fishing gear shall be clear of the navigation channel and specified routes of commercial vessels.

Article 5. - Dynamiting and poisoning prohibited. - No person shall use dynamite or any other explosive substance or poison, lime or noxious material for fishing or destroying fish in the Zone.

Article 6. - Closed season and prohibited area. - Notwithstanding anything contained in this Act, the Federal Government may, by notification in the official Gazette, declare any period to be period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the Zone.

Article 7. - Power to search. - Any Fishery Officer may search any fishing craft or landing ground in or on which he has reason to believe to be concealed any fish caught or taken, or anything used, in contravention of any provision of this Act or the rules.

Article 8. - Seizure and disposal. - (1) If any fishery Officer has reason to believe that any fish has been caught or taken in contravention of any provision of this Act or the rules, or that any fishing craft and fishing gear has been used for such fishing, he may arrest without warrant the owner or the person in charge of the vessel and seize such fish.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of the nearest police-station; and thereupon the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate or an officer in charge of a police-station shall apply to him.

(3) Any fish seized under sub-section (1) shall be disposed of in accordance with the decision of the court before which the owner or person in charge of the fishing craft is prosecuted under sub-section (2):

Provided that, if the fish seized is such as is likely to perish unless preserved or processed without delay, it may be sold or otherwise disposed of and, if it is sold, its value shall be treated as seized property for the purpose of this sub-section.

Article 9. - Penalty. - (1) Whoever contravenes any provision of this Act or the rules shall be punishable with fine which may extend to five thousand rupees.

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(2) Any court convicting any person under sub-section (1) may order that any fish caught or taken in contravention of the provisions of this Act or the rules, shall be forfeited to the Federal Government.

(3) Where the person contravening any provision of this Act or the rules is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(4) Whoever attempts to contravene, or abets the contravention of, any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules.

Article 10. - False statement. - Whoever, upon being so required by a police officer not below the rank of Sub-Inspector or a Fishery Officer, makes any statement or furnishes any information which is false in any material particulars and which he knows or has reason to believe to be false, or does not believe to be true, or makes any such statement as aforesaid in any book, account, record, declaration, or any document which he is required to maintain, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

Article 11. - Burden of proof. - Where any person is prosecuted for doing any act or being in possession of anything without lawful authority or licence, the burden of proving that he has such authority or licence shall lie on that person.

Article 12. - Liability of the owner, etc. - The owner or the person in charge of any fishing craft carrying anything in contravention of any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules, as the case may be, if:

- (i) such carriage is part of the transaction involving the contravention; and
- (ii) if the owner or person in charge have or had reason to believe that a contravention was being committed;

and shall be punishable under section 9.

Article 13. - Indemnity. - No suit or other legal proceeding shall lie against the Federal Government or any Fishery Officer for anything in good faith done or intended to be done under this Act or any rule.

Article 14. - Delegation of powers. - The Federal Government may, by notification in the official Gazette, delegate all or any of its powers under this Act or the rules to any officer.

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Article 15. - Jurisdiction of courts. - For the purpose of giving jurisdiction to courts under this Act, a fishing craft shall be deemed to be a ship within the meaning of any enactment for the time being in force relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign fishing craft within the Zone and persons belonging to such fishing craft as such court would have if such fishing craft were a Pakistan fishing craft.

Article 16. - Power to make rules. - (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the sizes of meshes and the sizes and types of nets;
- (b) the size and the quantity of fish which may be caught by any fishing gear or processed at any time;
- (c) the terms and conditions to which licences for fishing shall be subject;
- (d) the registration of fishing craft and fishing gear;
- (e) the regulation of operations of fishing craft;
- (f) registration fee, licence fee and royalties on catches, and other dues of the Federal Government;
- (g) specification of the area for landing of fish taken or caught in the Zone; and
- (h) regulation of landing and inspection of fish taken or caught in the Zone.

(b) West Pakistan Fisheries Ordinance, 1961.

Article 1. - (1) This Ordinance may be called the West Pakistan Fisheries Ordinance, 1961.

(2) It extends to the whole of the Province of West Pakistan, except the Special Areas.

Article 2. - In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) "Director of Fisheries" means the Director of Fisheries, West Pakistan, and includes any person appointed by Government to discharge the functions of the Director of Fisheries under this Ordinance;
- (b) "Fish" includes shell fish;
- (c) "fixed engine" means any net, cage, trap, or other contrivance for taking fish, fixed in the soil or made stationary in any other way;
- (d) "Government" means the Government of West Pakistan;
- (e) "Licence", "permit", "special licence" and "special permit" mean, respectively, a licence, permit, special licence and special permit, issued under this Ordinance or any rule made thereunder;
- (f) "Prescribed" means prescribed by rules made under this Ordinance;
- (g) "Private water" means water which is the exclusive property of any person, or in which any person has for the time being an exclusive right of fishery, whether as owner, lessee or in any other capacity;

Explanation - Water shall not cease to be "private water" within the meaning of this definition by reasons only that other persons may have by custom a right of fishery therein;

(h) "Water" includes the sea within a distance of one marine league of the sea coast.

Article 3. - (1) Government may, by notification, appoint such persons as it thinks fit to be Inspectors of Fisheries for the purposes of this Ordinance within such local limits as may be specified.

(2) Inspectors of Fisheries shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

PAK 14

Article 4. - (1) The Director of Fisheries, or such other officer as he may empower in this behalf by general or special order in writing, may, for a period not exceeding three years, lease out, on such conditions as may be prescribed, the right to catch fish in any water other than private water.

(2) Any amount due to Government under the provisions of sub-section (1), and remaining unpaid one month after it has become so due, may be recovered as arrears of land-revenue.

Article 5. - (1) The person in whose favour a lease under section 4 is granted, may issue permits in such form, subject to such conditions and on payment of such fees, as may be prescribed, for the taking of fish in the water the right to fish wherein has been leased to him.

(2) A permit issued under sub-section (1) shall cease to be valid upon the termination or cancellation of the lease in favour of the person issuing the permit.

Article 6. - No person shall use any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein.

Article 7. - No person shall put any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish that may be therein.

Article 8. - No person shall kill, capture, or possess any species of fish specified in the second column of the First Schedule, of a size less than that specified in the third column of the said Schedule against such species.

Article 9. - (1) No person shall use or employ for the capture of any species of fish specified in the First Schedule, in any water other than private water, any net, cage, trap or other contrivance for taking fish, or fixed engine, except during the period permitted in respect of such species under the fourth column of the said Schedule and under a licence or permit issued under this Ordinance.

(2) Licences under sub-section (1) shall be issued by such authorities, on payment of such fees and on such conditions as may be prescribed.

Article 10. - Every person in possession of any fishing licence or permit shall produce his licence or permit, as the case may be, on a demand made by the Inspector of Fisheries or any other person authorised in this behalf by the Director of Fisheries.

Article 11. - (1) Notwithstanding anything contained in this Ordinance, Government may, by notification, declare any water to be a sanctuary for fish mentioned in the First Schedule for a period which may be specified, and during such period no person shall kill, capture or possess such fish without a special permit issued under this Ordinance by the Director of Fisheries.

(2) The water in respect of which a notification under this section is made shall be demarcated in such manner as may be prescribed.

PAK 15

Article 12. - Every Lambardar, Village Watchman, Canal Patwari, P. W. D. Darogha, Zilladar, Revenue Patwari, Tapedar, Supervising Tapedar and Qanungo shall be bound in the absence of reasonable excuse to give to an Inspector of Fisheries or any other person authorised in this behalf by the Director of Fisheries, information in respect of any unauthorised netting, killing or other offence under this Ordinance committed within the limits of his village or circle, as the case may be, as soon as the commission of such offence comes to his knowledge.

Article 13. - If a Magistrate has reasons to believe that an offence under this Ordinance has been, is being, or is likely to be committed, he may issue a warrant for the search of any place in which any fish net, trap, cage or other contrivance for taking fish, or fixed engine is kept or concealed.

Article 14. - An Inspector of Fisheries may, without a warrant from a Magistrate, search any person, vessel, rack, vehicle, ship, boat, raft, package, receptacle or covering so as to satisfy himself as to whether or not an offence under this Ordinance has been committed.

Article 15. - (1) An Inspector of Fisheries may without a warrant arrest any person committing in his view any offence under section 6, 7, 8, 9 or 11:

- (a) if the name and address of such person are unknown to him; and
- (b) if such person declines to give his name and address, or there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained;

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate.

Article 16. - An Inspector of Fisheries, or any person authorised in this behalf by the Director of Fisheries, may take possession of any net, trap, cage or other contrivance for taking fish, or fixed engine used or suspected to have been used in the commission of an offence under this Ordinance.

Article 17. - Whoever:

- (a) contravenes the provisions of section 6, 7 or 11 shall be punished with imprisonment of either description which may extend to three months or with fine which may extend to five hundred rupees or with both;
- (b) contravenes the provisions of section 8, 9, 10 or 12 shall be punished with fine which may extend to one hundred rupees.

Article 18. - Every police officer shall upon request made by a person employed under this Ordinance assist him in the due discharge of his duties under this Ordinance.

Article 19. - No Court shall take cognizance of any offence under this Ordinance except on the complaint in writing of an inspector of Fisheries.

Article 20. - The Court may order the confiscation of any net, trap, cage or other contrivance for taking fish, or fixed engine employed in the commission of an offence under this Ordinance.

Article 21. - If an offence in respect of this Ordinance is committed within a distance of one marine league of the sea coast then such offence may be tried, punished and in all respects dealt with as if it had been committed on the land abutting such coast.

Article 22. - No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provisions of this Ordinance or the rules made thereunder.

Article 23. - Government may, by notification:

- (i) add to or exclude from the First Schedule any species of fish subject to such conditions as it may impose in each case;
- (ii) alter the period during which any fish specified in the First Schedule may be killed or captured.

Article 24. - (1) Government may, by notification, empower an Inspector of Fisheries:

- (a) to accept from any person concerning whom evidence exists which if unrebutted would prove that he has committed any offence as described in the first column of the Second Schedule a sum of money by way of composition for the offence with regard to which such evidence exists, and on the payment of such sum to such officer such person if in custody shall be discharged and no further proceedings shall be taken against him;
- (b) when any property has been seized as liable to confiscation, to release the same without further payment, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money which may be accepted by way of composition under clause (a) of sub-section (1) for any offence shall in no case exceed the amount mentioned against such offence in the second column of the Second Schedule.

PAK 17

Article 25. - Government may, by notification, delegate all or any of the powers conferred upon it under the provisions of this Ordinance to any officer subordinate to it.

Article 26. - (1) Government may make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe:

- (a) the form in which, and the terms and conditions on which, a licence or a permit or a special licence or a special permit may be granted;
- (b) the authority by which licences under this Ordinance may be granted;
- (c) the fees to be charged for any licence or permit or special licence or special permit;
- (d) the conditions subject to which the Director of Fisheries may lease the right to catch fish under this Ordinance;
- (e) in the case of any species of fish, the number and sex that may be killed under a licence;
- (f) the rewards to persons who render help in detection of offences under this Ordinance;
- (g) the utilization of receipts recovered under this Ordinance;
- (h) prohibit or regulate all or any of the following matters -
 - (i) the erection and use of fixed engines;
 - (ii) the construction of weirs; and
 - (iii) the dimension and kind of nets, cages, traps or other contrivances for taking fish to be used and the modes of using them.

(3) Such rules may provide that a breach thereof shall be punished with a fine not exceeding fifty rupees.

Article 27. - (1) The following enactments are hereby repealed:

- (a) The Punjab Fisheries Act, 1914; and
- (b) The Bahawalpur State Fisheries Act, 1951.

PAK 18

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1), everything done and all action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, rule made and licence or order issued under any of the said enactments shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made or issued under this Ordinance.

FIRST SCHEDULE

[(Section 8)]

[Species of fish and prohibitions]

Serial N ^o	Species of fish		Size		Period during which taking of the fish by any net, cage, trap or fixed engine is prohibited.
1	2		3		4
			Inches		
1	Trout	..	9	..	10th October to 9th March
2	Mahashair	..	12	..	1st June to 31st August
3	Rahu	..	12	..	1st June to 31st August
4	Mori	..	12	..	1st June to 31st August
5	Thaila	..	12	..	1st June to 31st August

SECOND SCHEDULE

(SECTION 24)

Maximum amount acceptable by way of composition
for certain offences

Serial N°	Description of offences	Maximum amount which may be accepted as composition
1	Fishing with a net having a smaller mesh than the prescribed mesh.	Twenty-five rupees.
2	Fishing without a licence.	Twenty-five rupees.
3	Killing fish of a size less than the prescribed size.	Twenty-five rupees.
4	Fishing with any gear or method other than that permitted under the rules.	Twenty-five rupees.
5	Using at any one time more than two of either or any of the gears permitted under the rules.	Twenty-five rupees.
6	Licence-holder employing or engaging non- licensees to help him with his nets while fishing.	Twenty-five rupees.
7	Offering or exposing for sale or barter any fish in contravention of the provisions of this Ordinance.	Twenty-five rupees.

3. REGULATIONS

- (a) Exclusive Fishery Zone (Regulation of Fishing) Rules, 1976

Article 1. - Short title and commencement. - (1) These rules may be called the Exclusive Fishery Zone (Regulation of Fishing) Rules, 1976.

- (2) They shall come into force at once.

Article 2. - Definitions. - In these rules, unless there is anything repugnant in the subject or context:

- (a) "Act" means the exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXXII of 1973);
- (b) "Fishing permit" means a fishing permit granted under these rules;
- (c) "form" means form appended to these rules;
- (d) "identity card" means an identity card granted under these rules;
- (e) "licence" means a licence granted under these rules; and
- (f) "Schedule" means Schedule to these rules.

Article 3. - Terms of licence. - (1) Any person operating or intending to operate a fishing craft in the Zone shall make an application in form "A" to the licensing authority.

(2) The licensing authority may, after satisfying itself that the applicant is a fit person to operate fishing craft, issue a licence in form "B" on payment of fee specified in the Schedule.

Article 4. - Registration of fishing craft and fishing gear. - (1) No person shall operate any fishing craft unless:

- (a) it has been registered; and
- (b) it bears its registration number and the name of the owner in bold and legible numerals and letters.

(2) No fishing gear shall be used in any fishing craft unless it has been registered.

(3) The owner of every fishing craft shall get his fishing craft and fishing gear registered in such manner as may be specified by the licensing authority.

Article 5. - Licensing of personnel. - (1) Every fishing craft shall carry and be operated by:

- (a) a Tindal possessing a valid fishing permit; and
- (b) members of crew each possessing a valid identity card.

PAK 21

(2) Any person desiring to work as Tindal of a fishing craft may apply on form "C" for fishing permit to the licensing authority and he may, if he deems fit, issue the said permit in form "D" on payment of the fee specified in the Schedule.

(3) Any person desiring to work as a member of crew of a fishing craft may apply on form "E" for identity card to the licensing authority and he may, if he deems fit, issue the said card in form "F" on payment of the fee specified in the Schedule".

Article 6. - Validity of licence, fishing permit and identity card. - The licence, fishing permit, or identity card shall be valid for the calendar year or any part thereof during which it is issued.

Article 7. - Cancellation of licence, etc. - (1) Where any person is convicted of a contravention of or failure to comply with the provisions of the Act or these rules in respect of any fishing craft, the licensing authority may cancel or suspend the registration, licence, fishing permit or identity card relating to that fishing craft.

(2) where any person contravenes any condition of the licence, fishing permit or identity card the licensing authority may, without prejudice to any action that may be taken under section 9 of the Act and after affording him an opportunity for showing cause, cancel his licence, fishing permit or identity card, as the case may be, or suspend its operation for a specified period.

Article 8. - Renewal of licence, etc. - (1) A Licence, fishing permit or identity card may be renewed if the holder thereof makes an application in the appropriate form before the expiration of its period and deposits the fee specified therefor in the Schedule:

Provided that the licensing authority may, for reasons to be recorded, withhold its renewal or renew it for a specified period.

(2) If the holder of a licence, fishing permit, or identity card fails to apply for the renewal thereof within the time specified in sub-rule (1), he may apply for its renewal at any time during the next calendar year and if the licensing authority is satisfied that the failure to apply for renewal within the specified time was not without reasonable cause, it may renew the same on receipt of the renewal fee plus an additional fee not exceeding double the amount of renewal fee.

Article 9. - Issue of duplicate copy of licence, etc. - The licensing authority may issue a duplicate copy of a licence, fishing permit or identity card, as the case may be, on receipt of an application alongwith an affidavit and payment of a fee of five rupees, in case the original is lost, damaged or defaced.

Article 10. - Licence, etc., not transferable. - (1) Licences, fishing permits and identity cards are not transferable.

PAK 22

(2) In case the owner of a fishing craft who is a licensee sells his fishing craft, the new owner shall apply for a fresh licence in the manner prescribed in these rules and shall surrender the previous licence.

Article 11. - Production of licence, etc., for inspection. - The holder of a licence, fishing permit and identity card shall, on demand made by the licensing authority or Fishing Officer or any other officer authorised in this behalf by either of them, produce the licence, fishing permit or identity card for inspection.

Article 12. - Supply of data, etc. - (1) Every licensee shall furnish to the licensing authority or the Fishery Officer, by the first week of each month, information in form "G" regarding the activities of fishing craft during the previous month.

(2) Every holder of a fishing permit or identity card shall furnish such information or data as may be required by the licensing authority or Fishery Officer.

Article 13. - Protection of nets, etc. - No owner of a fishing craft or any person engaged in fishing or otherwise shall wilfully damage any fishing craft or fishing gear set and operated by any other person or cause disruption in fishing.

Article 14. - Catching of berried lobsters prohibited. - No holder of a licence, fishing permit or identity card shall engage himself in catching female lobsters loaded with eggs (berried lobsters) and lobsters of fifteen centimetres or under and if caught, such lobsters shall be immediately released back into the sea alive and shall not be landed or marketed.

Explanation: For the purpose of this rule, the length of the lobsters shall be measured from the middle of curve between orbital spines to the tip of telson.

Article 15. - De-heading and preservation of shrimps, etc. - (1) Any holder of a license, fishing permit or identity card who catches shrimps or prawns which are awaiting transportation for short or long distance for marketing or processing shall immediately after their capture dehead, wash and ice the shrimps or prawns on board the fishing craft.

(2) From such date as the Federal Government may, by notification in the official Gazette, specify in this behalf, the shrimps and prawns, after deheading, as well as fish shall be preserved hygienically in insulated fish-holds on fishing craft with 2:1 ratio of ice and shrimps, prawns or fish.

Article 16. - Area for landing of fish. - All fish taken or caught in the Zone shall, unless specifically permitted otherwise by the Federal Government, be landed at ports having customs check post.

PAK 23

SCHEDULE

PART A

Rate of fees for issue and renewal of licence, fishing permit and identity card

1. FISHING CRAFT:
 - (a) Mechanized Fishing Craft that is, Trawler, Gill Netter Launch, Trawler-cum-Gill Netter or Fish Carrier Rs. 100/- per annum or a part thereof
 - (b) Sail Fishing Boat or Carrier Rs. 50/- per annum or a part thereof
2. FISHING PERMIT:
 - (a) For a Tindal or a member of crew of Mechanized Fishing Craft Rs. 50/- per annum or a part thereof
 - (b) For a Tindal or a member of crew of non-mechanized Fishing Craft Rs. 10/- per annum or a part thereof
3. IDENTITY CARD: Rs. 5/- per Card.

PART B

Rates of fees for registration of Fishing Craft and Fishing Gear

1. FISHING CRAFT:
 - (a) Mechanized Fishing Craft Rs. 50.00
 - (b) Non-mechanized Fishing Craft Rs. 20.00
2. FISHING GEAR:
 - (a) Mechanized Fishing Craft Rs. 10.00 each
 - (b) Non-mechanized Fishing Craft Rs. 20.00 each
 - (c) Other appliances Rs. 20.00 each

PAK 24

FORM "A"

Government of Pakistan
Marine Fisheries Department

Application form for obtaining a licence to operate
a fishing craft in the Exclusive Fishery Zone of Pakistan

[See rule 3(1)]

1. Full name of owner of fishing craft: _____
2. Father's name: _____
3. Full address of the applicant: _____
4. Name of base station: _____
5. Branded No. and name of fishing craft: _____
6. Mercantile Marine Department Registration (Role No.): _____
7. Date and place of issue: _____
8. Type of fishing craft:
 - (a) Mechanized boat
(Mention whether Trawler, Gill Net Launch, Trawler-cum-Gill Net Launch, Fish Carrier or any other)
 - (b) Sail boat
(Mention whether Tonny, Hora, Bedi, Ekdar, Rachin or any other).
9. Fishing gear to be used and their quantity
(Mention Trawl Net, Gill Net, Seine, Longline, Handline, or any other type).
10. Total crew strength
(Give details of these qualified or certificated).

11. Fishing Craft:

Overall length	Length (Keel)	Breadth	Depth
Tonnage	Type of fish hold	Capacity	Engine-make
Engine BHP	Engine RPM	Engine Room space	Engine cost
Fuel capacity	Fresh water capacity	Total cost of fishing craft. Cost of fishing gear	

PAK 25

I. I hereby solemnly affirm that the information given above is correct to the best of my knowledge and belief.

II. I undertake;

- (a) to abide by the provisions of Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, and the rules made thereunder;
- (b) to abide by all the instructions of local and naval authorities regarding safety precautions to be taken on voyage or while engaged in fishing;
- (c) not to carry any undesirable person on board;
- (d) not to cause any undesirable activity on board the fishing craft;
- (e) not to carry any unlicensed arms or ammunition on board the fishing craft;
- (f) to take full responsibility of all the crew on board who shall also possess valid fishing permit and identity card.

Station Signature or NTI of owner of fishing craft.

State National Identity Card No.

Date

Note: Licence fee for a mechanized fishing craft is Rs. 100/- and for non-mechanized sail boat is Rs. 50/-.

PAK 26

FORM "B"

Government of Pakistan
Marine Fisheries Department

LICENCE FOR OPERATION OF A FISHING CRAFT

[see rule 3(2)]

1. Full name of licensee: _____
2. Father's name: _____
3. Full address of licensee: _____
4. Name of base station: _____
5. Branded and painted number of fishing craft: _____
6. Mercantile Marine Department Registration (Role No.), date: _____
7. Registration number of fishing craft allotted by Marine Fisheries Department. _____
8. Licence No. _____ Date of issue: _____
9. Validity of the licence: _____
10. Fishing craft : Mechanized: _____ Type Overall length BHP _____
 : Sail boat: _____ Type Tonnage _____
11. Type and quantity of gear to be used. _____

Licence is hereby granted to the aforesaid licensee for operating fishing craft in the Exclusive Fishery Zone of Pakistan subject to the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, and the rules made thereunder.

Station: _____ Licensing Authority
Marine Fisheries Dept.
Date: _____ Government of Pakistan

Conditions of Licence

1. The fee for a licence is Rs. 100/- for a mechanized fishing craft and Rs. 50/- for a non-mechanised sail boat.
2. The licence is not transferable and is valid only for the fishing craft for which it has been issued.
3. The licence shall be carried on board and produced on demand by any licensing authority or Fishery Officer.

PAK 27

4. The licence is valid for one calendar year for which it is issued, irrespective of the date of issue. If the licensing authority is satisfied that failure to apply for renewal within the specified time as not without reasonable cause, it may renew the same on receipt of the renewal fee plus an additional fee not exceeding double the amount of renewal fee.
5. The person in charge of the boat and crew (i.e. Tindal) and its crew members shall possess valid fishing permit and identity card, as provided under the rules.
6. The licensee shall:
 - (i) not engage in catching berried lobsters or lobsters of 15 cm. in length or less;
 - (ii) not engage in catching, landing and marketing of fresh shrimp and prawns during months of June and July each year;
 - (iii) dehead, wash and properly ice shrimps immediately after their capture on board the fishing craft;
 - (iv) preserve shrimps and prawns after deheading as well as fish in insulated fish hold.
7. The licensee shall abide by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, and the rules made thereunder.
8. The licensee shall be responsible for all the crew members on board, and that no undesirable activity is committed on board and further that no unlicensed arms and ammunitions are carried on board.
9. The licensee shall abide by all the instructions of the local and naval authorities regarding safety precautions to be taken on voyage or while engaged in fishing.

FORM "C"

Application form for issue of a fishing permit

[See rule 5(2)]

This application form shall be accompanied by 3 photos of the applicant who requires a fishing permit

1. Full name of applicant: _____
2. Father's name: _____
3. Full address of the applicant: _____
4. Base station: _____
5. Fishing craft's branded No. and name on which the applicant desires to work: _____
6. Mercantile Marine Department Registration (Role No.): _____
Date and place of issue: _____
7. Registration No. of fishing craft allotted by the Marine Fisheries Department: _____
8. Type of fishing craft:
 - (a) Mechanized boat
(Mention whether Trawler, Gill Net Launch, Trawler-cum-Gill-Netter Launch, Fish Carrier or any other)
 - (b) Sail boat
(Mention whether Tonny, Hora, Bedi, Ekdar, Rachin or any other).
9. Fishing gear to be used and their quantity
(Mention Trawl Net, Gill Net, Seine, Longline, Handline, or other type).
10. Total crew strength
(Give details of those qualified or certificated).
11. Fishing Craft:

Overall length	Length (Keel)	Breadth
Depth	Tonnage	Type of fish hold
Engine BHP	Capacity of fish hold	Engine make
Fuel capacity		

PAK 29

I. I hereby solemnly affirm that the information given above is correct to the best of my knowledge and belief.

II. I undertake:

- (a) to abide by the provisions of Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, and the rules made thereunder;
- (b) to abide by all the instructions of local and naval authorities regarding safety precautions to be taken on voyage or while engaged in fishing;
- (c) not to carry any undesirable person on board;
- (d) not to cause any undesirable activity on board the fishing craft;
- (e) not to carry any unlicensed arms or ammunition on board the fishing craft;
- (f) to take full responsibility of all the crew on board who shall also possess valid fishing permit and identity cards.

Date

Signature of applicant

National Identity Card No.

Date of issue:

Signature or LTI of Tindal

National Identity Card No.

Place:

Date:

Fee for a fishing permit is Rs. 50/- for mechanized fishing craft and Rs. 10/-for non-mechanized fishing craft.

PAK 30

FORM "D"

PHOTO OF TINDAL

FISHING PERMIT

[See rule 5(2)]

1. Full name of fishing permit holder (Tindal): _____
2. Father's name: _____
3. Full address of fishing permit holder: _____
4. Base station: _____
5. Branded No. and painted No. of fishing craft
for which fishing permit is issued: _____
6. Registration number of fishing craft allotted by Marine Fisheries
Department: _____
8. Fishing permit No. _____ Date of issue: _____
Place of issue: _____
9. Validity of fishing permit: _____

Fishing permit is hereby granted to the aforesaid Tindal for fishing in the Exclusive Fishery Zone of Pakistan subject to the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, and the rules made thereunder.

Conditions of Fishing Permit

1. The fee for a fishing permit is Rs. 50/- for a mechanized fishing craft and Rs. 10/- for a non-mechanised boat.
2. The fishing permit is not transferable and is admissible for the fishing craft for which it has been issued.
3. The fishing permit shall be carried on board and produced on demand by any licensing authority or Fishery Officer.
4. The fishing permit will remain valid for one calender year for which it is issued. If the licensing authority is satisfied that failure to apply for renewal within the specified time as not without reasonable cause, it may renew the same on receipt of the renewal fee plus an additional fee not exceeding double the amount of renewal fee.
5. The holder of fishing permit shall not take any crew on board who does not possess valid identity card issued under the rules.

PAK 31

6. The holder of fishing permit shall:
- (i) not engage in catching berried lobsters or lobsters of 15 cm. in length or less;
 - (ii) not engage in catching, landing and marketing of fresh shrimps and prawns during months of June and July each year;
 - (iii) dehead, wash and properly ice shrimps immediately after their capture on board the fishing craft;
 - (iv) preserve shrimps and prawns after deheading as well as fish in insulated fish hold.
7. The holder of fishing permit shall be responsible for all the crew members on board, and shall not carry any undesirable person on board and that no undesirable activity is committed on board and further that no unlicensed arms and ammunicions are carried on board.
8. The holder of fishing permit shall abide by the all instruction of the local and naval authorities regarding safety precautions to be taken on voyage or while engaged in fishing.
9. The holder of fishing permit shall abide by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, and the rules made thereunder.

Licensing Authority

PAK 32

FORM "E"

AFFIX
PASSPORT SIZE
PHOTO

Application form for issue of identity card

[See rule 5(3)]

1. Full name of applicant: _____
2. Father's name: _____
3. Full address of the applicant: _____
4. Base station: _____
5. Name and branded No. of vessel on which the applicant desires to work: _____
6. Mercantile Marine Department Registration (Role No.): _____
Date and place of issue: _____
7. Registration No. of fishing craft allotted by the Marine Fisheries Department: _____
8. Full name and address of Tindal of the fishing craft: _____

I. I hereby solemnly affirm that the information given above is correct to the best of my knowledge and belief.

II. I undertake to abide by the provisions of Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 and the rules made thereunder.

Signature

Conditions for Identity Card

1. The fee for identity card is rupees five only.
2. The identity card is not transferable and shall be kept by the person in whose favour it is issued.
3. The identity card shall be produced on demand by the licensing authority or Fishery Officer.
4. The identity card will remain valid for the calendar year in which it is issued. If the licensing authority is satisfied that failure to apply for renewal within the specified time as not without reasonable cause, it may renew the same on receipt of the renewal fee plus an additional fee not exceeding double the amount of renewal fee.

5. The identity card is to be issued for the purpose of fishing only and not for any other purposes.

6. The card holder shall:

- (i) not engage in catching berried lobsters or lobsters of 15 cm. in length or less;
- (ii) not engage in catching, landing and marketing of fresh shrimps and prawns during months of June and July each year;
- (iii) dehead, wash and properly ice shrimps immediately after their capture on board the fishing craft;
- (iv) preserve shrimps and prawns after deheading as well as fish in insulated fish hold.

Date:

Signature/NTI of applicant

I undertake full responsibility of the above crew for working on my fishing craft and will inform authorities of any change in writing.

Three photos of applicant are enclosed.

Signature of Owner of Fishing Craft

PAK 34

Government of Pakistan
Marine Fisheries Department

FORM OF IDENTITY CARD

[See rule 5(3)]

Serial No.: _____ Date of issue: _____
Full name of crew: _____ Father's name: _____
Visible identification marks: _____
Branded No. of the vessel: _____ Name of vessel: _____
Mercantile Marine Department
(Registration Role No.) _____
Validity of identity card: _____
Date of issue: _____
Full name, address of owner/owners
of fishing craft: _____

P H O T O

Signature/LTI of applicant

Signature/LTI of Tindal

Address:

Signature/LTI of owner

Licensing Authority
Marine Fisheries Department

FORM "G"

Government of Pakistan
Marine Fisheries Department

STATEMENT OF LICENSEE FOR EACH FISHING TRIP

[See rule 12(1)]

1. Name of licensee: _____
2. Father's name: _____
3. Full address of licensee: _____
4. A.F.D. Registration No. of Fishing Craft: _____
5. Licence No. and date of issue: _____
6. Mercantile Marine Department Branded No. and Name: _____

Catch and effort statement for the month of _____ 19 .

Trip No.:

Date and time of departure:

Date and time of arrival:

Gear used: Gill net, trawler net, other:

Area Fished:

Duration in hours:

Local Name of fish/shrimps caught:

Total in Kgs.:

I solemnly affirm that the information given above is correct to the best of my knowledge and belief.

Station:

Signature of Licensee

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PAK 36

Government of Pakistan
Ministry of Agriculture, Co-operatives
and Land Reforms, (Livestock Div.)

Islamabad, dated the

NOTIFICATION

No. _____ . In exercise of the powers conferred by section 6 of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXXII of 1975), the Federal Government is pleased to declare the period commencing on the 1st June and ending on the 31st July to be the period during which, and the entire are of the Zone within which, catching of shrimps shall be prohibited.

S.O. (Fish)

To:

The
Printing
Islamabad

Corporation

of

Manager
Pakistan

PAK 37

Government of Pakistan
Ministry of Agriculture
Co-operatives and Land Reforms
(Livestock Division)

Islamabad, dated the

NOTIFICATION

S.R.O. _____. In pursuance of clause (b) of section 2 of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXXII of 1975), the Federal Government is pleased to authorize the Director, Marine Fisheries Department, Government of Pakistan, and all officers of the said Department in Grade-16 and above of the National Pay Scales, to exercise and perform all the powers and functions of Fishery Officer under the said Act.

S.O. (Fish)

To:

The
Printing
Islamabad

Corporation

of

Manager
Pakistan

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PAK 38

Government of Pakistan
Ministry of Agriculture
Co-operatives and Land Reforms
(Livestock Division)

Islamabad, dated the

NOTIFICATION

S.R.O. _____ . In pursuance of clause (f) of section 2 of the Exclusive Fishery Zone (Regulation of Fishing) Act,, 1975 (XXXII of 1975), the Federal Government is pleased to authorize every Inspector, Assistant Inspector, Research Assistant and officers in Grade-16 and above of the National Pay Scales, of the Marine Fisheries Department, Government of Pakistan, to issue licences under the said Act.

S.O. (Fish)

To:

The
Printing
Islamabad

Corporation

of

Manager
Pakistan

/ QATAR /

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* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Proclamation of 8 June 1949.

Whereas it is desirable to encourage all efforts which will bring about the greater utilisation of the world's natural resources:

Whereas valuable resources may underlie parts of the Persian Gulf off the coasts of Qatar and it is becoming increasingly practicable to utilise such submerged resources.

Whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly controlled.

Whereas it is just that the seabed and subsoil extending to reasonable distance from the coast should belong to and be controlled by the Litteral state to which it is adjacent.

Whereas the right of a littoral state to exercise its authority over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states:

Now, therefore, we Abdullah bin Qasim al Thani, Ruler of Qatar, in pursuance of the powers vested in us in that behalf, are pleased to proclaim and hereby proclaim as follows:

We, Abdullah bin Qasim al Thani, Ruler of Qatar, hereby proclaim that the seabed and subsoil lying beneath the high seas of the Persian Gulf contiguous to the territorial waters of Qatar and extending seaward to boundaries to be determined more precisely as the occasion arises, on equitable principles, by the Ruler of Qatar in consultation with the neighbouring states, appertain to the Shaikhdom of Qatar and are subject to its exclusive jurisdiction and control.

Nothing in this Proclamation shall be considered to affect the sovereignty over the islands or the status of the seabed and subsoil beneath any territorial waters.

Nothing in this proclamation shall be considered to affect the character of the high seas of the waters of the Persian Gulf above the seabed and outside the limits of the territorial waters or the status of the air space above the waters of the Persian Gulf outside the territorial waters of the fishing and traditional pearling rights in such waters.

QTR 2

(b) Declaration by the Ministry of Foreign Affairs of 2 June 1974.

I. The State of Qatar shall have exclusive and absolute sovereign rights over natural and marine resources and fisheries in the areas contiguous to the territorial sea off the coasts of the State and its islands, without prejudice to the freedom of international sea and air navigation, in accordance with the established principles of international law.

The outer limits of these areas shall be in accordance with bilateral agreement which have been, or shall be, concluded. In the absence of any particular agreement, the outer limits of the continental prolongation of the State of Qatar, or the median line in which every point is equidistant from the baseline from which the territorial sea of the State of Qatar and of other States concerned is measured, shall be regarded as the determining factor in accordance with the principles of international law.

II. Within the territorial area specified in the preceding section, the State of Qatar shall have exclusive rights in regard to exploration, prospecting, exploitation, development, fishing and the establishment of installations and zones for the security, control and protection of all marine and natural resources on, under or above the sea-bed.

2. BASIC FISHERIES LEGISLATION

Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources in Qatar.

PART I - DEFINITIONS

Article 1. - The following words and expressions shall have the meanings hereby assigned to them except where the context otherwise requires:

"Minister" - Minister of Industry and Agriculture.

"Competent Authority" - Fisheries Department.

"Living aquatic resources" - Marine plants and animals living in fishing waters, inland waters, on the sea-bed and its bottom ground and the structures constructed within these living organisms (pearls) or after their death (coral reefs).

"Fishing vessel" - Any floating craft used for catching or processing aquatic resources irrespective of its means of operation or its purposes whether amateur or professional.

"Fishing" - Capture of living aquatic resources by any method and for any purpose.

"Fishermen" - Whoever practices fishing whether on foot or by a fishing vessel.

"Fishing Waters" - Territorial waters surrounding the coasts of the mainland and isles of Qatar.

The external limits of these territorial waters are those existing under bilateral agreements, or those to be established in future. If there are no such agreements the external limits shall be either its continental shelf or median line of equal distances from the baseline from which the territorial waters of Qatar and other countries concerned shall be measured in conformity with International Law.

"Water reserves" - Areas where fishing is prohibited all year round.

"Inland waters" - Water areas lying beyond the baselines from which the territorial waters is measured towards land.

"Sea-bed and subsoil of the sea" - Part of sea-bed and subsoil flooded by fishing waters and inland waters.

Article 2. - The provisions of the present Law shall be applicable to fishing and inland waters, sea-bed and its subsoil of the State of Qatar.

PART II - REGULATION OF FISHING

Article 3. - The Competent Authority shall perform the following functions:

- (a) propose a general plan for the conservation, development, processing and rational exploitation of living aquatic resources and supervise implementation thereof;
- (b) propose programmes for the regulation of fishing and control thereof;
- (c) coordination of the activities of government bodies dealing with living aquatic resources, securing a balance between the projects and activities performed by these bodies;
- (d) develop and modernize means and methods of fishing and provide such basic services to artisanal fishermen and those dealing in fisheries and they cannot afford by themselves;
- (e) propose legislations on living aquatic resources, and examine related matters as referred to it by other government and non-government bodies.

Article 4. - The Minister may, upon the approval of the Council of Ministers, establish a "Board of Living Aquatic Resources" headed by the Minister or his representative. This Board shall include representatives of government and non-government administrative and technical bodies concerned with these resources.

The Board shall perform the functions cited under the previous Article, and its decisions shall be final only after they are approved by the Council of Ministers.

Article 5. - The Minister shall issue regulations for the following purposes:

- (a) conditions and terms of licences under this Law;
- (b) establish fees for the above-mentioned licences, define their categories, manner of payment and cases of exemption therefrom;
- (c) establish specifications of fishing boats including their design, size, seaworthiness, horse power of motor, fishing technique, safety measures, identification numbers or any other signs to be conspicuously displayed on the sides, or any other specifications and ways of control thereof, prior to granting licence.
- (d) identify equipment and gear for use in fishing and their specifications; identify also prohibited equipment and gear because of the risk they present to the crew or to living aquatic resources;

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- (e) identify and prohibit materials harmful to the growth, reproduction and migration of living aquatic resources;
- (f) identify reserved areas and the means for their protection;
- (g) specify locations where catch is seasonally prohibited, and specify those seasons and the species to which prohibition applies;
- (h) specify species of living aquatic resources which are prohibited to fish, whether for a definite or an indefinite period, in all or part of fishing waters, internal waters, the sea-bed or its subsoil, and specify the period and locations for each species;
- (i) specify the minimum size of catch allowed both for fish and other living aquatic resources;
- (j) specify the quantities of living aquatic resources that may be caught at certain seasons and of certain species;
- (k) formulate conditions for fish preservation and handling to ensure their quality and prevent their deterioration;
- (l) specify the factors affecting the safety of living aquatic resources, and specify the materials which are categorically prohibited to be disposed of in internal or fishing waters or on the sea-bed or in its subsoil, and the concentration allowed of all or some of such materials so that they do not harm the living aquatic resources or the human health directly or indirectly;
- (m) specify the information the fishing community should gather and deliver to competent authorities and the regulation of the books and documents they should keep;
- (n) determine rewards granted to persons who discover or report cases of infringement to the provisions of the present Law and its executive regulations;
- (o) specify the general conditions applicable to building of plants or laboratories at locations near to internal waters or fishing waters, and specify the precautions to be adhered to by vessels for the protection of living aquatic resources.

Article 6. - Any person engaged in fishing or marketing of living aquatic resources or related industries shall submit the data specified by the competent authority which then shall be responsible for the recording and analysis of such data.

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Article 7. - No fishing vessel shall practise fishing without a licence issued by the competent authority. The licence shall be for a specified duration and shall specify details including specification of the vessel, fishing techniques and gear employed, maximum and minimum number of crew according to their specializations. The licence should also specify the area of operation, fishing seasons and the species and quantities of catch for each area of operation and season.

Article 8. - No artisanal fisherman shall practise fishing either on foot or by vessel without a licence issued by the competent authority indicating the locations and seasons he is permitted to fish and the species and quantities of the living aquatic resources the fisherman should catch and the fishing techniques and gear he may utilize.

Article 9. - The competent authority may reject the 'application for licence giving reasons for such and the applicant shall be informed of it in writing. The applicant may giving reasons for such appeal to the Minister within thirty days from the date of the competent authority's notification. The Minister's decision on the matter shall be final.

Article 10. - Fishing vessels and fishermen should at all times be carrying their licence which should be produced upon request. The licence cannot be transferred to others without a written approval by 'the competent authority.

Article 11. - Should the owner of a fishing vessel Want to tranform his vessel into a cargo or passenger vessel or any other purpose he has to apply to the competent authority to cancel his fishing licence. No vessel shall have two licences at the same time.

Article 12. - Every vessel owner should ensure that the vessel is equipped with navigational lights during night time fishing as required by maritime navigation regulations. He should, likewise, ensure that his vessel has the necessary safety means and salvage equipment as required by the regulations of the Ports Authority in consultation with the competent authority.

Article 13. - The competent authority shall determine the number of licences granted to fishermen and fishing vessels engaged in fishing activities in any of the fishing or inland waters, sea-bed or its subsoil.

Article 14. - No foreign fishing vessels shall fish living aquatic resources without a licence issued by the Minister's approval. This licence shall indicate the duration of the licence, locations and seasons of fishing, species and quantities of living aquatic resources do be caught and the fishing techniques and gear the licensee should employ. Without prejudice to international agreements in this connection the said fishing vessels shall be subject to the provisions of this Law and its executive regulations.

Article 15. - The Minister may grant bodies and individuals to practice fishing for the purpose of scientific researches and studies. The holders of such licences may be exempted from all or some provisions of the present Law and its regulations.

PART III - CONSERVATION AND DEVELOPMENT

Article 16. - Fishing of living aquatic resources during reproduction and spawning shall not be allowed. The competent authority shall determine the seasons during which the prohibition is applied, and have it publicized through the information media.

Article 17. - Without a written approval by the competent authority it shall be unlawful to dump into fishing or inland waters or sea bottom any waste from factories, plants, laboratories or sewers, or chemical and petroleum materials, vessel oils or any other liquids that may cause harm to living aquatic resources.

Article 18. - Without specific permission from the competent authority it shall be unlawful to:

- (a) erect or build any barriers or barricades that may hinder the free movement of living marine resources;
- (b) extricate or utilize any marine weeds and plants that are useful for aquatic organisms;
- (c) use gill nets and other fixed fishing gear in shallow waters; the competent authority shall specify on the licence the location of such gear, its measurements and mesh size;
- (d) use methods leading to mass extermination of living aquatic resources such as poisons, explosives, chemical substances, electrical means or any other such methods;
- (e) use techniques, methods and gear harmful to eggs and sprat of living aquatic resources.

Article 19. - The competent authority shall determine the areas suitable for the aquaculture of living aquatic resources and shall promote their establishment and provide technical supervision thereof.

PART IV - HANDLING, MARKETING AND PROCESSING

Article 20. - Fishing vessels and conveyances used for the transportation of living aquatic resources should be equipped with refrigerating units or with insulated ice-cooled containers; and the cleanliness and hygiene therein should fulfill requirements specified by the departments concerned.

Article 21. - Living aquatic resources shall be sold only in markets or places that satisfy hygienic and commercial requirements specified by laws and regulations enacted by the competent departments in co-ordination with the competent authority. Sales shall be done in kilogramme units.

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Article 22. - Processing, drying and smoking of living aquatic resources, prior to their marketing, should satisfy required hygienic standards. Domestic and foreign vessels transporting imported products of living aquatic resources, be it fresh, dried, canned, salted or smoked, shall comply with the regulations of customs and quarantine.

Article 23. - Traders of living aquatic resources shall keep records, according to the forms established by the competent authority, which specify the quantities by their species and prices.

Article 24. - Export of aquatic resources and their products in any form or for any purpose shall not be permitted without the approval of the competent authority.

Article 25. - Foreign vessels entering harbour shall not sell or market products of living aquatic resources without obtaining the required licence from the competent authority.

PART V - OFFENCES AND PENALTIES

Article 26. - Without prejudice to any other stronger penalty under another law:

- (a) any violation of Articles 7, 12, 14, 16 (para 1), 18 (paragraphs (d) and (e)), 24 and 25 shall be punishable by a fine to the amount of two-thousand Riyals;
- (b) violations of Articles 8, 17, 18 (a, b, c), 20, 21 and 22 shall be punishable by a fine to the amount of one-thousand Riyals;
- (c) violations of Articles 6 (para 1), 10, 11 (last para) and 23 shall be punishable by a fine to the amount of two-hundred Riyals.

The penalties shall be doubled for the repetition of offences mentioned in clauses (a) and (b) of this Article. In the case of a third offence conviction may include, in addition to the prescribed fine, the suspension of the offender or his craft from operation for a specific period, the revocation of the licence definitely or for a certain period, seizure of the vessel, gear and equipment or seizure of the fishing gear and catch aboard. Order to release a seized vessel may be made upon payment of a cash bond to be deposited in Court pending the final determination of the case.

Article 27. - The officials delegated by the Minister in collaboration with other departments concerned shall have the right of legal officers to ascertain violations of the provisions of this Law and its regulations and they shall have the right to:

- (a) enter vessels, fisheries, stores and other sites where living aquatic resources and fishing gear are kept;
- (b) ask and inspect the books and papers relative their trade;

- (c) order the seizure of the vessels, living aquatic resources and fishing gear and equipment involved in the violation of this law or its regulations.

The said officials shall write the necessary reports and submit them to investigating authorities and may, when necessary, seek assistance of the police force. Likewise, they may upon obtaining the approval of the department concerned sell the perishable living aquatic resources and deposit the proceeds in Court pending the final determination of the case.

PART VI - GENERAL PROVISIONS

Article 28. - The Director of the competent authority may consult with his counterparts in the countries of the area on a joint plan for the exploitation and management of living marine resources in common areas, and to coordinate by way of agreement or declaration of intentions, as the case may be, measures for their management. In all cases the management of these areas shall be subject to the provisions of this Law.

Article 29. - The Meteorological Department, in coordination with media organs, shall supply the fishermen with a daily weather-forecast bulletin on the condition of the sea, and wind speed so that they may take the necessary precautions.

Article 30. - The Minister shall issue the necessary regulations and resolutions for the enforcement of this Law.

Article 31. - Any provision contradicting the provisions of this law shall be considered null and void.

Article 32. - All the competent departments within their jurisdiction shall enforce this law which shall be effective sixty days after its publication in the official Gazette.

3. REGULATIONS

Executive Regulations N° 2 of 1985 for the Law on the Exploitation and Conservation of Living Aquatic Resources in the State of Qatar

PART I - DEFINITIONS

Article 1. - All the words, expressions and terms used in these Regulations shall have the same meaning assigned to them in the Law of 1983 on the Exploitation and Conservation of Living Aquatic Resources.

PART II - REGULATION OF FISHING

Article 2. - Anyone who wants to practice fishing or diving on foot or by a fishing vessel should obtain a licence issued by the Fisheries Department at the Ministry of Industry and Agriculture.

Article 3. - The licensee should be of good conduct and behaviour and one who swims well.

Article 4. - The validity of the licence shall be for three years and may be renewed thereafter at the request of the licensee. It shall be invalidated if it is not renewed within fifteen days from the date of its expiry.

Article 5. - The licence shall contain the bearer's full name, passport or identity card number, profession, marital status, nationality, age, photograph and any other particulars required by the Fisheries Department which determines the necessary form and documents to be submitted to obtain the licence.

Article 6. - Fishing licence is personal and the bearer should have it with him during fishing operations and produce it upon request; it cannot be transferred to others. The Fisheries Department or the officials delegated to collaborate with it shall have the right to seize the licence not used by its owner and nullify it unless the Fisheries Department is satisfied by the licensee's explanations.

Article 7. - Prior to practising fishing, the vessel should have a licence issued by the Fisheries Department. The licence shall be valid for one year, and may be renewed at the request of the owner of the vessel within one month from the date of its expiry producing the instruments of ownership otherwise the licence shall be invalid.

Article 8. - The fishing vessel licence shall contain the following particulars:

- (a) the owner's full name, the vessel's name, make, material made of, specifications, date and place it was built;

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- (b) fishing techniques and gear used on the vessel, minimum and maximum number of its crew;
- (c) type of the engine, if there is one, and specify whether it is external or internal, its horsepower and year it was made.

Article 9. - The name and number of the vessel should be well displayed on the vessel, and the same name and number should be clearly written in Arabic on both sides of the vessel.

Article 10. - The fisherman or the owner of the fishing vessel should report to the Fisheries Department in case the licence is lost or destroyed. Another licence may be granted in place of the lost one according to the rules laid down by the Department.

Article 11. - No foreign fishing or diving vessels shall practice fishing in the territorial waters specified by law except after obtaining a licence issued by the Minister of Industry and Agriculture, and a licence for the vessel and the crew from the Fisheries Department in conformity with the aforementioned clauses.

Article 12. - The Minister of Industry and Agriculture may grant fishing licences to bodies and individuals for the purpose of scientific studies and researches. The owner of such licences may be exempted from all or part of the provisions of this Law and its regulations.

Article 13. - The following fees shall be collected by the Fisheries Department for granting licences:

- (a) ten Qatar Riyals for granting or renewing a fishing licence valid for three years;
- (b) one-hundred Qatar Riyals for granting a licence for a fishing vessel, and ten Riyals for its renewal valid for one year;
- (c) fifty Qatar Riyals for the transfer of the ownership of the fishing vessel;
- (d) in case a licence is lost or destroyed it shall be substituted without any fees if the original licence was still valid;
- (e) the licensee shall prepare at his expense the plate with the name and number of the vessel.

Article 14. - If the owner of the fishing vessel wants to transform his vessel into a cargo or passenger vessel or for any other purpose he should apply to the Fisheries Department to nullify his fishing licence. No vessel shall have two licences at the same time.

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Article 15. - Every vessel owner should have navigational lights on the vessel during night fishing operations as required by maritime navigation regulations. He should also ensure that the vessel has the necessary safety means and salvage equipment as required by the Ports Authority in consultation with the Fisheries Department.

Article 16. - The Fisheries Department shall determine the number of licences granted to fishermen and fishing vessels operating in any zone of the fishing waters.

PART III - CONSERVATION AND DEVELOPMENT OF LIVING AQUATIC RESOURCES

Article 17. - Fishermen whose catch of fish and shrimps is smaller than the size prescribed by law shall return them to the water.

Article 18. - Fishing of living aquatic resources shall not be allowed during reproduction and spawning seasons determined by the Fisheries Department.

Article 19. - The Fisheries Department shall determine:

- (a) areas where fishing is prohibited during certain seasons;
- (b) seasons during which fishing is banned and species prohibited to be fished;
- (c) species of living aquatic resources prohibited to be fished for a specified period or indefinitely in all or some fishing waters.

Article 20. - It shall be categorically unlawful to dispose into fishing waters or sea bottom any waste from plants, laboratories, factories, sewers, chemical and petroleum materials, vessel oils or any other liquids which are harmful to living aquatic resources.

Article 21. - Without permission from the Fisheries Department it shall be unlawful to:

- (a) use any kind of underwater fishing harpoon-guns;
- (b) erect or build any barriers or barricades that may hinder the free movement of living aquatic resources;
- (c) extricate or utilize any marine weeds and plants which are useful for living aquatic resources;
- (d) use gill nets and other fixed fishing gear in shallow waters; the Fisheries Department shall specify on the licence the location of such gear, its measurements and mesh size.

Article 22. - Fishing trawlers shall not be used at depths under 25 meters.

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Article 23. - It shall be unlawful for unauthorized persons to fish in the waters determined by the Fisheries Department, which shall be the preserve of the Government and companies that are entitled to their exploitation under special contracts signed with the Ministry of Industry and Agriculture.

Article 24. - It shall be unlawful to fish near petroleum or military establishments or any other areas determined by the Fisheries Department.

Article 25. - Catching species of fishes under 15 cm. long shall be banned except those specified by the Fisheries Department.

Article 26. - The quantities of fish to be caught annually in the territorial waters of Qatar should be limited and distributed according to the four seasons, i.e. winter, spring, summer and autumn with a view to conserving the fisheries resources and increasing reproduction in future.

Article 27. - It shall be unlawful to fish by nets whose meshes are under:

- (a) seines under 40mm;
- (b) shrimp nets under 15 mm;
- (c) floating net, one layer, under 40 mm;
- (d) pelagic trawls under 20 mm;
- (e) bottom-set nets under 40 mm;
- (f) fish barriers under 40 mm;
- (g) drift nets under 40 mm;
- (h) trammel nets (2 exterior layers) under 80 mm;
- (i) fyke nets under 40 mm.

Article 28. - It is absolutely prohibited to use methods that cause mass extermination of living aquatic resources such as poisons, explosives, chemical substances, electrical means or any other like methods.

Article 29. - The Fisheries Department should determine the appropriate grounds for aquaculture of living aquatic resources and promote their establishment and provide necessary technical supervision.

PART IV - CONSERVATION, TRANSPORTATION AND MARKETING OF LIVING AQUATIC RESOURCES

Article 30. - Anyone who wants to exploit, process, handle or market aquatic resources and their products should obtain a licence from the Fisheries Department.

Article 31. - Fishing vessels and conveyances used for the transportation of living aquatic resources should be equipped with refrigerating units or with insulated ice-cooled containers; and the cleanliness and hygiene therein should fulfill the requirements specified by hygiene departments concerned.

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Article 32. - It shall be unlawful to sell living aquatic resources except in markets and locations where hygienic and commercial requirements are satisfied, and the sellers should observe the following:

- (a) obtain a hygiene clearance certificate from the competent authority;
- (b) obtain a licence from the competent department;
- (c) secure a refrigerator satisfying hygienic conditions for the preservation of fish products;
- (d) sales should be done by kilogramme units.

Article 33. - Processing, drying and smoking of living aquatic resources should satisfy hygienic standards.

Article 34. - Domestic and foreign vessels carrying imported products of living aquatic resources, whether they are fresh, dried, canned, salted or smoked, should comply with the regulations of customs and quarantine.

Article 35. - Traders of living aquatic resources shall keep books to record the quantities by their species and prices, according to forms prepared by the Fisheries Department.

Article 36. - It is necessary to obtain the approval of the Fisheries Department prior to exporting living aquatic resources and their products.

Article 37. - Foreign vessels entering harbour shall not sell or market living aquatic resources without obtaining a licence for such purposes from the Fisheries Department.

PART V - PENALTIES

Article 38. - Without prejudice to any penalty under Article 36 of the Law of 1982 on Exploitation and Conservation of Living Aquatic Resources, any violation of the provisions of these Regulations shall be punishable by a fine of up to 1000 Qatar Riyals and a written warning for the first offence.

PART VI - GENERAL PROVISIONS

Article 39. - The owner of a fishing vessel shall not lease, lend or cede his vessel to others in any way without a written permission from the Fisheries Department.

Article 40. - Fishery companies and institutions in Qatar operating in territorial fishing zones shall not use vessels owned wholly or partially by foreigners unless permitted to do so by the Fisheries Department, which shall have the power to levy appropriate tolls on such use, and specify zones and duration of operation of these vessels.

Article 41. - All those engaged in fishing or diving shall immediately report to the authorities any infiltrators, smugglers, or auspicious marine floating or sunk objects they may have noticed; and they shall be rewarded by the competent authorities under pertinent regulations and laws.

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Article 42. - All fishing and diving professionals shall comply with the instructions and regulations issued by the competent department determining sea inlets and outlets and prohibiting stationing at open coasts except in cases of emergency.

Article 43. - No fisherman should enter with his vessel into the operation areas or other fishermen using fixed or movable nets. Likewise, he shall not install his fishing gear inside those areas in such a way as would tear or damage others' fishing gear or deprive them from catch; he shall not harass other fishermen inside any operational area within the territorial waters.

Article 44. - In compliance with the regulations of the Fisheries Department owners of fishing vessels shall maintain on board a fishing logbook.

Article 45. - Anyone who reports or captures offenders violating the provisions of this Law and its Regulations shall be granted a reward to be determined by the Fisheries Department under local regulations.

Article 46. - Owners of vessels and their masters should respect the authorized number of fishermen and crew and workers as specified on their licences. They shall not sail with persons under or above the authorized number. Likewise, they shall not carry other persons, merchandise or equipment other than the fishing requirements.

Article 47. - Owners of fishing vessels after leaving the harbour to the open sea shall not load or unload merchandise or persons from vessels anchored in the open sea. They shall not carry aboard any prohibited material such as arms, explosives, narcotics, etc.

Article 48. - Owners of trucks that transport living aquatic resources and materials for their preservation should not carry any merchandise or persons if they were infiltrated from sea to land or vice versa.

Article 49. - Fishing professionals and owners of means of transportation of living aquatic resources shall undertake to furnish the Fisheries Department with the required data and statistics.

Article 50. - It shall be unlawful to fish or carry away eggs of marine birds and aquatic turtles from islands and coasts without the approval of the Fisheries Department.

Article 51. - Amateur fishermen, who do not practice fishing for lucrative purposes, shall not be subject to the provisions of these Regulations.

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1. LIMITS OF NATIONAL JURISDICTION

- (a) Royal Decree No.33 of 16 February 1958 concerning the Territorial Waters of the Kingdom of Saudi Arabia

Article 1. - For the purposes of this Decree,

- (a) the term "nautical mile" is the equivalent of 1,852 meters;
- (b) the term "bay" includes any inlet, lagoon or other arm of the sea;
- (c) the term "island" includes any islet, reef, rock, bar or permanent artificial structure not submerged at lowest tide;
- (d) the term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide;
- (e) the term "coast" refers to the coasts of the Red Sea, the Gulf of Aqabah, and the Persian Gulf.

Article 2. - The territorial wates of the Kingdom of Saudi Arabia, as well as the air space above and the territorial sea-bed and the subsoil beneath them are under the sovereignty of the Kingdom, subject to the established provisions of international law.

Article 3. - The inland waters of the Kingdom include:

- (a) the waters of the bays along the coasts of the Kingdom of Saudi Arabia;
- (b) the waters above and landward from any shoal no more than twelve nautical miles from the mainland or from a Saudi Arabian island;
- (c) the waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;
- (d) the waters between Saudi Arabian islands not farther apart than twelve nautical miles.

Article 4. - The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of twelve nautical miles.

Article 5. - The following are the baselines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- (a) where the shore of the mainland or an island is fully exposed to the open sea, the lowest low-water mark on the shore;

SAU 2

- (b) where a bay confronts the open sea, lines] drawn from headland to headland across the mouth of the bay;
- (c) where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- (d) where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;
- (e) where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of the island;
- (f) where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;
- (g) where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 6. - If the measurement of the territorial sea in accordance with the provisions of this Decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7. - If the territorial sea measured from the baselines fixed by Article 5 of this Decree be overlapped by the wates of another State, boundaries will be determined by Our Government in agreement with that State in accordance with equitable principles.

Article 8. - With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and health matters, maritime surveillance may be exercised in a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the baselines of the territorial sea, in accordance with Article 5 of this Decree.

Article 9. - The provisions of this Decree shall not affect the rights of the Kingdom with respect to fishing.

2. BASIC FISHERIES LEGISLATION

- (a) Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme

Practice of Fishing and Diving Professions

Article 1. - The Ministry of Agriculture and Water shall regulate and supervise all fishing and diving operations for the exploitation and conservation of living aquatic resources in the territorial waters of the Kingdom, and shall endeavour to develop them, provide their rational management and promote their activities, and also shall carry out the following:

1. determine the fishing grounds in the Kingdom;
2. specify the marine zones suitable for fish culture schemes;
3. specify the species of aquatic organisms which are prohibited to be fished or they may be fished during specific periods;
4. specify fishing techniques and gear which should not be utilized;
5. grant aids and loans to fishermen, encourage them to develop their gear and encourage them to form their cooperative societies;
6. stipulate agreements and contracts with commercial and scientific institutions specialized in the development and exploitation of living aquatic resources;
7. perform practical and statistical researches and other material and extension methods with a view to benefiting from living aquatic resources.

Article 2. - No one shall practice the profession of fishing or diving in the territorial waters of the Kingdom without a licence issued by the Ministry of Agriculture and Water under the conditions regulating granting and withdrawing licences.

Article 3. - In each fishing zone there shall be a head of fishermen who shall be elected, and his powers and stipend shall be determined by the Minister of Agriculture and Water.

Article 4. - There shall be in each fishing zone a local committee composed of the head of fishermen, a representative of the province and a representative of the Ministry of Agriculture and Water. The chairmanship of the committee shall not depend on the rank of the representatives; the committee may seek to consult any expert in this field.

Article 5. - The said committee shall examine any disputes arising among the fishermen in the field of fishing or diving, and its decisions shall be effective after the approval of the Emir of the district.

Article 6. - Fishing and diving professionals on the fishing vessels shall be subject to the Labour Regulations as regards their relationship with employers.

Article 7. - The Ministry of Agriculture and Water may send a number of Saudi nationals for training on the foreign vessels operating in the territorial waters during their licence period; the training shall include fishing, diving, management and operation of fishing gear.

Conservation of Living Aquatic Resources

Article 8. - Export of living aquatic products fished in the territorial waters shall not be permitted without previous approval of the Ministry of Commerce, and that approval shall be subject to the domestic needs for the said products.

Article 9. - The extraction of living aquatic resources from the territorial waters by foreign fishing and diving vessels shall not be allowed without a permit issued by the Minister of Agriculture and Water after the approval of the Prime Minister. The permit shall specify the species and the period they could be extracted. The foreign vessels operating for national companies shall be exempted from the said permit.

Article 10. - The companies and institutions engaged in fishing, extracting, processing or marketing living aquatic products should maintain books to record their production according to their weight, species and quantities exported or marketed in the Kingdom, and they should furnish the Ministry of Agriculture and Water and the Ministry of Commerce with copy of these particulars, and municipalities should secure the necessary scales.

Article 11. - It shall be unlawful to fell trees and cut weeds along the coasts of the Kingdom and its isles or transport any soil or organic materials therefrom without the approval of the Ministry of Agriculture and Water.

Offences and Penalties

Article 12. - The Ministry of Agriculture and Water shall examine offences against this Decree and its Regulations, and shall investigate them under the regulations issued by the Minister of Interior and the Minister of Agriculture and Water.

Article 13. - Without prejudice to any other stronger penalty under other laws, regulations and resolutions, any violation of the provisions of this Decree and its Regulations shall be punishable by imprisonment for a term up to six months or a fine to the amount of ten-thousand Riyals or both penalties for each offence.

Article 14. - The execution of the penalty cited in the previous Article shall be left to the discretion of the Minister of Agriculture and Water. If he deems that the offence is of such an enormity that the said penalty will not suffice he shall refer the matter to the Court to determine the case.

Final provisions

Article 15. - The Minister of Agriculture and Water shall issue the necessary regulations to regulate and implement the provisions of this Decree. They shall come into force ninety days after their publication in the official Gazette. Likewise, the Minister of Agriculture and Water may issue such regulations as he deems necessary for the enforcement of this Decree.

Article 16. - This Decree shall be effective on the date of its publication in the official Gazette.

Article 17. On the date this Decree comes into force all other laws, and instructions that contradict its provisions, shall be null and void.

3. REGULATIONS

Regulations on Fisheries in Saudi Arabia

Fishing requirements

1. Fishing gear and techniques employed by artisanal fishermen and individuals.
2. Licence for fishing and vessels used for fishing.
3. Permits for the men engaged in fishing.

I. Artisanal fishermen's boats

(1) Artisanal fishermen, who owned fishing boats, prior to the issue of the present regulations, may continue fishing with their boats whatever their size, provided trawling is not operated at depths above 15 m., and that the boat is equipped with a refrigerator for the preservation of catch.

(2) The engines used by these fishermen should not exceed 250 hp. at most.

(3) Artisanal fishermen may utilize any vessel made of timber, aluminium, iron, fibre glass and cement on condition that their length and horsepower comply with the provisions of the above paragraphs 1 and 2.

(4) Any fishing techniques and nets may be used provided they do not cause harm to marine sprats and fish stock in general (shrimp fishing trawlers excepted).

(5) It shall be unlawful to employ prohibited fishing techniques harmful to living aquatic resources such as explosives, chemical and poisonous substances and electrical means.

(6) It is prohibited to install fishing nets near the coasts utilizing the tide and ebb of the waves to capture fish and other aquatic organisms.

(7) Fishing and installing nets near petroleum, military and industrial establishments shall be prohibited.

(8) It shall be unlawful to employ gillnets whose meshes are less than 2.5 in. excluding the nets used for sardines provided the meshes are not under:

- 1 inch for the two wings of the net;
- 0.5 inch for the body of the net.

The above nets should be used only at the seasons when sardines are available; these same measurements shall apply to shrimp fishing nets.

The following mesh measurements are used for shrimp fishing:

- not under 2.5 inches for the wings of the net;
- not under 1 inch for the body.

(9) The two sections of the Fisheries Resources Department at Jeddah and Damam may specify the period fishing is prohibited or permitted during the seasons established according to scientific results to be gained in future on commercial fish, similar to those concerning shrimps in the Arab and Oman gulfs.

(10) With the exception of the fishermen who already had more than one fishing boat under legal methods, no artisanal fishermen shall possess more than one fishing boat. It is recommended that the boats of the old fishermen should be examined and evaluated in order to comply with the aforementioned regulations and that the boat is one of the known traditional ones.

II. Modern fishing boats

Modern fishing boats whether made of timber, iron, cement, fibreglass or aluminium, or of any specifications, and utilizing any gear and technique (such as trawlers, lights and others) shall be allowed for fishing purposes provided they are not over 15 m in length and their horsepower does not exceed 250 hp., and the following conditions should be complied with:

- (a) the owner of such a boat should be a Saudi national;
- (b) no fisherman shall have more than one modern fishing boat which is over 12 m long;
- (c) the pilot of the boat should be qualified and be familiar with the territorial waters of the Kingdom;
- (d) the boat owner may utilize foreign technical skills if they are not available locally such as pilots, engineers and skilled fishermen after furnishing the departments concerned with documents proving his failure in finding national skilled men;
- (e) modern boats could be built in the Kingdom or be procured from abroad provided the above-mentioned conditions are adhered to and after obtaining approval from the competent departments.

III. Licences and permits

1. Licences for fishing living aquatic products

Any Saudi national who wants to practice fishing as a profession should apply to a branch department of this Ministry at his area to have the relevant forms filled in. These forms with the application shall be submitted to this Ministry for its comments and observations to obtain the approval of the

Minister of Agriculture and Water to issue the applicant a fishing licence which is issued by the Under-Secretary of Agricultural Researches and Development. The would-be artisanal fisherman should supply the following:

- (a) copy of his birth certificate;
- (b) certificate that he is a Saudi national;
- (c) certificate of good conduct from the head fisherman or the mayor of his home town.

2. Licences for the fishing boats

Any marine craft used for fishing or extraction of living marine resources should obtain a licence from a branch of the Port's Authority after having had previous approval from competent departments attached to the Ministry of Agriculture and Water; the owners of any means of fishing (boats or vessels) should supply the following:

- (a) have the form filled in by the department concerned;
- (b) copy of birth certificate;
- (c) copy of registration paper or purchase bill of the boat;
- (d) copy of the applicant's fishing licence;
- (e) certificate from the head fishermen certifying that he practices fishing.

3. Permits for foreign workers on the fishing boat

The owner of the boat or vessel should fill in the form supplied by the competent departments of the Fisheries Resources, and he should prepare the following:

1. names and number of the men, their passport numbers, date and place of issue and if they have a regular place of abode;
2. supporting documents from the recruitment committee;
3. written undertaking guaranteeing his workmen; the citizens of the Gulf and North and South Yemen may produce certificates from the frontier centres certifying that they work under the full responsibility of the boat owner;
4. copy of his birth certificate;
5. copy of his fishing licence if he happens to be a artisanal fisherman;

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6. certificate of good conduct from the mayor of his place;
7. copy of the boat or vessel fishing licence;
8. certificate from head fishermen certifying his need for foreign workers and his inability to find such skilled workers amongst the Saudi nationals.

/ SEYCHELLES /

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* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Maritime Zones Act, 1977

ARRANGEMENTS OF SECTIONS

SECTION

1. Citation and commencement
2. Interpretation
3. Sovereignty over and limits of territorial waters
4. Use of territorial waters by foreign ships
5. Continental shelf
6. Exclusive economic zone
7. Rights over continental shelf and exclusive economic zone
8. Historic waters
9. Designated areas of the continental shelf and the exclusive economic zone
10. Extension of enactments
11. Publication of charts
12. Offences
13. Offences by agent and body corporate
14. Application of Act
15. Regulations

An Act to provide for certain matters relating to the territorial waters, the continental shelf, the exclusive economic zone and the historic waters of Seychelles.

ENACTED by the Parliament of Seychelles.

Article 1. - Citation and commencement. - This Act may be cited as the Maritime Zones Act, 1977 and shall come into operation on such date as the President may, by order appoint.

Article 2. - In this Act:

"baseline" means the baseline as determined in accordance with the straight baseline system;

"continental shelf" means the continental shelf of Seychelles;

"designated area" means an area declared as such under section 9;

"exclusive economic zone" means the exclusive economic zone of Seychelles;

"historic waters" means the historic waters of Seychelles;

"limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Seychelles, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

"resources" includes living and non-living resources as well as resources for the production of energy from tides, winds and currents;

"submarines" includes underwater vehicles however propelled;

"territorial waters" means the territorial waters of Seychelles.

Article 3. - (1) The sovereignty of Seychelles extends and has always extended to the territorial waters of Seychelles and) to the seabed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the President considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (4), by Order published in the Gazette, amend the limit of the territorial waters.

Article 4. - (1) Without prejudice to any other enactment in force but subject to subsection (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the President's Office.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the President is satisfied that it is necessary to do so:

(a) in the interest of public safety, public order, defence or security of Seychelles or any part thereof; or

(b) in pursuance of any treaty to which Seychelles is a party,

he may, by Order published in the Gazette, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

Article 5. - Continental shelf. - (1) The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Seychelles:

(a) to the outer edge of the continental margin; or

(b) to a distance of two hundred nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Seychelles has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

Article 6. - Exclusive economic zone. - (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of two hundred nautical miles from the baseline.

(2) Notwithstanding anything contained in subsection (1), where the President considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (3), by Order published in the Gazette, amend the limit of the exclusive economic zone as specified in subsection (1).

Article 7. - Rights over continental shelf and exclusive economic zone. - (1) Without prejudice to sections 3, 5 and 6, but subject to subsection (3) and (6) Seychelles has, in the continental shelf and the exclusive economic zone:

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;
- (b) exclusive rights and jurisdiction for the constructions, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorise, regulate and conduct scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognized by International Law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Seychelles or of licence granted by or under the authority of the President, no person shall, in relation to the continental shelf or the exclusive economic zone:

- (a) explore or exploit any resources;
- (b) carry out any search, excavation or drilling operations;
- (c) conduct any research;
- (d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (d) and to any measures that may be necessary for protecting the interest of Seychelles, foreign States may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the authority of the President has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Seychelles or a body corporate registered in Seychelles and approved by the Minister of fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Seychelles of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms:

- (a) freedom of navigation; and
- (b) freedom of overflight.

Article 8. - Historic waters. - (1) The President may, by Order published in the Gazette, specify the limits of the historic waters.

(2) The sovereign rights of Seychelles extends, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the air space over, the historic waters.

Article 9. - Designated areas of the continental shelf and the exclusive economic zone. - The President may, by Order published in the Gazette:

- (a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and
- (b) make such provisions as he considers necessary with respect to:
 - (i) the exploration, exploitation and protection of the resources within the designated area;
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in the designated area;
 - (iii) the regulation and conduct of scientific research in the designated area;
 - (iv) the protection of the marine environment in the designated area;
 - (v) customs and other fiscal matters in relation to the designated area;
 - (vi) the regulation of entry into and passage of foreign ships through the designated area;
 - (vii) the establishment of fairways, sealanes, traffic separation schemes or any mode of ensuring freedom of navigation which is not prejudicial to the interest of Seychelles.

Article 10. - Extension of enactments. - The President may, by Order published in the Gazette:

- (a) extend with such restrictions and modifications as he thinks fit, any enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area;

- (b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

Article 11. - Publication of charts. - The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

Article 12. - Offences. - (1) Any person who contravenes any provisions of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand rupees or to imprisonment for a term not exceeding five years.

- (2) Any person who commits an offence shall be tried in the Supreme Court.

Article 13. - Offences by agent and body corporate. - (1) Where an offence is committed by:

- (a) an agent, the person for whom the agent is acting;
- (b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is attributable to any neglect on the part of the director, manager, secretary or other officer shall commit the like offence.

Article 14. - Application of Act. - Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Article 15. - Regulations. - (1) The President may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters:

- (a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historical waters;

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- (b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;
- (c) the regulation of the construction, maintenance of artificial islands, off-shore terminals, installations and other structures and devices;
- (d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;
- (e) the regulation and conduct of scientific research;
- (f) the fees in relation to licences; and
- (g) any matter incidental to any of the matters specified in paragraphs (a) to (f).

(b) Exclusive Economic Zone (N° 2) Order, 1978

Article 1. - Citation. - This Order may be cited as the Exclusive Economic Zone (N° 2) Order, 1978.

Article 2. - Limit of exclusive economic zone. - The limit of the exclusive economic zone is delineated by the boundary of Area A as shown on Chart N° ML/ADN/52 filed in the office of the Chief Surveyor and more fully described in the Schedule.

Article 3. - Revocation of S.I. N° 23 of 1978. - The Exclusive Economic Zone Order, 1978, is hereby revoked.

SCHEDULE

Description of the limit of the
Exclusive Economic Zone

The boundary from point 1 through points 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 to 13 is formed by the locus of a point 200 nautical miles from the nearest land mass of the Republic of Seychelles.

From point 13 through points 14, 15, 16, 17 to point 18, the boundary is . the medium line equidistant between the Republic of Seychelles and the Territory of Mauritius.

The boundary than follows the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles to point 19.

From point 19 through points 20, 21, 22, 23, 24, 25, 26, 27, 28 to 29 the boundaries is formed by the median line equidistant between the Republic of Seychelles and the Malagasy Republic, Isles Glorieuses (France), Mayotte Island, Iles Comores and Mafia Island (Tanzania).

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The geographical coordinates of the points referred to above are listed below.

Points	Latitude		Longitude	
	South of Equator		East of Greenwich	
1	07°	46'	43°	15'
2	06°	04'	46°	41'
3	06°	19'	47°	49'
4	06°	30'	48°	40'
5	05°	41'	49°	57'
6	04°	32'	50°	04'
7	01°	38'	52°	36'
8	00°	29'	56°	03'
9	02°	39'	58°	48'
10	04°	01'	59°	15'
11	05°	34'	59°	09'
12	07°	10'	59°	30'
13	08°	27'	59°	22'
14	08°	33'	58°	23'
15	08°	45'	56°	25'
16	08°	56'	54°	30'
17	09°	39'	53°	53'
18	12°	17'	53°	49'
19	12°	47'	53°	14'
20	11°	31'	50°	29'
21	11°	05'	50°	12'
22	10°	17'	49°	26'
23	11°	or	48°	30'
24	10°	47'	47°	33'
25	10°	37'	46°	56'
26	11°	12'	45°	47'
27	10°	55'	45°	31'
28	10°	27'	44°	51'
29	08°	05'	43°	10'

2. BASIC FISHERIES LEGISLATION

(a) Fisheries Act (CAP. 134) as amended

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Application and interpretation
3. Appointment of Fisheries Board
4. Duties of Fisheries Board
5. Licensing of nets
6. Fishing reserves
7. Net fishing in reserves restricted
8. Cashier or basket trap
9. Fishing with casier, line, etc., permitted in reserves
10. Unlawful use of nets
11. Fishing with unauthorized devices
12. Obstruction of passes prohibited
13. Protection of female homards, etc.
14. Size of fish that may be caught
15. Governor may authorise establishment of oyster-beds
16. Certificate of right to oyster-bed
17. Person other than owner or lessee forbidden to fish, etc., on oyster-bed
18. Unlawful camaron fishing
19. Fishing boats to be numbered and registered
20. Fishing boat may be searched
21. Search for prohibited fish and illegal fishing tackle
22. Arrest without warrant in certain cases !
23. Seizure of boats, net and other fishing tackle
24. Obstructing officers
25. Seizures
26. Appointment of Fishery Wardens
27. Penalties
28. Application of penalties
29. Power to make regulations

Article 1. - Short title. - This Ordinance may be cited as the Fisheries Ordinance.

Article 2. - Application and interpretation. - (1) This Ordinance except section 13A shall apply throughout Seychelles except to the island listed in the First Schedule to the Outlying Islands (Employment of Servants) Ordinance:

Provided that the Governor in Council may by regulation apply the whole or any part of this Ordinance to any of these islands.

(1A) Section 13A shall apply throughout Seychelles.

(2) In this Ordinance:

"fishing tackle" and "tackle" includes a spear-gun;

"harpoon" does not include any missile ejected from a spear-gun;

"spear-gun" means any device or instrument designed to propel any missile under water for the purpose of catching, impaling or killing fish, and includes any device or instrument declared to be a spear-gun by regulations made under this Ordinance.

Article 3. - Appointment of Fisheries Board. - (1) There shall be a Fisheries Board composed of three or more persons to be appointed by the Governor with the Director of Agriculture as Chairman thereof.

(2) In the absence of the Chairman the Board shall be presided over by the senior in age of the other members present.

(3) The Chairman shall have a deliberate and a casting vote.

(4) Three members including the Chairman shall form a quorum.

(5) The Board shall keep minutes of the proceedings which shall be forwarded for the information of the Governor.

Article 4. - Duties of Fisheries Board. - The Fisheries Board shall deal with such matters concerning fisheries as are referred to it under this Ordinance:

Provided that all recommendations of the Fisheries Board shall be subject to the approval of the Governor and may be set aside or amended by the Governor in Council.

Article 5. - Licensing of nets. - (1) No net shall be used for fishing unless it is licensed. The licence fees payable and the method of procedure shall be prescribed by regulations made as hereinafter provided.

(2) Such licensed nets shall be marked with a lead seal by the Superintendent of Police or a police officer appointed by him.

(3) Any person fishing with an unlicensed net or with a net not duly marked in accordance with this section shall be guilty of an offence.

SEY 12

(4) The licensing authority may, in its absolute discretion and without assigning any reason, refuse to grant a licence or revoke a licence granted under this section. A person aggrieved by the decision of the licensing authority may appeal to the Governor whose decision shall be final.

Article 6. - Fishing Reserves. - Fishing reserves shall be such areas as the Governor in Council shall prescribe by regulations after consultation with the Fisheries Board.

Article 7. - Net fishing in reserves restricted. - (1) It shall not be lawful to fish in the reserves save as set out in regulations made by the Governor in Council after consultation with the Fisheries Board.

(2) Any person using or causing to be used a net in the reserves except as provided by regulations made under this section, or doing anything not permitted, prohibited or declared unlawful by such regulations, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees and imprisonment not exceeding six months.

Article 8. - Casier or basket trap. - (1) The casier or basket trap shall be of any size provided that the meshes of the sides or surrounding part of the casier or basket trap not including the "gueule" or entrance shall be of such size and width as to allow a sphere of forty millimetres in diameter to be passed through such meshes without touching the sides thereof.

(2) Any person using or having in his possession a casier with smaller meshes shall be guilty of an offence.

Article 9. - Fishing with casier, line, etc. permitted in reserves. - It shall be lawful to fish with lines, harpoons or casier in the reserves and elsewhere.

Article 10. - Unlawful use of nets. - (1) It shall not be lawful for any person to fish with two or more nets placed behind each other in such manner as practically to diminish the size of the meshes of the nets used, or to cover the nets used with canvas or any other material or to join together two or more nets so as to increase the length or the width of the nets beyond the dimensions set out in regulations made under section 7.

(2) Any person so doing or using any other artifice to evade the provisions of this Ordinance shall be guilty of an offence.

Article 11. - Fishing with unauthorized devices. - (1) It shall not be lawful to fish with gunny bags or canvas or cloth of any description or with creepers, leaves or herbs or with any explosive or poisonous substance or with any spear-gun or any other device or instrument not authorised, declared unlawful or prohibited by this Ordinance or by regulations made thereunder.

Provided always that it shall be lawful to fish with rod and line, harpoons and casiers.

SEY 13

(2) It shall not be lawful, except with the permission of the Deputy Governor and under such conditions as he may impose, to use or cause to be used any lights whatsoever at night for the purpose of catching, harpooning or killing any fish which may be found in the sea, and it shall not be lawful to have possession of, sell, offer or expose for sale any fish so caught, harpooned or killed.

Article 12. - Obstruction of passes prohibited. - It shall not be lawful to place any net or casier across any pass or channel named in regulations made under this Ordinance so as to prevent the free ingress or egress of fish, or to fish with any net or casier in any pass or channel.

Article 13. - Protection of female crabe de carlet, etc. - (1) It shall not be lawful to catch or cause to be taken or have possession of or sell or buy the females of the species crabe de carlet or or camaron in the "berried" state that is to say with eggs adherent:

Provided that the accidental catching (except by harpooning) of any such female shall not be held to be a contravention of this section if such female is returned to the water with the least possible injury.

(2) It shall further be an offence to remove the eggs from "berried" females.

Article 13A. - Protection of homard and langouste. - (1) No person shall at any time or season catch, have possession of, sell or purchase homard or langouste:

Provided that the possession, sale or purchase of homard or langouste lawfully imported into Seychelles shall not be a contravention of the preceding provisions of this subsection.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine of one thousand rupees and to imprisonment for six months and court shall, in addition to any other penalty, order the forfeiture of the homard or langouste in respect of which the contravention is committed.

(3) In any proceedings against a person for a contravention of subsection (1), the possession, sale or purchase by such person of homard or langouste shall be presumed to be a possession, sale or purchase in contravention of subsection (1) unless he proves that the homard or langouste in his possession or sold or purchased was lawfully imported into Seychelles.

Article 14. - Size of fish that may be caught. - (1) Subject as hereinafter in this section provided, it shall not be lawful at any time or season for any person to catch or have in his possession any fish specified in the schedule to this Ordinance unless such fish shall be of or larger than the dimensions therein stated.

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(2) The accidental catching of any undersized ; fish shall not be held to be a contravention of this section provided that such fish be returned to the sea with the least possible injury.

(3) No person shall be found guilty of an offence under this section if he proves to the satisfaction of the Court, either:

- (a) that he had not more than twelve undersized fishes in his possession or in the boat in which such fishes are found and that such fishes had been caught with the line and hook or in a casier; or
- (b) that such fishes were caught in a mosquito net.

Provided that fishes of the class in the schedule over three inches long must be forthwith returned to the sea with the least possible injury.

(4) It shall be lawful for the Governor in Council after consultation with the Fisheries Board to alter and amend the schedule by regulations as to the length of any species of fish therein described or to add thereto or remove therefrom any species of fish.

Article 15. - Governor may authorise establishment of oyster-beds. - (1) It shall be lawful for the Governor in Council to grant, after the expiration of the period hereinafter mentioned and subject to such conditions as may appear just and expedient, the exclusive right of depositing, propagating, and taking oysters within certain fixed limits.

(2) Notice of any application for such grant shall be published at the expense of the applicant in the Gazette calling upon all persons to lodge, within fifteen days, their objections to the grant being made.

Article 16. - Certificate of right to oyster-bed. - (1) A certificate signed by the Clerk to the Council of Ministers stating that a grant has been made under section 15, and the limits and extent of the oyster-bed shall be conclusive evidence in all courts of law of the right of the person mentioned in such certificate and of the limits and extent aforesaid.

(2) A fee of five rupees shall be paid into the Treasury for every such certificate.

Article 17. - Person other than owner or lessee forbidden to fish, etc., on oyster-bed. - It shall not be lawful for any person other than the owner of any oyster-bed or those authorised by him to do any of the following things within the limits of the said oyster-bed:

- (i) to catch or attempt to catch fish of any description;
- (ii) to place any implement, apparatus or thing prejudicial to the oyster fishery;

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- (iii) to disturb in any manner the oyster-bed or oysters or the oyster fishery;
- (iv) to take, or to fish, or dredge for any oysters, without permission of the owner, grantee, or lessee.

Article 18. - Any person other than the owner of land bordered or traversed by such river or stream and any person authorised by such owner, who shall catch or shall be found in or by any river or stream having in his possession any camarons shall be guilty of an offence.

Article 19. - Fishing boats to be numbered and registered. - (1) All boats, canoes, or skiffs, not being pleasure boats, which are used for fishing for sale or trading purposes shall be numbered and registered at the office of the Collector of Customs and the number given by the Collector of Customs for each boat, canoe, or skiff shall be legibly painted in figures of not less than fifteen centimetres in height in white on a black background on the bows of such boat, canoe, or skiff.

(2) Any person who shall use, or suffer to be used, any boat, canoe, or skiff for the purpose of fishing as aforesaid which has not been so registered and marked shall be guilty of an offence.

Article 20. - Fishing boat may be searched. - It shall be lawful for any Customs or Agricultural officer or any officer or constable of police to search and examine any boat, canoe or skiff to ascertain whether any prohibited fish have been caught, or whether any prohibited net or tacked is contained in the said boat, canoe or skiff, and any person impeding, obstructing, or refusing to allow any of the above named officers and constables to search and examine as aforesaid, and any person in the boat, pulling, rowing or sailing away, or any person out of the said boat running on the approach of any officers or constables aforesaid, after having been called upon by such officer or constable to stop, shall be guilty of an offence.

Article 21. - Search for prohibited fish and illegal fishing tackle. - If any Customs or Agricultural officer or any officer of police shall have reasonable grounds to suspect that any fish or any nets or fishing tackle not authorised by this Ordinance or by regulations made thereunder are concealed in any house or place where such officer is not empowered to enter without a warrant, it shall be lawful for a Judge or any Magistrate empowered to issue such warrants upon a declaration on oath or solemn affirmation made before him, setting forth the grounds of such suspicion, to authorise such officer to enter and search such house or place; and any person on the premises, who, on exhibition to him of the Judge's or Magistrate's warrant, shall refuse to admit the officer exhibiting it, or to allow the house or place to be searched, shall be guilty of an offence.

Article 22. - Arrest without warrant in certain cases. - Any Customs or Agricultural officer or any officer or constable of police may, with or without warrant, arrest any person whom he shall find committing any of the following offences:

- (i) fishing in a manner or in a place prohibited by this Ordinance or by regulations made thereunder;
- (ii) possessing prohibited fish, or fishing tackle not authorised by this Ordinance or by regulations made thereunder.

Article 23. - Seizure of boats, nets and other fishing tackle. - (1) Whenever there shall be reasonable ground to suppose that any boats, nets, or other fishing tackle have been used in or about the commission of any offence against this Ordinance or regulations made thereunder, it shall be lawful for any Customs or Agricultural officer or constable of police to seize such boats, nets and fishing tackle.

(2) All such seizures shall be immediately reported to the Commissioner of Police or to the officer in charge of a police station who shall thereupon issue such directions as may be deemed necessary.

Article 24. - Obstructing officers. - If any person obstruct, oppose, molest, resist or hinder any Customs or Agricultural officer or any officer or constable of police, or any person acting in their aid, or any person appointed by the Governor under section 26, while such officer, constable or person is in discharge of his public duties, or in performance of any act relating thereto, or rescue or damage any article seized by such officer, constable, or person, such person shall be guilty of an offence.

Article 25. - Seizures. - (1) Whenever any boats, fishing tackle or other things have been seized and are under this Ordinance liable to forfeiture, the court shall forthwith, if satisfied that the same ought to be so dealt with, declare them to be forfeited.

(2) If any boats or fishing tackle seized under this Ordinance be not claimed within thirty days from the date of the seizure thereof, such boats or fishing tackle shall ipso facto be forfeited as fully and effectually as if the forfeiture had been pronounced by judgement of a competent court.

Article 26. - Appointment of Fishery Wardens. - (1) It shall be lawful for the Governor to appoint officers for the better enforcement of this Ordinance to be named Fishery Wardens.

(2) Such officers appointed under subsection (1) shall have the same powers as any Customs or Agricultural officer or any officer or constable of police under sections 20, 21, 22 and 23.

Article 27. - Penalties. - (1) Any person found guilty of an offence under sections 5, 8, 10, 21 and 24 shall be liable to a fine not exceeding five hundred rupees and imprisonment not exceeding two months.

(2) Any person found guilty of any other offence under this Ordinance the punishment of which is not specifically provided for shall be liable to a fine not exceeding two hundred and fifty rupees and imprisonment not exceeding two months.

(3) The court may further order the forfeiture of any prohibited fish and any unlawful devices or nets not authorised under this Ordinance or by regulations made thereunder found in the possession of any person.

Article 28. - Application of penalties. - Any penalties recovered under this Ordinance may be applied in accordance with the provisions of section 74 of the Licences Ordinance.

Article 29. - Power to make regulations. - (1) It shall be lawful for the Governor in Council to make regulations:

- (a) prescribing the licence duties payable under this Ordinance or altering the amount payable for licences in respect of any matters dealt with by this Ordinance;
- (b) restricting the taking of oysters from any bed or bank;
- (c) prohibiting the use of oily or other substances as bait or along with bait for catching fishes;
- (d) fishing close seasons in relation to any island or place as may be specified in such regulations for the protection of any fish, homard, langouste, crabe de carlet and camaron;
- (e) declaring devices or instruments to be spear-guns and prohibiting or regulating the sale or offering for sale or the possession, in such circumstances as may be prescribed in the regulations, of any spear-gun;
- (f) altering and amending the schedule hereto;
- (g) generally providing for the carrying out of any of the provisions of this Ordinance.

(2) Such regulations may inflict a penalty not exceeding one thousand rupees and three months' imprisonment for breach of any of the provisions thereof and may alter or revoke such penalties or those already provided for therein.

(3) Such regulations may be expressed to apply to the whole of Seychelles including the islands listed in the First Schedule to the Outlying Islands (Employment of Servants) Ordinance.

NAMES OF FISH	SIZE
Barrois	18 centimetres
Baxou	18 "
Breton	18 "
Cacatois (All species)	18 "
Camaron	3 1/2 inches
Capitaine Blance	18 centimetres
Capitaine du port	18 "
Capitaine Rouge	18 "
Chirurgien	18 "
Cordonnier	18 "
Carbe de carlet	12 "
carbe de carlet (blue or green only)	4 inches in width
Dame Berry	18 centimetres
Eclair	18 "
Giblour	18 "
Huitres (Oystern)	5 "
Gueule Longue	18 "
Gueule Pavée	18 "
Kalame	18 "
Licorne	18 "
Mullets	18 "
Muscadins	18 "
Pêche Madame	18 "
Rouget	18 "
Tamarin	18 "

(b) Control of Foreign Fishing Vessels Decree, 1979, as amended

PART I - PRELIMINARY

Article 1. - Short title and commencement. - This Decree may be cited as the Control of Foreign Fishing Vessels Decree, 1979, and shall come into operation on 6th February 1979.

Article 2. - Interpretation. - In this Decree, unless the context otherwise requires:

"ancillary vessel" means any foreign vessel used for provisioning, servicing, repairing or maintaining any foreign fishing vessel operation within the marine areas under the jurisdiction of Seychelles;

"authorized officer" means a public officer authorized by the Minister for the purposes of this Decree;

"by-catch" means any species taken incidentally when fishing for species in respect of which a licence has been issued;

"continental shelf" means the continental shelf of Seychelles defined by section 5 of the Maritime Zones Act, 1977;

"Court" means the Supreme Court;

"exclusive economic zone" means the exclusive economic zone of Seychelles defined by or under section 6 of the Maritime Zones Act, 1977;

"fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle or aquatic mammal, and the young, fry, eggs, and spawn thereof;

"fishing" means fishing for, catching, taking or killing fish by any method;

"fishing vessel" means any vessel used for:

- (a) fishing;
- (b) processing;
- (c) transporting fish from fishing grounds within the marine areas under the jurisdiction of Seychelles;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"licence" means a licence issued under section 5;

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"licensee" means the person to whom the licence is issued;

"local fishing vessel" means any fishing vessel which is a Seychelles ship (as defined by section 5 of the Merchant Shipping (Temporary Provisions) Act, 1976) and which is:

- (a) wholly owned by one or more persons who are citizens of Seychelles or by a statutory corporation established under the law of Seychelles or by the Government of Seychelles; or
- (b) wholly owned by any company, society or other association of persons established under the law of Seychelles, of which at least 51% of the shares are held by citizens of Seychelles or by a statutory corporation established under the law of Seychelles, or by the Government of Seychelles;

"marine areas under the jurisdiction of Seychelles" means the exclusive economic zone and, in respect of foreign fishing vessels engaged in fishing for sedentary species on the continental shelf beyond the exclusive economic zone, includes the water superjacent to the continental shelf beyond the exclusive economic zone;

"master", in relation to a fishing vessel, means the person for the time being having command or charge of the vessel;

"owner", in relation to a fishing vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer, sub-charterer, lessee, or sub-lessee of the vessel;

"processing", in relation to fish, includes freezing, canning, salting, sacking, cooking, pickling, drying or otherwise preserving or preparing fish by any method;

"sedentary species means organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil;

"territorial waters" means the territorial water of Seychelles as defined by section 3 of the Maritime Zones Act, 1977;

"this Decree" includes any statutory instrument made thereunder.

PART II - CONTROL OVER FISHING AND RELATED ACTIVITIES BY FOREIGN FISHING VESSELS

Article 3. - Prohibiting of fishing. - No foreign fishing vessel shall be used for fishing within the exclusive economic zone or for fishing for sedentary species on the continental shelf except in accordance with a licence issued by the Minister in respect of that fishing vessel.

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Article 4. - Stowing of gear. - When any foreign fishing vessel that is not licensed enters the marine areas under the jurisdiction of Seychelles the fishing gear of such vessel shall at all time while in such marine areas be kept stowed in the prescribed manner.

Article 5. - Issue of licences. - (1) The Minister may issue to the owner of any foreign fishing vessel a licence to fish within the exclusive economic zone or to fish for sedentary species on the continental shelf for such period of time as may be specified in the licence.

(2) In granting a licence under this section, the Minister may attach to the licence conditions relating "inter alia" to all or any of the following matters:

- (a) the areas within which fishing is authorized;
- (b) the period during which fishing is authorized;
- (c) the species, size, sex, age and quantities of fish that may be taken;
- (d) the methods by which fish may be taken;
- (e) the types, size, and amount of fishing gear that may be used by a foreign fishing vessel;
- (f) the use, transfer, transshipment, landing and processing of fish taken;
- (g) entry by foreign fishing vessels to Seychelles ports, whether for the inspection of its catch or for any other purpose;
- (h) statistical and other information required to be given by the foreign fishing vessel to the Government, including statistics relating to catch and effort and reports as to the position of the vessels;
- (i) the conduct by the foreign fishing vessel of specified programmes of fisheries research;
- (j) the training of citizens of Seychelles in the methods of fishing employed by the foreign fishing vessel and the transfer to Seychelles of technology relating to fisheries;
- (k) the keeping on board of the foreign fishing vessel of the licence issued in respect of it;
- (l) the marking of the foreign fishing vessel and other means for its identification;

- (m) directions, instructions, and other requirements given or made by Government ships or aircraft to the foreign fishing vessel that shall be complied with by the vessel;
- (n) the placing of observers on the foreign fishing vessel and the reimbursement to the Government by the licensee of the costs of doing so;
- (o) the installation on the foreign fishing vessel and maintenance in working order of a transponder or other equipment for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;
- (p) the carriage on board the foreign fishing vessel of specified communications equipment, specified nautical charts, nautical publications and nautical instruments; and
- (q) such other matters as the Minister may consider necessary or expedient for the conservation or management of the fisheries resources of Seychelles.

Article 6. - Licensing fees. - There shall be payable by every licensee to the Government in respect of the granting of a licence such fees as may, from time to time, be prescribed.

Article 7. - Suspension and cancellation of licences. - (1) The Minister may suspend or cancel any licence:

- (a) where he is satisfied that any foreign fishing vessel in respect of which the licence has been issued has been used in contravention of this Decree or of any conditions of the licence; or
- (b) where he is satisfied that such actidn is necessary or expedient for the proper management of fisheries.

(2) Where any licence has been suspended or cancelled for the reasons set out in subsection (1)(b), a proportion of any fees paid for the licence representing the unexpired period shall be reimbursed to the licensee at his request.

(3) No suspension or cancellation of a licence under subsection (1) shall be reviewable or called into question in any court on the ground that such suspension or cancellation was not necessary or expedient for the proper management of fisheries.

Article 8. - Fishing for research. - Notwithstanding section 3, the Minister may, in writing, authorize a foreign fishing vessel to be used for fishing within the exclusive economic zone or for fishing for sedentary species on the continental shelf for the purpose of scientific research; any such fishing shall be conducted in accordance with such conditions the Minister may impose.

PART III - POWERS OF AUTHORIZED OFFICERS

Article 9. - Powers of authorized officers. - (1) For the purpose of enforcing the provisions of this Decree, an authorized officer may, with or without a warrant :

- (a) require any foreign fishing vessel within the exclusive economic zone to stop and to do anything else which will facilitate the boarding of the vessel;
- (b) board the vessel;
- (c) require to be produced, examine and make copies of any licence, logbook or other document relating to the vessel or to the catch on board;
- (d) require to be produced and examine any net or other fishing gear on board or belonging to the vessel and inspect any fish on board the vessel; and
- (e) require persons on board the vessel to do anything which appears to him to be necessary to ascertain whether any offence has been committed.

(2) Where an authorized officer has reasonable cause to believe that an offence against this Decree or against any other written law relating to fishing has been committed, he may, with or without a warrant:

- (a) seize and detain any vessel including any fishing gear, fish, equipment, stores and cargo found on board or belonging to the vessel, and seize and detain any fishing gear abandoned by the vessel; and
- (b) arrest any person who he believes has committed such offence.

(3) In effecting the seizure of a vessel under this section, an authorized officer may use such force as may be reasonably necessary.

(4) A foreign fishing vessel seized under this section and the crew thereof shall be brought to Port Victoria as soon as possible.

(5) A foreign fishing vessel or other thing detained under this section shall, as soon as practicable, be delivered into the custody of the Commissioner of Police and shall be released upon demand to the owner or master if no proceedings are instituted within 10 days of such delivery against the owner or master in respect of an offence against this Decree.

(6) Where a charge is laid the Court may make such order as it may deem fit relating to the detention or custody of the vessel or other things pending the conclusion of any proceedings instituted in respect of that vessel or other things.

(7) The provisions of this section shall apply mutatis mutandis in respect of foreign fishing vessels found fishing for sedentary species on the continental shelf.

Article 10. - Hot Pursuit. - Where, following the commission in the exclusive economic zone of an offence against this Decree or against any other written law relating to fishing by any foreign fishing vessel, such vessel is pursued beyond the limits of the exclusive economic zone, the powers conferred on authorized officers under section 9 shall be exercisable in respect of such vessel beyond the limits of such zone in the circumstances and to the extent recognized by international law.

Article 11. - Bar to actions. - (1) No action shall lie against the Government or against any authorized officer for damages in any civil court for any act done or ordered to be done in good faith in pursuance of this Decree.

(2) No prosecution of any authorized officer, or action which may lawfully be brought against any authorized officer, in respect of anything done in pursuance of this Decree shall be entertained by any court unless it be instituted within 6 months from the date of the act complained of.

PART IV - OFFENCES AND LEGAL PROCEDURES

Article 12. - Licensing. - (1) Where any foreign fishing vessel that is not licensed is used for fishing in the exclusive economic zone or is used for fishing for sedentary species on the continental shelf, the owner and the master shall each be guilty of an offence and liable to a fine of Rs. 750,000.

(2) Where any foreign fishing vessel that is not licensed displays any marking or other means of identification that indicates or tends to show that it is licensed, the owner and the master shall each be guilty of an offence and liable to a fine of Rs. 750,000.

(3) Where any foreign fishing vessel is used for fishing within the exclusive economic zone or for fishing for sedentary species on the continental shelf in contravention of any condition of a licence the owner and the master shall each be guilty of an offence and liable to a fine of Rs. 750,000.

Article 13. - Offence in respect of stowing. - Where any foreign fishing vessel that is not licensed enters within the marine areas under the jurisdiction of Seychelles without keeping its fishing gear stowed in the prescribed manner, the owner and the master shall each be guilty of an offence and liable to a fine of Rs. 350,000.

Article 14. - Obstruction of authorized officers. - Any person who in any way prevents or hinders any authorized officer from exercising the powers conferred by sections 9 and 10 shall be guilty of an offence and liable to a fine of Rs. 75,000.

Article 15. - Presumption. - (1) Subject to subsection (2) where any fish is found on board any foreign fishing vessel within the exclusive economic zone, such fish shall be presumed, until the contrary is proved, to have been taken within the exclusive economic zone by such vessel.

(2) A radio call made by a foreign fishing vessel before entering the exclusive economic zone indicating that the vessel is exercising its right of free navigation through the exclusive economic zone and notifying its proposed route and the quantity of fish on board shall suffice to rebut the presumption in subsection (1).

Article 16. - Forfeiture. - When a person is convicted of an offence against this Decree, the Court:

- (a) may, or, in the case of an offence specified in section 12(1), shall, order that any fish found on board the vessel when seized, or the proceeds of sale of such fish where the Court has made an order under section 9(6) that such fish be sold, shall be forfeited to the Government;
- (b) may, or, in the case of a second or subsequent conviction, shall, order that any vessel used in or in connexion with the commission of an offence, together with its fishing gear, equipment, stores and cargo, shall be forfeited to the Government;
- (c) shall order that any costs incurred in holding the vessel in detention, and any cost of repatriation of any member of the crew of the vessel, shall be payable by the person convicted.

Article 17. - Bonds. - (1) Where any foreign fishing vessel is detained under section 9 and a charge is laid in respect of that vessel, the owner of the vessel, licensee, master or authorized local agent designated in respect of the vessel, may apply to the Court for the release of the vessel on the provision of a satisfactory bond in accordance with this section.

(2) The Court shall order the release of the vessel on the execution by a person or persons approved by the Court of a satisfactory bond in an amount not less than the aggregate of the value of the vessel, including all fishing gear, equipment, stores and cargo, the value of the fish on board at the time of seizure, (except where such fish has been sold), the expenses incurred in the detention of the boat and in the repatriation of any member or members of the crew, and the maximum fine to which the defendant would be liable if convicted of the offence.

(3) Notwithstanding subsection (2), the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bound shall be less the amount required by that subsection.

(4) The release of any bond executed under this section shall be conditional upon:

- (a) a finding by the Court that the vessel has not been used in the commission of an offence against this Decree;
- (b) where the Court finds that the vessel has been used in the commission of an offence against this Decree:
 - (i) payment in full within 14 days of the date of the judgement of the Court of any fine imposed and any costs ordered to be paid under section 16(1)(c); and
 - (ii) where the Court so orders, delivery to the Court of the vessel, including all fishing gear, equipment, stores and cargo, and of any fish ordered to be forfeited, without any impairment of their value, or payment of the monetary value thereof as determined by the Court.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction, as a debt due to the Government jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the Condition on which the bond is released.

Article 18. - Vessel, etc. may be held and sold. - Where the master or the owner of a foreign fishing vessel has been convicted of an offence against this Decree, the vessel including its gear, equipment, stores and cargo, if not ordered forfeit by the Court, shall be held until such time as the fine, costs and other moneys ordered by the Court to be paid have been paid, and if payment in full has not been made within 30 days, the vessel may be sold and payment made from the proceeds.

PART V - GENERAL PROVISIONS

Article 19. - Regulations. - (1) The Minister may make regulations for the better carrying out of the provisions of this Decree, and, without prejudice to the generality of the foregoing, may make regulations:

- (a) prescribing the form and conditions of and manner of application for licences;
- (b) prescribing the terms of duration, the form and content of licences;

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- (c) prescribing the fees payable to the Government for the issue of licences;
- (d) prescribing procedures for effecting the control and seizure of foreign fishing vessels;
- (e) requiring that applicants for licences, and licensees designate authorized local agents in Seychelles in respect of foreign fishing vessels operations;
- (f) providing for such other measures as are necessary or expedient to ensure that foreign fishing vessels are used for fishing within the exclusive economic zone or for fishing for sedentary species on the continental shelf only in accordance with the terms and conditions of their licences;
- (g) requiring that applicants for licences or licensees or both should remain bonds or other forms of security for the fulfilment of any obligation under their licences;
- (h) delimiting areas of the exclusive economic zone in which fishing shall be reserved to local fishing vessels and local fishermen;
- (i) providing for compensation payable to Seychelles citizens or to the Government in the event of any loss or damage caused by the foreign fishing vessel to other fishing vessels or their gear or catch, or to cables or to other Seychelles interests;
- (j) providing that any breach of such regulation shall be an offence and providing for penalties by way of fines not exceeding Rs. 100,000;
- (k) specifying the requirements to be observed by foreign fishing vessels while in the exclusive economic zone of Seychelles, and prescribing methods of stowing fishing gear when prohibited from fishing;
- (l) regulating the activities of ancillary vessels and requiring such vessels to be licensed and prescribing the fees, forms, etc., for such licences.

(2) Regulations made under this section may make different provisions for different parts of the territorial water or of the exclusive economic zone and for different species of fish.

Article 20. - The Fishery Limits Act is hereby repealed.

(c) Marine Mammals Sanctuary Decree, 1979

Article 1. - Short title and commencement. - This Decree may be cited as the Marine Mammals Sanctuary Decree, 1979, and shall come into operation on such date as the President may, by notice published in the Gazette, appoint.

Article 2. - Interpretation. - In this Decree, unless the context otherwise requires:

"exclusive economic zone" means the exclusive economic zone of Seychelles

as defined by as under the Maritime Zones Act, 1977;

"marine mammal" means any whale, dolphin, porpoise or dugong;

"Sanctuary" means the Marine Mammals Sanctuary established by section 3;

"territorial waters" means the territorial waters of Seychelles as set out by or under section 3 of the Maritime Zones Act, 1977.

Article 3. - Establishment of Marine Mammals Sanctuary. - (1) The territorial waters and exclusive economic of zone are hereby declared to be a Marine Mammals Sanctuary.

(2) Any person, who, in the Sanctuary, except with the permission of the President:

(a) kills any marine mammal;

(b) chases any marine mammal with intent to kill;

(c) barrasses any marine mammal so as to (disturb its natural behaviour or breeding habits;

(d) takes any marine mammal, alive or dead, including any marine mammal stranded on land.

(e) shall be guilty of an offence and liable to a fine of R. 200,000 and to imprisonment for 5 years, and in addition to any penalty imposed the Court may order that any boat or fishing equipment or machinery used in the commission of the offence shall be forfeit to the State.

(3) It shall be a defence to a charge under subsection (2) (d) to prove that either:

(a) if taken alive, the marine mammal was returned to the sea; or

(b) if taken dead or so seriously injured as to render its recovery unlikely, the taking of the marine mammal was, as soon as practicable, reported to the Principal Secretary to the the Ministry for the time being responsible for fisheries matters and the body disposed of in accordance with his instructions.

(d) Conservation of Marine Shells Act, 1981

Article 1. - Short Title. - This Act may be cited as the Conservation of Marine Shells Act, 1981.

Article 2. - Interpretation. - In this Act, unless the context otherwise requires:

"exempt shell" means a shell specified in Schedule 3;

"explosives" has the meaning assigned in section 2 of the Explosives Act;

"foreshore" means the area between high and low water marks;

"lagoon" means the part (whether within or outside 400m from the low water mark) of the sea and sea-floor lying between a reef and the low water mark;

"Minister" means the Minister for the time being responsible for agriculture";

"protected shell" means a shell specified in Schedule 2;

"shell means, whether complete or partial,:

- (a) a marine mollusc; or
- (b) the outer hard covering of a marine mollusc; or
- (c) a marine mollusc and its outer hard covering;

"Shell Reserve" means an area specified in Schedule 1.

Article 3. - Ban on collection of shells in Reserves, etc. - (1) No person shall in a Shell Reserve specified in Schedule 1:

- (a) collect any shell from; or
- (b) disturb any shell or its natural environment on, a reef, rock, the bed of a lagoon or the sea or sea-floor within 400 m from the low water mark.

(2) For the avoidance of doubt, sub-section (1) does not apply to the collection of dead shells from the foreshore in a Shell Reserve.

(3) No person shall in any part of Seychelles collect a protected shell specified in Schedule 2 or disturb that shell or its natural environment.

Article 4. - Limit on possession of shells. - No person shall possess shells weighing more than 20 kg. in in total.

Article 5. - Ban on sale and purchase of unworked shells, etc. - (1) No person shall sell or purchase an unworked shell.

(2) No person shall sell or purchase a protected shell, whether it is worked or unworked.

(3) In this section:

(a) "sell" includes:

- (i) to sell by auction; or
- (ii) to offer or attempt to sell; or
- (iii) to expose, display or advertise for sale; or
- (iv) to sell or hire under a hire-purchase or instalment sale agreement; or
- (v) to exchange or dispose of for any valuable consideration, and "purchase" is construed accordingly; and

(b) an "unworked shell"

- (i) means a shell which has not, by handwork, craft work or similar process, been made into a craft object or an article for some other purpose; and
- (ii) includes a shell which has only been washed, polished, varnished, or similarly coated; and
- (iii) includes any other category of shell prescribed by the Minister by regulations.

Article 6. - Ban or export of shells. - (1) Subject to sub-section (2) and (3), no person shall export any shell.

(2) Notwithstanding sub-section (1), shells may be exported for personal and non-commercial purposes as follows:

- (a) without a licence - not more than 2 kg in total; or
- (b) by a private collector under and in accordance with a licence granted by or on behalf of the Minister. - more than 2 kg but not more than 20 kg. in total.

(3) Notwithstanding sub-section (1), exempt shells may be exported under and in accordance with a licence granted by or on behalf of the Minister.

Article 7. - Restriction on use of explosives. - No person shall:

- (a) possess in a Shell Reserve; or

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- (b) use in any part of Seychelles to blast coral or a reef, any explosives, explosive device or firework except under and in accordance with a licence granted by the Minister.

Article 8. - Exempt shells. - Sections 3, 4 and 5 do not apply to the exempt shells specified in Schedule 3.

Article 9. - Offences and penalties. - A person who contravenes any provision of sections 3, 4, 5, 6 or 7 of this Act is guilty of an offence and is liable to imprisonment for 6 months and to a fine of R. 5000.

Article 10. - Regulations. - The Minister may make regulations

(a) prescribing any matters that are required or are necessary or are convenient to be prescribed for carrying out or giving effect to this Act; or

(b) amending a Schedule to this Act; or

(c) prescribing the fee to be paid for the issue of a licence under this Act.

Article 11. - Repeals. - (1) The Protection of Shells Act and the Protection of Shells Regulations are repealed.

(2) Proclamation N° 18 of 1970 (exportation of shells) is repealed.

SCHEDULE 1

Section 3(1)

SHELL RESERVES

1. MAHE - NORTH EAST POINT AND ANSE NORD D'EST

The boundary line runs from a point on the shoreline (low water mark) at North East Point with grid coordinates 329890 E 9493370 N° in a due east direction for a distance of 400 m., and then runs in a general north west direction on a line 400 m. from and parallel to the shoreline (low water mark) passing Anse Nord D'Est until reaching a point with grid coordinates 329320 E 9495320 N and then due west for 400 m. reaching the shoreline (low water mark) at a point with grid coordinates 328920 E 9495320 N and then along the low water mark in a south east direction passing Anse Nord D'Est to the starting point.

The area is fully shown on plan number ML/ADN/61 filed in the Chief Surveyors Office.

2. MAHE - SOUTH EAST ISLAND TO POINTE AU SEL

The boundary line runs from a shoreline (low water mark) point at the Northeast corner of Sout East Island with grid coordinates 337500 E 9483400 N in a due north direction for 400 m., then on a line in a southwards direction 400 m. from, and parallel to the shoreline (low water mark) passing the east end of the Airport runway until reaching the reef edge due east of Anse Faure; then the line runs along the edge of the reef up a southwards direction passing Anse aux Pins, Le Cap, Anse aux Courbes until reaching a shoreline point on Pointe au Sel with grid coordinates 336920 E 9477000 N; thence returning in a northwards direction along the shoreline (low water mark) passing Anse aux Courbes, Le Cap, Anse aux Pins, Airport runway and South East Island to the starting point.

The area is fully shown on plan number ML/ADN/64 filed in the Chief Surveyor's Office.

3. LA DIGUE - LA PASSE BY POINTE CAP BARBI TO CAP! BAYARD RIVER

The boundary line runs from the Jetty at La Passe on a line westwards for a distance of 400 m. passing through La Digue Lighthouse; then a line running northwards and then in a southeasterly direction 400 m. from and parallel to the shoreline (low water mark) passing Pointe Cap Barbi, Anse Severe, Anse Patates, Anse Gaulettes, Anse Grosse roche until reaching a point 400 m. due east of the mough of Cap Bayard River; there ther boundary runs due west for the distance of 400 m. until reaching the low water mark at the mouth of the Cap Bayard River, then in a northwest and southwest direction along the shoreline (low water mark) passing Anse Grosse Roche, Anse Gaulettes, Anse Patates, Anse Severe to the starting point.

The area is fully shown on plan number ML/ADN/62 filed in the Chief Surveyor's Office.

4. PRASLIN - ANSE BOUDIN TO POINTE ZANGUILLES

The boundary line runs from a point on the shoreline (low water mark) 270m. north of the mouth of Mon Desir River, then in a due east direction for 400m., then in a southeast direction on a line 100ml from and parallel to the shoreline (low water mark) passing Anse Boudin, Anse Takamaka, Anse Possession, Anse Petite Cour to a point 400 m. due north of the lighthouse at Pointe Zanguilles Thence in a due south direction for 400 m. to the lighthouse, and then along the shoreline passing Anse Petite Cour, Anse Possession, Anse Takamaka, Anse Boudin to the starting point.

The area is fully shown on plan number ML/ADN/63 filed in the Chief Surveyor's Office.

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SCHEDULE 2

Section 3(3)

PROTECTED SHELLS

Triton Conch (Lancive)

SCHEDULE 3

Section 8

Exempt Shells

Bernique

Bigorneau

Burgot

Chicoret

Hache d'Armes

Huitre (edible)

Huitre (mother of pearl)

Mouque

Octopus

Palourde

Squid

Tec Tec

(e) Fisheries Act, 1986 (not yet in force)

PART I - PRELIMINARY

Article 1. - This Act may be cited as the Fisheries Act, 1986 and shall come into operation on such date as the President may, by notice published in the Gazette, appoint.

Article 2. - In this Act:

"aquatic organism" means any aquatic plant or animal with the exception of birds, and includes any fish, crustacean, mollusc, coral, echinoderm, holothurian, or aquatic reptile or aquatic animal and its shells, eggs and other naturally occurring products;

"authorized officer" means any public officer or any employee of SFA designated by the Minister by notice in the Gazette to be an authorized officer for the purposes of this Act;

"continental shelf" means the continental shelf of Seychelles as defined by section 5 of the Maritime Zones Act, 1977;

"fishing aggregating device" means any device placed in the water to aggregate fish and includes any natural floating object upon which a device has been placed to facilitate its location;

"fishing" means fishing for, catching, taking or killing fish or other aquatic organisms by any method and includes searching for fish and placing any fish aggregating device;

"fishing vessel" means any vessel used for fishing other than a pleasure craft;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"licensing law" means the Licences Act, 1986 or any other law for the time being regulating the granting of licences required under this Act;

"local fishing vessel" means any fishing vessel which:

- (a) is wholly owned by one or more citizens of Seychelles or public bodies; or
- (b) is wholly owned by a company, society or other association of persons established under the laws of Seychelles, of which all of the shares are owned by citizens of Seychelles or public bodies; or

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(c) is wholly owned or chartered by a company, society or other association of persons established under the laws of Seychelles, of which at least 51 percent of the voting shares are held by citizens of Seychelles or public bodies; and which the Minister determines should be treated as a local fishing vessel;

"master" means the captain or any other person for the time being in charge of a vessel;

"operator" means, with respect to a vessel, the owner and charterer, if

any;

"pleasure craft" means a vessel operated or hired for the primary purpose of sport or recreation;

"related activities" in relation to fishing means:

- (a) transshipping fish to or from any vessel;
- (b) storing or processing fish;
- (c) transporting fish except as part of a general cargo;
- (d) refuelling or supplying fishing vessels or performing other activities in support of fishing operations;
- (e) attempting or preparing to do any of the above;

"Seychelles waters" means the exclusive economic zone, territorial waters, internal waters and all other waters subject to the fisheries jurisdiction of Seychelles;

"SFA" means the Seychelles Fishing Authority established by the Seychelles Fishing Authority (Establishment) Act, 1984.

PART II - MANAGEMENT OF FISHERIES

Article 3. - (1) SFA shall prepare and keep under review plans for the management and development of fisheries.

(2) The plans shall indicate the current state of fisheries, the objectives to be achieved and the management, development and licensing measures to be applied, including the amount of fishing, if any, to be allocated to foreign fishing vessels.

(3) In the preparation of each fisheries management and development plan, SFA shall consult with the local fisherman and other persons affected by the plan.

(4) SFA shall when practical consult with the fisheries management authorities of other States in the Indian Ocean, and in particular with those sharing the same or related stocks, with a view to ensuring the harmonization of their respective fisheries management and development plans.

(5) Each fisheries management development plan or review thereof shall be submitted to the Minister for approval.

Article A. - (1) The Minister may make regulations prescribing measures for the proper management of fisheries including closed seasons and closed areas, specifications of gear that may be used (including the mesh size of nets), prohibited fishing methods and gear, the species, sizes and other characteristics of fish and other aquatic organisms that it is permitted or forbidden to catch and schemes for the limitation of entry into all or any specified fisheries.

(2) A regulation prescribing management measures may also prohibit the possession, purchase, sale, import or export of any gear or fish or other aquatic organism.

Article 5. - (1) SFA shall collect and analyse statistical and other information on fisheries.

(2) Every person engaged in fishing, related activities or aquaculture shall supply such information regarding such activities in such form as the SFA may require.

(3) No person who receives information pursuant to this Act shall use or disclose it except for the purposes of this Act.

(4) The Minister may enter into arrangements or agreements with other States in the Indian Ocean, either directly or through an international organization, providing for the exchange of fisheries information and for the harmonization of systems for its collection.

Article 6. - (1) The Minister may enter into agreements with other States, with intergovernmental organizations and with associations representing foreign fishing vessel operators allocating fishing rights to vessels of those States, organizations and associations.

(2) The total fishing rights allocated by agreements made under this section shall not exceed the total resources or amount of fishing permitted to foreign fishing vessels by the applicable fisheries management and development plan.

(3) Any agreement made under this section shall include:

- (a) a provision establishing the responsibility of the other State, organization or association to take all necessary measures to ensure compliance by its vessels with the agreement and with the laws relating to fishing in Seychelles waters; and
- (b) such other provisions as may be prescribed.

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Article 7. - (1) No foreign fishing vessel may be used for fishing in Seychelles waters or for fishing for sedentary species on the continental shelf except under and in accordance with a licence granted under the licensing law or an authorization under section 17.

(2) Subject to this Act, a licence granted in accordance with subsection (1) in respect of a foreign fishing vessel shall authorise that vessel to be used in Seychelles waters and, in respect of sedentary species, on the continental shelf for such fishing activities as may be specified in the licence.

(3) No licence shall be granted in accordance with subsection (1) unless:

- (a) there is in force with the Government of the flag state of the vessel, with an intergovernmental organization to which the flag state has delegated the power to negotiate fishing agreements, or with an association of which the operator is a member, an agreement entered into under section 6 to which the Government of Seychelles is a party; or
- (b) the Minister determines that an agreement under section 6 in respect of the vessel is not practical and the applicant provides sufficient financial and other guarantees for the fulfilment of all obligations under this Act.

Article 8. - Any foreign fishing vessel that is not licensed in accordance with section 7 or authorized under section 17 shall at all times that it is in Seychelles waters keep its fishing gear stowed in such manner as may be prescribed.

Article 9. - (1) No local fishing vessel may, unless it has been exempted under subsection (2), be used for fishing except under and in accordance with a licence granted under the licensing law or an authorization under section 17.

(2) The Minister may make regulations exempting any category of local vessel from the requirements of this section, subject to such conditions as he may prescribe.

(3) No licence shall be granted in accordance with subsection (1) unless:

- (a) the vessel is a local fishing vessel as defined;
- (b) the issue of the licence is consistent with any licensing programme specified in the applicable fisheries management and development plan;
- (c) the applicant is able and willing to comply with the conditions of the licence.

Article 10. - (1) The Minister may make regulations prescribing the conditions under which pleasure craft may be used for fishing.

(2) Regulations made under subsection (1) may require a pleasure craft used for fishing to be licensed.

(3) Where a pleasure craft used for fishing is required to be licensed, a licence may be granted under the licensing law.

Article 11. - (1) The Minister may make regulations requiring a licence for:

- (a) any kind of fishing, with or without the use of a vessel;
- (b) the use of a vessel for any related activity.

(2) Where a licence is required for any activity described in subsection (1), a licence may be granted under the licensing law.

(3) A licence required by regulations made under this section shall authorize any person to conduct any kind of fishing or related activity for which the licence is required.

Article 12. - (1) Every vessel, net or activity required under this Act to be licensed shall be operated or conducted in accordance with such general operating and management requirements as the Minister may prescribe, and, in the case of a foreign fishing vessel, with requirements made applicable to the vessel by any agreement under section 6, and, in all cases, subject to any conditions which may be prescribed or be endorsed on the licence including conditions relating to:

- (a) the type and method of fishing or related activity authorized;
- (b) the areas within which such fishing or related activity is authorized; and
- (c) the target species and amount of fish or other aquatic organisms authorized to be taken, including any restriction on by catch.

(2) Where it is expedient for the proper management of fisheries, any special condition attached to any licence may be varied by the person or the authority granting the licence.

(3) Where any special condition attached to any licence is varied, the licensee shall be notified of such variation as soon as practicable.

Article 13. - There shall be payable in respect of every licence such fees and other payments as may be prescribed by or under the licensing law or provided for by an agreement under section 6.

Article 14. - (1) A licence granted in accordance with this Act shall be valid for such period not exceeding five years as may be prescribed by regulations or specified in the licence.

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(2) Where a vessel licensed as a local fishing vessel ceases to be a local fishing vessel, the licence shall automatically terminate.

(3) The term of a foreign fishing vessel licence shall not extend beyond the term of any applicable agreement under section 6.

(4) No licence shall be transferable except with the written permission of the SFA or as may be prescribed by regulations for the limitation of entry into any fishery.

Article 15. - (1) Any licence granted in accordance with this Act may be suspended or cancelled in accordance with the licensing law:

- (a) where a vessel or any gear in respect of which the licence was issued has been used, or any activity has been conducted, in contravention of this Act or of any condition of the licence.
- (b) where such action is necessary or expedient for the proper management of fisheries.

(2) In the event of suspension or cancellation of a licence for the reasons set out in subsection (1)(b), the proportion of any fees paid with respect to the unexpired portion of the licence shall be refunded to the licensee.

Article 16. - Any person aggrieved by:

- (a) the refusal to grant or renew a licence in accordance with section 9, 10 or 11; or
- (b) the suspension, cancellation or variation of a condition of any licence;

may appeal against the refusal, suspension, cancellation or variation, and the provisions of the licensing law shall apply to such an appeal.

Article 17. - (1) The Minister may in writing authorize any person or vessel to fish for the purpose of scientific research, subject to such conditions as he may prescribe or specify.

(2) An authorization under subsection (1) may exempt any person or vessel from any provision of this Act.

Article 18. - (1) The SFA may in writing grant to any person the exclusive right of propagating, raising and taking fish and other aquatic organisms, in any area of Seychelles waters.

(2) An application for a grant under this section shall be made in the prescribed form to the SFA.

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(3) The SFA shall, at the expense of the applicant, publish in the Gazette notice that an application has been made under this section and that any objection to its being granted must be filed with the SFA within 15 days of the date of publication of the notice.

(4) The SFA shall forward an application under this section, together with any objections thereto, any further submissions by the applicant and its own observations and recommendations, to the Town and Country Planning Authority established by section 3 of the Town and Country Planning Act.

(5) A grant under this section shall not be made without the prior approval of the Town and Country Planning Authority.:

(6) A grant under this section shall be valid for such period and subject to such conditions and the payment of such fees as may be specified in the grant.

(7) the Minister may make regulations further providing for the licensing and control of aquaculture in any part of Seychelles or Seychelles waters.

PART III - ENFORCEMENT

Article 19. - (1) For the purpose of enforcing this Act, an authorized officer may, without a warrant:

- (a) stop, board and search any fishing vessel in Seychelles waters;
- (b) require to be produced, examine and make copies of any licence, logbook or other document required under this Act;
- (c) require to be produced and examine any net or other fishing gear and any fish.

(2) The master of any fishing vessel ordered to stop by an authorized officer shall take all necessary measures to facilitate boarding of the vessel.

(3) Where an authorized officer has reasonable grounds to believe that an offence against this Act has been committed, he may, without a warrant, seize and detain any vessel (together with its gear, stores and cargo), fish, fishing gear or other article which he has reason to believe has been used in the commission of the offence or in respect of which the offence has been committed.

(4) Any vessel seized under subsection (3) and the crew thereof shall be taken forthwith to the nearest or most convenient port.

(5) Any vessel or other article seized under subsection (3) shall be delivered into the custody of the magistrates' court and shall be dealt with in accordance with section 23.

Article 20. - Where, following the commission in Seychelles waters of an offence against this Act with the use of a vessel, the vessel is pursued beyond the limits of Seychelles waters, the powers conferred on authorized officers under section 19 shall be exercisable in respect of such vessel beyond the limits of such waters in the circumstances and to the extent recognized by international law.

Article 21. - (1) The Public Officers (Protection) Act, 1976 is hereby extended to all Seychelles waters.

(2) Employees of SFA exercising functions under this Act shall be deemed to be public officers for the purposes of the Public Officers (Protection) Act, 1976, and of sections 372 and 373 of the Penal Code.

Article 22. - The Minister may enter into arrangements or agreements with other States in the Indian Ocean, either directly or through an international organization, providing for joint or harmonized surveillance and enforcement measures in respect of foreign fishing vessels.

Article 23. - (1) The court may order any fish or other perishable articles seized under this Act to be sold.

(2) The court may order the release of any vessel or other article seized under this Act on receipt of a satisfactory bond or other security for its value.

(3) The proceeds of any sale under subsection (1), and any bond or other security received under subsection (2) shall be held and dealt with in accordance with this Act as though they were the article which has been sold or released.

(4) If no proceedings in respect of a seized article are instituted within 15 days of its delivery to the court, it shall be released on demand to any person who appears to be entitled thereto.

(5) Where proceedings are instituted in respect of a seized article, the court may retain it pending the outcome of such proceedings and, where proceedings are instituted in any other court, may deliver it into the custody of that court which shall deal with it in accordance with this section.

Article 24. - (1) Where any foreign fishing vessel that is not licensed in accordance with section 7 or authorized under section 17 is used for fishing in Seychelles waters or for fishing for sedentary species on the continental shelf, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R. 10,000.

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(2) Where any vessel that is licensed in accordance with section 7 or that is a foreign vessel authorized under section 17 is used in contravention of any condition of the licence or authorization or of any prescribed standard requirements applicable to that vessel the operator and master shall each be guilty of an offence and liable on conviction to a fine of R. 10,000.

(3) Where any local fishing vessel that is required to be licensed in accordance with section 9 is not so licensed and is used for fishing in Seychelles waters, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R. 10,000.

(4) Where any vessel that is licensed in accordance with section 9 or that is a local vessel authorized under section 17, is used in contravention of any condition of the licence or authorization, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R. 10,000.

(5) Any person who, in Seychelles or Seychelles waters, conducts any fishing or related activity for which a licence is required by regulations made under this Act, otherwise than under the authority of and in accordance with the terms of a valid licence, shall be guilty of an offence and liable on conviction to a fine of R. 10,000.

(6) Where any foreign fishing vessel that is not licensed in accordance with section 7 or authorized under section 17 is found in Seychelles waters without its gear stowed in the prescribed manner, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R. 5,000.

(7) Any person who uses any poisonous or explosive substance to kill, stun or disable fish in order to render them more easily caught shall be guilty of an offence and liable on conviction to a fine of R. 50,000.

(8) Any person who fishes in contravention of any management measure prescribed under section 4 shall be guilty of an offence and liable on conviction to a fine of R. 10,000.

(9) Any person who, contrary to section 19(2) or in any other way, prevents or hinders an authorized officer's exercising the powers conferred on him under this Act shall be guilty of an offence and liable on conviction to a fine of R. 5,000.

(10) (a) Any person who, in Seychelles waters, kills, chases or takes any marine mammal, alive or dead, shall be guilty of an offence and liable on conviction to a fine of R. 50,000;

(b) It shall be a defence to a charge under paragraph (a) that either:

(i) if taken alive, the marine mammal was returned to the sea with the least possible injury; or

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- (ii) if taken dead or so seriously injured as to render its recovery unlikely, the taking of the marine mammal was reported to the Principal Secretary of the Ministry as soon as practical and the body disposed of in accordance with his instructions.

(11) Any person required to supply information under this Act who fails to supply such information or supplies false or misleading information shall be guilty of an offence and liable on conviction to a fine of R. 50,000.

Article 25. - (1) On convicting any person of an offence against this Act, the court, in addition to any other penalty imposed:

- (a) may order any fishing gear used in the commission of the offence, and any article in respect of which the offence has been committed, and in the case of an offence under section 24(1), any vessel (together with its gear, stores and cargo) used in the commission of the offence, to be forfeited.
- (b) shall order all fish and other aquatic organisms caught in the commission of the offence to be forfeited;

(2) All fish and other aquatic organisms found on board any vessel which has been used in the commission of an offence against this Act shall be presumed, unless the contrary is proved, to have been caught in the commission of the offence.

(3) Where an article in the custody of the court is not ordered to be forfeited, it shall be held until all fines imposed for any offence in the commission of which the article was used, or which was committed in respect of the article, have been paid. If within thirty days following the imposition of the fine, any part of such fines remains unpaid, such article may be sold, and the proceeds applied towards payment of the fines.

Article 26. - (1) The Minister may, if he is satisfied that an offence has been committed under this Act and if the person admits the commission of the offence and agrees in writing to its being dealt with under this section:

- (a) compound the offence by accepting the sum of money not exceeding the maximum fine specified for the offence;
- (b) order the release of any vessel or other article seized in connection with the offence on payment of a sum of money not exceeding the value of the vessel or other article.

(2) Any sum of the money received under this section shall be dealt with as though it were a fine imposed by the court.

(3) In any proceedings brought against any person for an offence against this Act, it shall be a good defence if the person proves that the offence has been compounded under this section.

PART IV - GENERAL PROVISIONS

Article 27. - (1) The Minister may make regulations for the carrying into effect of the purposes and provisions of this Act, including regulations:

- (a) requiring the holder of a licence in accordance with section 7 to appoint a local agent in Seychelles with authority to represent the licensee in respect of the vessel;
- (b) requiring the holder of any licence to execute a bond or give other guarantee of his obligations under the licence;
- (c) requiring any licensed vessel to be equipped with specified communications and position-fixing equipment;
- (d) delimiting areas of Seychelles waters in which fishing shall be reserved to local vessels and local fishermen;
- (e) providing for compensation payable to Seychelles citizens or to the Government in the event of any loss or damage caused by a foreign fishing vessel to other vessels or their gear or catch, or to cables or to other Seychelles interests;
- (f) prescribing the manner in which fishing gear is to be stowed and requiring any fishing vessel to stow its gear in the prescribed manner during anytime that it is in an area of Seychelles waters where it is not authorized to fish;
- (g) regulating the use of fish aggregating devices;
- (h) regulating the import and export of live fish and other aquatic organisms;
- (i) prescribing any other matter which is required or authorized to be prescribed.

(2) Regulations made under this section may provide that their contravention shall constitute an offence and may prescribe fines not exceeding R. 20,000 for any offence.

Article 28. - (1) The following are repealed:

- (a) Fisheries Act;
- (b) Fish Export Act;
- (c) Turtles Act;
- (d) Whale and Other Fishery Act;
- (e) Control of the Natural Resources of the Seabed and Subsoil Act;
- (f) Seas and Submerged Lands Act, 1976;
- (g) Fisheries (Control) Act, 1976;

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- (h) Control of Foreign Fishing Vessels Decree, 1979;
- (i) Marine Mammals Sanctuary Decree, 1979;
- (j) Conservation of Marine Shells Act, 1981;
- (k) Proclamation N° 6 of 1969.

(2) The Seal Fisheries (North Pacific) Act, 1912, and the Whaling Industry (Regulation) Act, 1934, of the United Kingdom shall cease to apply to Seychelles or Seychelles waters.

(3) Notwithstanding subsection (1):

- (a) any licence issued under the Fish Export Act and in force at the commencement of this Act shall continue in force until its expiry, cancellation or revocation;
- (b) any licence issued under the Control of Foreign Fishing Vessels Decree, 1979 and in force at the commencement of this Act shall be deemed to be a foreign fishing vessel licence issued in accordance with this Act and the provisions of this Act and the licensing law shall apply accordingly in relation to any such licence;
- (c) any licence for a net issued under the Fisheries Regulations, 1942, and in force at the commencement of this Act shall be deemed to be a licence granted under the licensing law pursuant to section 11 of this Act and the provisions of this Act and the licensing law shall apply accordingly in relation to any such licence.

(f) Licensing Act, 1986 (not yet in force)

PART I - PRELIMINARY

Article 1. - This Act may be cited as the Licences Act, 1986 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Article 2. - In this Act:

"Authority" means the Licensing Authority established by section 3(1);

"Chairman" means the Chairman of the Authority appointed under section 3(3);

"Director" means the Director of the Authority appointed under section 4(1);

"Member" means a member of the Authority and includes the Chairman.

PART II - AUTHORITY

Article 3. - (1) There is established for the purposes of this Act the Licensing Authority.

(2) The Authority shall consist of not less than 5 members appointed by the President by notice published in the Gazette for such term and on such conditions as the President may determine.

(3) The President shall appoint one of the members to be the Chairman of the Authority.

Article 4. - (1) There shall be a Director of the Authority appointed by the President for such term and on such conditions as the President may determine.

(2) The Director shall be the Chief Executive (officer of the Authority.

(3) The Director has, in addition to such other functions which the Authority may from time to time assign to him and subject to the direction of the Authority, supervision over and direction of the day-to-day affairs of the Authority.

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(4) Subject to any direction of the Authority and, unless prevented by reasons which appear to be reasonable to the Authority, the Director shall attend and participate in the meetings of the Authority but shall have no right to vote at the meetings.

(5) Where the Director has a direct or indirect interest in a matter which falls to be considered by the Authority, he shall disclose the nature of his interest to the Authority and, unless specifically authorised to do so by the Authority, shall not take part in any deliberation of the Authority with respect to that matter.

Article 5. - (1) The Authority may, on such terms and conditions as may be determined by the Authority with the approval of the President, employ such persons as are necessary for the Authority to perform its functions.

(2) The Authority may in the exercise of its powers under subsection (1), employ, with the approval of the President, a public officer on such terms and conditions as the President may determine.

Article 6. - (1) Where a licence is required under this Act, the Authority may:

- (a) grant or renew a licence;
- (b) attach or vary conditions of the licence;
- (c) suspend or revoke the licence; or
- (d) otherwise deal with the licence.

(2) Where the Authority deems it fit to consult any other person, Government Ministry, department or agency, in the exercise of its powers under subsection (1), the Authority shall consult such person, Government, Ministry, department or agency.

(3) Notwithstanding subsection (1)(c):

- (a) where any activity, business, trade, profession, premises or goods in respect of which a licence is granted by the Authority is under the control, superintendence or management of a public officer or a Government Ministry, department, agency or statutory body that officer, Ministry, department, agency or statutory body may for a breach of any conditions of the licence or for any other reasonable cause suspend the licence for a period of 21 days, where in the opinion of that officer, Ministry, department, agency or statutory body such action is necessary in the interests of such activity, business, trade, profession, premises, or goods, and shall inform the Authority of such action;
- (b) where pursuant to a conviction of any person by a court for any offence, the court is empowered by any Act to suspend, cancel or revoke a licence issued by the Authority, the court may temporarily suspend the licence for a period of 21 days and shall inform the Authority of such action.

(4) Where a person complains to the Authority against a licensee the Authority may, where it does not consider the complaint frivolous or vexatious:

- (a) hear and investigate the complaint; and
- (b) subject to this Act, take such measures against the licensee as the Authority considers appropriate.

(5) The Authority shall ensure that a licensee complies with conditions of his licence.

(6) The Authority shall keep a record of all the licences granted by it.

Article 7. - In the exercise of its functions under this Act, the Authority may:

- (a) require any person to furnish any information on any matter relating to a licence or on an application for a licence;
- (b) summon a person to appear before the Authority to answer questions and to produce such documents as the Authority may specify in the summons ;
- (c) administer an oath to a person appearing before it or allow that person to make an affirmation or declaration;
- (d) nominate, appoint or authorise any person for any Government Ministry, department or agency to enquire and report on any matter relating to:
 - (i) an application for a licence;
 - (ii) an alleged breach of a condition of a licence;
 - (iii) the renewal, revocation or suspension of a licence; or
 - (iv) a complaint against a licensee;
- (e) without prejudice to the liability of any person under any Act, order:
 - (i) the closure of premises:
 - A. in respect of which a licence has been issued by the Authority; or
 - B. on which any activity, business, trade or profession is being carried on or any goods are stored or kept in breach of a provision of an Act; or
 - (ii) the seizure of any material or equipment used in connection with an activity, business, trade or profession which is being carried out in breach of a provision of an Act.

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- (f) call for and obtain the assistance of any police officer, public officer or any person, and use such force as may be necessary, in carrying out any order under paragraph (e).

Article 8. - (1) Subject to subsection (2), the Minister may give to the Authority directions of a general character by notice in writing as to the exercise of its functions and powers in relation to matters concerning the public interest and the Authority shall comply with those directions.

(2) In the exercise of his powers under subsection (1), the Minister shall not give a direction to the Authority with respect to a particular application, licence or case.

Article 9. - (1) The Authority shall meet at such time and at such place as the Chairman may determine.

(2) The Chairman or, in his absence, any member nominated by the President shall preside at any meeting of the Authority.

(3) Three members shall constitute a quorum.

(4) Questions arising at a meeting of the Authority shall be decided by a majority of the votes of the members present and, in the event of an equality of votes, the Chairman or the member presiding shall have a second or casting vote.

(5) The proceedings of the Authority shall be held in private.

(6) Subject to the preceding provisions of this section, the Authority shall regulate its own proceedings.

Article 10. - (1) A member who has a direct or indirect interest in any matter which falls to be decided by the Authority:

(a) shall disclose the nature of his interest at a meeting of the Authority; and

(b) shall not take part in any deliberation or decision in respect of that matter.

Article 11. - (1) The Authority may, subject to such conditions and restrictions as it may impose, delegate to the Director such of its powers as are necessary to enable the Director to transact effectively the day-to-day affairs of the Authority.

(2) The Director may, subject to the approval of the Authority, delegate to an officer of the Authority, such of his functions as he may determine.

Article 12. - (1) The funds of the Authority shall consist of:

(a) money appropriated by an Appropriation Act and paid to the Authority; and

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- (b) such other money as may be lawfully charged by the Authority other than the licence fees received in respect of licences.

(2) The Authority shall apply its funds for the purpose of meeting expenditures incurred by the Authority in carrying out its functions including the salary of its Director, its staff and such other expenses as may be authorised by the Minister.

Article 13. - (1) The Authority shall pay into the Consolidated Fund the licence fee received by it in respect of a licence.

(2) The Authority may, in consultation with the Minister, waive or remit any fees in any particular case.

Article 14. - (1) The Authority shall keep proper accounts of the Authority and records in relation to the accounts and shall prepare, in respect of each financial year of the Authority, a statement of accounts in such form as the Minister may direct.

(2) The accounts and statement of accounts of the Authority shall be audited by an auditor appointed by the Minister.

(3) As soon as the accounts and statement of accounts of the Authority in respect of any financial year have been audited, the Authority shall furnish to the Minister a copy of the statement together with a copy of any report made by the auditor on that statement or on the accounts of the Authority.

(4) The Authority shall prepare in respect of each financial year of the authority a report of its activities and submit a copy of the report to the Minister.

(5) The financial year of the Authority shall end on 31st December in each year.

Article 15. - A person who is aggrieved by a decision of the Authority may within 15 days from the date of the decision appeal to the Minister whose decision on the matter shall be final.

PART III - LICENCES

Article 16. - (1) Notwithstanding anything in any other Act, no person shall:

- (a) engage in or carry on any activity, profession, trade or business specified in Schedule 1;
- (b) keep, use or possess any animal, goods, vehicles or vessels specified in Schedule 2; or
- (c) keep or manage any premises specified in Schedule 3,

except under and in accordance with a licence granted by the Authority.

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(2) Regulations may provide for all matters in respect of a licence under subsection (1) including the levy of a fee or charge in respect of the licence.

(3) The Minister may exempt, subject to such conditions, as he thinks fit, any person or premises from the operation of all or any provisions of this Act.

(4) Where, for any of the purposes set out in subsection (1), a licence is required under any other Act, this Act shall apply to such licence and, notwithstanding anything to the contrary in that other Act, the Authority may exercise its functions and powers in respect of such licence as if it were a licence required under this Act.

Article 17. - (1) An application for a licence shall be made to the Authority and shall contain such particulars as may be prescribed.

(2) The Authority may direct an applicant for a licence to furnish such further particulars as it may consider necessary and the applicant shall comply with such direction.

Article 18. - (1) The Authority may authorise any person on its staff to exercise any of the powers pursuant to subsection (2).

(2) A person authorised under subsection (1) may, where he has reason to believe that an offence under this Act has been, or is being committed:

- (a) enter and search any premises, vehicle or vessel;
- (b) call for and examine any licence, book or other document;
- (c) take copies of or extracts from any book or document or any entry of the book or document.

(3) A person authorised under subsection (1) shall, if so requested, produce his authority to exercise the powers under this section.

Article 19. - (1) Any person who without lawful authority or reasonable excuse communicates to another person information which he has acquired in his capacity as a member, officer, employee or agent of the Authority is guilty of an offence.

(2) Any person who without lawful authority or reasonable excuse:

- (a) wilfully fails to furnish any information when required by the Authority to do so;
- (b) wilfully fails to comply with a summons issued or an order made by the Authority;
- (c) wilfully fails to answer a question put to him by a member in the course of proceedings of the Authority held under this Act;

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- (d) knowingly gives false evidence before the Authority;
- (e) wilfully obstructs a member, officer, employee or agent of the Authority in the exercise of his functions under this Act; or
- (f) acts in contempt of the Authority,

is guilty of an offence.

(3) A person who in any application for a licence under this Act or pursuant to any requirement under section 7(a) or any direction under section 17(2) makes any statement which he knows to be false in a material particular is guilty of an offence.

(4) A person who contravenes section 16(1) or, when directed by the Authority, contravenes section 17(2) or contravenes any condition of a licence or contravenes any regulation is guilty of an offence.

(5) Where a person is charged with contravening section 16(1), the burden of proving that he is the holder of a licence, shall be on him.

Article 20. - (1) Any person who is guilty of an offence under this Act shall on conviction be liable:

- (a) in the case of an offence under section 19(1) or section 19(2) or section 19(4), to a fine of R. 20,000 and to imprisonment for 2 years;
- (b) in the case of an offence under section 19(3), to a fine of R. 50,000 and to imprisonment for 5 years.

(2) Without prejudice to any penalties under subsection (1), the Authority may revoke a licence where the holder of a licence granted by the Authority:

- (a) is convicted of an offence under this Act; or
- (b) is convicted of an offence under any other law which disqualifies him upon conviction from holding the licence or which enables on conviction the revocation of the licence.

Article 21. - (1) The Minister may make regulations for carrying into effect the provisions of this Act and for matters necessary or required to be prescribed by regulations.

(2) The Minister may by regulations amend the Schedules.

Article 22. - (1) The Seychelles Licensing Authority Act, 1984 is hereby repealed.

(2) Each Act specified in column 1 of Schedule 4 is hereby repealed to the extent specified in the corresponding entry in column 2 of that Schedule.

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(3) Each Act specified in column 1 of Schedule 5 is modified in the manner set out in the corresponding entry in column 2 of that Schedule.

(4) Notwithstanding the repeals effected by subsections (1) and (2), any licence granted under an Act repealed by those subsections and in force at the commencement of this Act shall, unless earlier revoked, continue in force for the period for which the licence is granted.

(5) The Authority may exercise any of its functions and powers under sections 6 and 7 in respect of a licence granted under any Act repealed by subsections (1) and (2) and in force under subsection (4) as if it were a licence granted under this Act.

SCHEDULE 1

ACTIVITY, PROFESSION, TRADE AND BUSINESS

...

Fishing or related activity as defined in the Fisheries Act, 1986 required to be licensed under that Act.

SCHEDULE 2

GOODS, ANIMALS, VEHICLES AND VESSELS

...

Foreign fishing vessels;

Local Fishing vessels, other than those exempted under the Fisheries Act, 1986.

Fishing nets exceeding 50 meters in length.

SCHEDULE 3

PREMISES

[Omitted]

SCHEDULE 4
REPEALED ACTS

[Omitted]

SCHEDULE 5
MODIFICATION OF ACTS

[Omitted]

3. REGULATIONS

(b) Foreign Fishing Vessels Regulations, 1979 (as amended)

Article 1. - Citation. - These Regulations may be cited as the Foreign Fishing Vessels Regulations, 1979.

Article 2. - Application for licence. - An application for a licence shall be in writing, signed by the owner of the foreign fishing vessel in respect of which the licence is sought, and countersigned by the authorized local agent named in the application, and shall contain the following information:

- (a) the name and description of the vessel, the equipment and crew complement ;
- (b) the flag state and home port of the vessel;
- (c) the name of the owner and master of the vessel;
- (d) the side number of the vessel, its radio frequencies, call sign and signal letters;
- (e) a description of the proposed fishing operations or related activities including:
 - (i) the species to be fished;
 - (ii) the method of fishing and type and dimensions of gear to be used;
 - (iii) the area or areas to be fished;
 - (iv) the amount of fish to be caught;
 - (v) the period of time for which a licence is sought;
 - (vi) the place in which the fish is to be landed and/or processed, and a description of the ultimate destination and use of the fish; and
 - (vii) a description of support operations, and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out;
- (f) a description of any joint venture or other contractual arrangements with Seychelles business interests in connexion with the fishing operations;
- (g) a brief description of any related fishing operations sought to be undertaken in the marine areas under the jurisdiction of Seychelles by other vessels belonging to or under the control of the owner;

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- (h) the name and address of the local authorised agent appointed by the owner to represent him in all dealings with the Government, and evidence of the extent to which the local agent is authorized to undertake legal and financial obligations on behalf of the owner; and
- (i) such other information as may be requested by the Minister in clarification or amplification of the information furnished by the applicant.

Article 3. - Form of licence. - Every licence shall be in the form set put in the First Schedule.

Article 4. - Licence fees. - The fees for licences shall be the subject of negotiation between the Government and the owner of the foreign fishing vessel.

Article 5. - No fishing in territorial waters. - No licence issued shall purport to authorize or be valid for fishing operations by any foreign fishing vessel in the territorial waters.

Article 6. - Conditions of licence. - A licence shall be subject to the following conditions:

- (a) the owner of the vessel shall appoint and maintain a local authorized agent in Mahe, who shall be authorized to accept legal and financial responsibility on behalf of the owner in respect of the operations undertaken by the vessel and to accept service of any notice, summons or other document on behalf of the owner in any legal proceedings arising out of the conduct of the fishing operations or related activities by the vessel; the local representative shall be a person resident in a Mahe and having a permanent office or establishment in Mahe;
- (b) the owner or the authorized local agent shall, if required by the Minister, execute and maintain a bond in an amount and form satisfactory to the Minister, to guarantee performance of the obligations under the licence;
- (c) the master or the authorized local agent shall notify the Minister of the estimated time and location of entry of the vessel into the marine areas under the jurisdiction of Seychelles not less than 24 hours prior to such entry, and shall at the same time notify the Minister of:
 - (i) the approximate fishing plan or schedule of activities to be carried out under the licence;
 - (ii) the date of arrival of the vessel at Fort victoria for initial inspection, unless exempted from such inspection; and
 - (iii) the species of fish on board the vessel, and the quantity and condition of each species;

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- (d) after entry into the marine area under the jurisdiction of Seychelles, the vessel shall proceed directly and immediately to Port Victoria for initial inspection by an authorized officer, unless exempted from such inspection by the Minister, and shall not be used for fishing or related activities in such area until such time as such inspection has been carried out or such exemption has been given;
- (e) the licence shall be valid only for such activities, for such period and for such area or areas as are specified in the licence;
- (f) where fishing is authorized by the licence:
 - (i) only such species of fish shall be fished for, in such quantities, using such methods of fishing and such fishing gear, as are authorized by the licence;
 - (ii) no by-catch shall exceed such percentage as may be specified in the licence;
 - (iii) all relevant laws and regulations regarding the conservation and management of fisheries resources in Seychelles and the conduct of fishing operations shall be complied with;
 - (iv) the master shall cause written records to be maintained of the fishing effort and catch of the vessel in the manner prescribed in the licence.
- (g) any transshipment of fish shall be done in Port Victoria under the control of authorized officers unless otherwise permitted by the licence;
- (h) the written records required to be maintained under paragraph (f) shall be transmitted by the master of the vessel to the Minister:
 - (i) monthly or at the request of the Minister, or of any fisheries officer on his behalf, or by any authorized officer, at any time during the term of the licence; and
 - (ii) in any event, not later than 30 days after the expiry of the licence;
- (i) the master of the vessel shall cause radio reports to be made to the Minister or to such persons as may be specified in the licence at the following intervals and containing the following information:
 - Every 3rd day
 - (i) the name of the vessel;
 - (ii) the licence number;
 - (iii) the precise geographical position of the vessel in terms of longitude and latitude;

Weekly

The information in sub-paragraphs (i), (ii) and (iii) and

- (iv) the quantity, in kilograms, of each species of fish in the hold;
 - (v) the quantity, in kilograms, of fish caught since the last inspection in Port Victoria or the last weekly radio report, whichever is the later;
 - (vi) the quantity, in kilograms, of each species of fish transferred, if the licence authorises such transfer, to other vessels since the last inspection in Port Victoria or the last weekly radio report, whichever is the later;
- (j) the master or the authorized local agent shall notify the Minister or any designated fishery officer of the estimated time of entry of the vessel into Port Victoria, at least 24 hours prior to such entry;
- (k) the master shall bring the vessel into Port Victoria for inspection at any time when required to do so by the Minister or any authorized officer;
- (l) where the vessel is in any marine area under the jurisdiction of Seychelles where it is not authorized by its licence to engage in fishing, all fishing gear shall be stowed in accordance with the manner prescribed in these Regulations;
- (m) the vessel shall at all times while in any; marine area under the jurisdiction of Seychelles:
- (i) fly the flag of its flag state; and
 - (ii) display so as to be clearly visible both from the sea and from the air, on the starboard side of the funnel or the starboard side of the superstructure, the licence number in white markings of at least 90 centimetres in height in the case of a vessel whose overall length exceeds 18 metres, or 45 centimetres in height in any other case, on a black background;
- (n) the master shall permit an observer or observers designated in writing by the Minister to go on board and remain on board the vessel for any or all of the period of validity of the licence, and shall:
- (i) provide the observer or observers with suitable food and accommodation while on board;
 - (ii) cooperate fully with each observer in the performance of his duties; and
 - (iii) arrange for the observer or observers to send or receive messages by way of the radio telegraph or radio telephone facilities on board the vessel;

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- (o) the master shall, at all times while in marine areas under the jurisdiction of Seychelles comply with any directions or instructions given to him by any authorized officer and, in particular, shall bring the vessel to when requested to do so, permit and facilitate any authorized officer to board the vessel and cooperate with such officer in any inspection carried out by him;
- (p) the vessel shall have on board at all times while in marine areas under the jurisdiction of Seychelles such communications and position fixing equipment as may be specified in these Regulations or in the licence as required equipment;
- (q) the master or the authorized local agent shall notify the Minister or any designated fishery officer, of the estimated time and location of the departure of the vessel from marine areas under the jurisdiction of Seychelles not less than 48 hours prior to such departure, and shall at the same time notify him of the following:
 - (i) the expected date of arrival of the vessel in Port Victoria for final inspection unless exempted from such inspection; and
 - (ii) the species of fish on board the vessel, and the quantity and condition of each species;
- (r) before leaving marine areas under the jurisdiction of Seychelles, the vessel shall proceed to Port Victoria for final inspection by an authorized officer, unless exempted from such final inspection by the Minister;
- (s) after final inspection, the vessel shall depart directly from marine areas under the jurisdiction of Seychelles and shall not be used for fishing or related activities before such departure; and
- (t) any records, reports or notifications required to be maintained or made under this regulation shall be maintained or made in the English or French language; in every communication by radio, flag or light between any licensed vessel in marine areas under the jurisdiction of Seychelles and any Government authority the signals specified in the "International Code of Signals" published by the Inter-Governmental Maritime Consultative Organization Marine Safety Committee shall be used.

Article 7. - Prescribed manner of stowage. - Any foreign fishing vessel prohibited from fishing in marine areas under the jurisdiction of Seychelles under section 3 shall, while within such areas, stow its fishing gear in accordance with the following provisions:

- (a) all such gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;

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- (b) all nets, trawlboards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames; and
- (c) all fishing gear carried on deck shall be secured to some part of the superstructure of the vessel.

Article 8. - Signals. - (1) For the purpose of section 9 or regulation 6;

- (a) the signal to be used for requiring a foreign fishing vessel to bring to is the International Code of Signals, signal "L";
 - (b) the signal to be used for requiring a foreign fishing vessel to bring to be boarded is the International Code of Signals signal "SQ 3)".
- (2) Signals may be given by flag, signal lamp, loudspeaker, horn, siren whistle or radio.

Article 9. - Penalties for contravention. - Where any provision of these Regulations (except regulation 7) is contravened in respect of any foreign fishing vessel to which it applies the owner and the master shall each be guilty of an offence and liable to a fine of Rs. 75,000.

FIRST SCHEDULE

FOREIGN FISHING VESSELS REGULATIONS 1979

N°

Issued to

Address

Name and address of owner of vessel if different from above

Name and address of agent or other legal representative in Seychelles

Name and address of master of vessel

Name of vessel

Type of vessel

Port and country of registry

Registration number

Fishing vessel identification mark

Signal letters

LengthRegistered net tonnage

Engine horse power

Radio call sign Frequency

The vessel, details of which appear above, is hereby authorized to do such of the following as may be indicated on this licence:

Authorization to fish within marine areas under the jurisdiction of Seychelles

Description of fishing operations authorized

Areas to be fished

Species of fish to be taken
.....
Requirements concerning disposal of by-catch.....
.....
Reporting requirements
.....
Authorized landing places
.....
Special conditions
.....
Period of validity from
until Date of issue

Fees paid:

Approved
Minister

This licence is granted subject to the following conditions:

1. The holder shall comply with and ensure that the vessel is used in conformity with the provisions of the Control of Foreign Fishing Vessels Decree, 1979 and Foreign Fishing Vessels Regulations, 1979.
2. (here insert any other condition to which licence is subject).

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(c) Foreign Fishing Vessels (Radio calls) Regulations, 1979

Article 1. - Citation. - These Regulations may be cited as the Foreign Fishing Vessels (Radio Calls) Regulations, 1979.

Article 2. - Radio calls. - (1) For the purposes of section 15(2), a foreign fishing vessel wishing to exercise its right of free navigation through the exclusive economic zone shall, before entering such zone, make a radio call to Cable and Wireless Limited's Seychelles Ship Shore Station S7Q, either:

(a) in morse on 500 Khz; or

(b) by radio telephone on 2182 Khz.

(2) A radio call made in terms of sub-regulation (1) and acknowledged by Cable and Wireless Limited shall be sufficient to rebut the presumption in section 15(1).

(d) Fisheries (Spear-guns) Regulations, 1972

Article 1. - Citation and commencement. - These Regulations may be cited as the Fisheries (Spear-guns) Regulations, 1972 and shall come into operation on the date on which the Fisheries (Amendment) Ordinance, 1971 comes into operation.

Article 2. - Application. - These regulations and all the provisions of the Ordinance relating to spear-guns shall apply to the whole Colony, including all the islands listed in the First Schedule to the Outlying Islands (Employment of Servants) Ordinance.

Article 3. - Interpretation. - In these regulations "spear-gun" has the meaning assigned thereto by section 2A of the Ordinance.

Article 4. - Sale of spear-guns prohibited. - The sale or offering for sale of any spear-gun is hereby prohibited with effect from the 1st day of May, 1972.

Article 5. - Circumstances in which possession of spear-gun is prohibited. -The possession of any spear-gun in circumstances which raise a reasonable presumption that the spear-gun has recently been used, or is intended to be used, for fishing in Seychelles is hereby prohibited.

Article 6. - Offences. - Any person who:

- (a) on or after the 1st day of May 1972 sells or offers for sale any spear-gun; or
- (b) is found in possession of any spear-gun in such circumstances as are mentioned in regulation 5,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Rs. 500 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

/ SOMALIA /

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1. LIMITS OF NATIONAL JURISDICTION

Law on the Somali Territorial Sea and Ports, 1972

Article 1. - The Territorial Sea. - (1) The Somali Territorial Sea includes the portion of the Sea to the extent of 200 nautical miles within the continental and insular coasts, delimited according to the provisions of Articles 2 and 3 of this Law.

(2) The Somali Territorial Sea is under the sovereignty of the Somali Democratic Republic. Offences committed within these limits of the Territorial Sea, on board a vessel, relating to penal health and public security, shall be governed by Somali Law.

Article 2. - Measurement of the Territorial Sea. - (1) The normal baseline for measuring the breadth of the Territorial Sea is the low water line along the coast.

(2) In localities where the coastline is deeply indented or if there is a fringes of islands along the coast in its immediate vicinity, the method of straight baseline joining appropriate points may be employed in drawing the baseline from which the breadth of the Territorial Sea is measured.

(3) Waters on the landward side of the baseline of the Territorial Seas from part of the internal waters of the State within the meaning of Article 4 below.

Article 3. - Territorial Sea for islands and archipelagos. - (1) Where an island is situated within the 200 mile limit the belt of waters round it will constitute territorial waters. This belt will be 200 miles wide and will be measured from low-water mark following the sinuities of the island.

(2) A group of islands forming part of an archipelago shall be considered as a unit and its territorial waters shall be measured from the centre of the archipelago.

Article 4. - Internal Waters and Maritime Ports. - (1) The internal maritime waters include all navigable waters in Somali rivers open for maritime vessels and maritime ports with the areas as delimited by the table annexed herewith.

(2) The internal Somali waters are subject to the sovereignty of the Republic according to Somali Laws and the provision of this Law.

2. BASIC FISHERIES LEGISLATION

(a) Somali Fishery Law N° 23 of 30 November 1985

Article 1. - Definitions. - For the purpose of this law, unless the context indicates otherwise:

"aquatic animals" shall mean all animals living in the sea water and inland water including Oyster, Crustacean, Plankton & Algae.

"licence" shall mean a permission granted somebody for fishing, processing or merchandising.

"fishing" shall mean the art or practice of catching aquatic animals.

"traditional fishing" shall mean fishing in the coastal areas by using small boats, dhows, etc.

"modern fishing" shall mean fishing in the high seas by using ships and modern technology such as trawlers.

"administrative decision" shall mean any administrative resolution or decision taken by the Ministry for solving a problem or correcting a default.

"Minister" shall mean the Minister of the Ministry of Fisheries and Marine Resources.

"royalty" shall mean the part of the fees or goods paid by the owner of the ship for fishing in Somali waters.

"inland water" shall mean river water and reservoirs in which the aquatic animals can live as mentioned in the first pari of this Article.

Article 2. - Management. - (1) The Ministry shall be responsible for the necessary safeguarding and development of the fishery and the proper implementation of the general control and administration of this law.

(2) The Minister may delegate in writing his powers under this law to any officer or any employee of the Ministry.

Article 3. - Fishing Datas. - The Ministry shall compile statistical data and other related information regarding fishing and coordinate and administer and publish information regarding Somali fishery activities.

Article 4. - Fishery Development. - The Ministry is responsible for implementing the development of fishery activities in the country.

Article 5. - Prohibitions. - (1) It is forbidden to anybody to carry out any activity or use material or equipment which may cause death, pollution, injury etc. to the aquatic animals.

(2) It is also forbidden to anybody to possess equipment or materials which can cause damage to aquatic animals in the fishing area.

(3) It is also forbidden to sell or exchange fish or other aquatic animals caught as stated in paragraph 1 of this article.

Article 6. - Seasonal Closing Period. - The Minister may give a written order closing the fishing season, indicating the area, type of fishing equipment and the fish or aquatic animals. The order shall state the starting period and closing period. The Minister may also decrease or increase the limitation period when it becomes necessary.

Article 7. - Fishing Licence General Provisions. - (1) The Ministry may grant fishing licences for the country sea water and inland water.

(2) Anyone who is interested in fishing or in rearing fish in inland water shall have a fishing licence and entrance permit for the country. This licence shall not concern persons who are not using marine transport.

(3) The Ministry shall grant the applicant the necessary fishing licence and shall make a separate register for the licence granted by this law.

(4) The application for a fishing licence may be submitted and shall state briefly the following:

- (a) name, description of the ship, flag and country of registry;
- (b) name of the owner, leaseholder, if any, and captain of the ship;
- (c) number of the ship;
- (d) description of the fishing activities requested by the applicant;
 - (i) the type of fishing;
 - (ii) the method of fishing and the equipment;
 - (iii) location where the production is to be landed and the description of the marketing; the final processing of the products and the utilization of the products;
 - (iv) location for fishing;
 - (v) the number of the fish or other aquatic animals which may be caught;
 - (vi) the period in which the licence is to be valid;

SOM 4

- (vii) a description of the Assistant Captain, the management, the name and the licence of other auxiliary ships;
- (viii) a description of Somali cooperation or other interest in the venture;
- (ix) any other information requested by the Ministry;
- (x) bank guarantee.

(5) The licensed ship shall within 30 days notify the Ministry of any changes occurring such as the transfer of ownership, lease, etc.

(6) The number of the licence, the name of the ship and the registered port shall be clearly written and shown on the ship and on the sides of the ship.

Article 8. - Obligations of the fisherman. - Any person granted a fishing licence shall:

- (a) obey the laws of the country and the regulations of the Ministry;
- (b) submit permanent reports regarding fishing activities: amount, types including by-catch, products, the location and the method of fishing, the fish and other aquatic animals which can be merchandised or processed.

Article 9. - Research. - The Minister may, in writing permit any person or any ship that possesses an entrance permit to conduct research on fisheries and other related activities regarding marine resources.]

Article 10. - Control and Inspection. - (1) Anybody practising fishing may be inspected or searched when necessary. Apart from the specialised agencies, the regional and district authorities or any other authorised person may, with the prior approval of the Ministry, inspect or search any person conducting fishing activities.

(2) Anybody who violates the provisions of this law shall be taken to the nearest port of the country.

(3) If a ship commits an offence in Somali waders and crosses the boundary to another country, the matter will be discussed with the concerned authorities according to International Law.

Article 11. - Traditional and modern fishing. - The Ministry shall promote the development of traditional and modern fishing activities and all related matters, with the assistance of the competent government agencies. It will ensure that modern fishing does not harm or impede the development of traditional fishing.

Article 12. - Penalties. - (1) The infringers of Articles 8 and 10 of this law shall be punished:

- (a) with a fine of So. Sh. 1,000 to So. Sh. 10,000 in the case of small boats (without engines);
- (b)
 - (1) with a fine of So. Sh. 10,000 to So. Sh. 15,000 in the case of small boats with engines of HP 6 to HP 30;
 - (2) with a fine of So. Sh. 16,000 to So. Sh. 30,000 in the case of small boats with engines of HP 31 to HP 60;
 - (3) with a fine of So. Sh. 31,000 to So. Sh. 50,000 in the case of small boats with engines of HP 61 to HP 100;
- (c) with a fine of So. Sh. 1,700,000 to So. Sh. 4,000,000 or equivalent in foreign currency in the case of ships of HP 101 and above.

If the offence is more serious or the offender commits again the same offence, the matter shall be dealt with under Criminal Procedure Code.

(2) Anybody who does any of the following, shall be punished with imprisonment from 3 years to 10 years or a fine of So. Sh. 5,000,000 to So. Sh. 50,000,000 or both:

- (a) uses explosive material;
- (b) fishes or possesses materials or equipment in prohibited areas;
- (c) fishes in the closed period;
- (d) fishes prohibited type of fish or other aquatic animals;
- (e) fishes with prohibited materials or equipment.

(3) Anybody who fails to submit the required reports or fails to fulfill the provisions of this law shall be punished with a fine of So. Sh. 20,000 to So. Sh. 50,000.

(4) Anybody who fails to perform his duties and fails to fulfill the terms and conditions of the contracts with the Ministry shall lose his licence.

Article 13. - Powers. - The Somali Navy Force shall have the powers and the responsibility for the enforcement of this law.

Article 14. - Confiscation of Property. - (1) If a person commits an offence under this law, his equipment, engine and any other materials used during the commission of the offence may be forfeited.

- (2) All fish and other aquatic animals found in the ship may also be seized.

(3) All offences under this law shall come under the competence of the National Security Court.

Article 15. - Administrative Resolutions. - Unless the offence constitutes a crime punishable with a more serious penalty, the Ministry shall discuss the matter with the authorities concerned.

Article 16. - Regulations. - (1) The President of the Somali Democratic Republic having heard the proposal of the Minister of Fisheries and Marine Resources, may make regulations for the proper implementation of this law.

(2) The Minister of Fisheries & Marine Resources may make regulations regarding the proper management and development of Fishery activities.

Article 17. - Repeal and coming into force. - (1) All provisions inconsistent with the present law shall be repealed.

(2) This law shall come into force after 15 days from the date of its publication on the official bulletin.

(b) Law on the Somali Territorial Sea and Ports, 1972

...

Article 5. - Fishing and Coastal Navigation, - (1) Fishing in the Territorial Sea and regular transportation of persons and goods between Somali Ports and reserved for vessels flying the Somali Flag, and other authorized vessels.

(2) Any infringement of the above provision shall be punished with a fine from 5.000/. to 100.000/. So. Shs. and in case of repetition of the infringement by the vessel or the operator, the punishment may be doubled and the captain shall be liable for offences prescribed by the Somali Penal Laws and the vessel may be confiscated.

(3) Any contract of transportation made in violation of paragraph 1 above is void and without effect and the vessel executing or intending to execute the contract shall be subject to a fine equal to 5 times the freight or the fare stipulated or fixed by the usage for similar operations.

3. REGULATIONS

- (a) Fisheries Joint Venture Guidelines, 1985

PART I - PRELIMINARY

Article 1. - Short Title. - This Guidelines may be cited as the Fisheries Joint Venture Guidelines, 1985.

Article 2. - Interpretation

"Joint Venture" means a cooperation exercise between Somali and Foreign investors set up for a specific fisheries business a limited time, temporarily pooling resources and skills, with risk bearing and risks taking by both parties;

"Fish" means any aquatic animal, whether piscine or not and including mollusc, crustacean, shellfish, sponge, coral and the young and eggs thereof;

"Fishing" means fishing for catching, taking or killing fish by any method, includes attempting to catch, take or kill fish by any method;

"Fishing Vessel" means a vessel used for fishing and operated for financial reward to other material gain, scientific research or processing, storage or carriage of fish, and includes any vessel used in support of or ancillary to fishing operations but does not include a vessel transporting fish or fish products as part of its general cargo;

"Foreign fishing vessel" means a fishing vessel ther than a local fishing vessel;

"Fishing Licence" means a licence granted under this guidelines;

"Letter of Intent" means a letter issued by the authorized Government agency to agree in issuing licence when the provisional conditions in the letter are fulfilled;

"Deputy" means a fisheries officer appointed or delegated the power to give licence for the Minister;

"Local fishing vessel" means any fishing vessel;

- (a) Wholly owned by any company, society or other association of persons established under the Law of Somali Democratic Republic (SDR) or registered in Somalia under the Law of SDR;

- (b) Wholly owned by one or more persons who are citizens of Somalia;

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- (c) Wholly owned by a statutory corporation established under the Laws of SDR or by the Government of SDR.

"Mile" means a nautical mile being a distance of one thousand eight hundred and fifty two metres;

"Minister" means the member of the Cabinet to whom responsibility for the subject of fisheries is assigned;

"Observer" means a person appointed by the Minister or his deputy for the purpose of monitoring the operation of foreign fishing vessels licenced under this guidelines;

"The Somali Waters" means the area of water proclaimed from time to time to be the exclusive economic zone of SDR (200 miles from the coastal line at present - 1985);

"Vessel" includes a ship, boat, raft, barge, float, lighter or hovercraft;

"Optimum utilization" means, with respect to the field from any fishery, the amounts of fish that will be produced from the fishery the maximum sustainable yield as qualified by any relevant biological, economic, environmental or social factors, and taking into account fishing patterns, the interdependence of stocks of fish, the need to avoid over-fishing and any generally accepted sub-regional, regional or global fishing standard.

PART II - GENERAL LICENCING PROVISIONS

Article 3. - Type of Joint Venture. - Joint Venture shall be classified as:

- (1) A company, society or other association of persons established with Somali partner investing more than fifty per cent of the whole joint venture capitals included working capital for the operations and the fixed capitals for all physical asset whether or not it is loan capital, and all the properties registered in Somalia under the Laws of SDR.
- (2) A company, society or other association of persons established for the purpose of installing fish processing facilities and/or chartering of vessels for the purpose of exporting their products and importation of fishing equipment and supplies required including fishing gear.

Article 4. - Application for Establishment of Joint Venture. - An application for joint venture agreement is to be made in the prescribed form with the following documents addressd to the Minister.

- (1) Capital investment and equity share plan by both parties for fixed asset with inventories and for working capitals.

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- (2) Draft articles of Joint Venture Company, society or other association of persons - Head Office, Joint Venture period, purpose and activities, staff organization by nationality, responsibility of management staff, account year, auditing system, production of joint venture financial statements including balance sheets and profit and loss accounts, plan of profit distribution and reserves, a mean of setting any dispute, etc.
- (3) Joint Venture Operation plan;
 - (a) For fishing operation,
 - kind and size of boats to be used,
 - composition of crew by title, nationality and qualification,
 - type and size of fishing gear and methods to be used,
 - fishing base and fishing grounds/area,
 - fishing period and fishing days,
 - kind of fish to be caught,
 - operations unit (Fleet's composition, facilities, infrastructure),
 - estimated catch,
 - processing and marketing of catch,
 - estimation of operational cost and income,
 - vessel's repair, dry-docking, bunkering, crew's provisions, fishing gear supply plan.
 - (b) For processing and marketing operation,
 - details of plants, facilities and equipment and their estimated costs,
 - staff organization,
 - fish purchasing and collection plan,
 - processing and quality control para,
 - fish marketing plan - domestic market and export markets by type of processing and expected prices.
- (4) Place of training of Somali employees and (staff replacement.

Article 5. - Limitation for optimum utilization. - When the estimated catch total by kind of fish by Somali fishermen and joint venture operation reach to the following quantity or a sign of overfishing is observed, or envisaged to reach within the fishing efforts by already operational fleet, any new joint venture application will not be accepted:

- | | |
|--|-------------|
| (a) Small pelagic species (sardine, herring, small mackerel, etc.) | 70,000 tons |
| (b) Large pelagic species (tuna, bonito, skipjack, king mackerels) | 8,000 tons |

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- | | |
|---|-------------|
| (c) Demersal fish (growper, snapper, sea bream, greatfish, scarenger, etc.) | 30,000 tons |
| (d) Sharks and rays | 30,000 tons |
| (e) Deep sea lobster and shrimp | 1,500 tons |
| (f) Shallow water lobster | 500 tons |

Article 6. - Resources Protection. - For protection of endangered species, no person is allowed taking, killing, selling or processing female turtle in the sea within any reef or within 1 km of the high water mark of the somali shore, or to take or selling any turtle eggs after they have been laid and burried, or any sea turtle weighting 7 kg unless otherwise authorised by the Ministry for scientific purpose. For resources management of Shallow water spiny lobsters, no person is allowed taking, killing, selling or processing spiny lobster weighing 460 grams (or tail weight of 120 gr), or with the stretched length from eye to tail and measuring 23 cm or less, or female lobster carrying eggs. Closed lobster fishing season will be set from 16th March to 15th August, subject to change by year, starting from 1986 season.

Article 7. - Restriction of Fishing area by size of vessels. - Vessels of 18 m LOA and above cannot carry out any fishing within 5 miles of the high water mark of the Somali shore.

Article 8. - Prohibited Methods of Fishing

Whoever,

- (a) using any explosive, poison, or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught, or
- (b) has in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in the preceed paragraph, is guilty of an offence.
- (c) catching spiny lobster by using aqua-king or similar device or trammel net is prohibited.

Article 9. - Restriction landing, marketing and inspection. - Proceeds from the joint venture shall be landed at a Somali Port, where holding facilities exist. An export licence covering the sale of any of the product abroad shall be obtained by the Company and a letter of credit for such export shall be opened with a Somali bank. In the event that such holding facilities doesn't exist on the operational base and the proceeds has to be exported, an inspection shall be carried out prior to the departure of the carries vessel. An official of the MOFMR shall always be a member of the inspection team.

Travel, lodging and other expences of the inspection team will be borne by the JV Company.

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Article 10. - Licence Subject to conditions. - Licences issued under this Guideline shall be subject to such conditions as may be prescribed, or as may be otherwise endorsed upon such licence by the Minister or his deputy, and such conditions may include any or all of the following:

- (a) the area in which operation/fishing is authorized;
- (b) the period during which operation/fishing is authorized;
- (c) the species, size, sex and quantities of fish that may be taken;
- (d) the methods by which fish may be taken;
- (e) the types, size and amount of fishing gear that may be used by the fishing vessel;
- (f) statistical and other information required to be given by the master of the fishing vessels or by the operator(s) of the joint venture company, society or other association of persons to the Minister or his deputy, including statistics relating to catch and effort, and reports as to the position of vessels and fishing and sea conditions, or disposal, processing and marketing informations;
- (g) the marking of the vessels and other means for its identification;
- (h) such other terms and conditions as the Minister or his deputy may consider necessary or expedient for conservation management and development of fishing resources of Somalia;
- (i) entry by foreign fishing vessels to Somali ports, whether for inspection of fishing gear of catch, landing of catch, or any other purpose;
- (j) the reporting of the position, catch by species, weather and sea conditions, etc., of the fishing vessels daily by radio or monthly in pre-arranged form to the Minister or his deputy;
- (k) the carriage on board of specified communication, safety or navigational equipment, publications or instruments;
- (l) the training of citizens of Somalia in the methods of fishing or operation employed by the joint venture Company.

Article 11. - Verification of competence of foreign partner. - The expected foreign partner should submit to the licencing authority a copy of an authenticated registry of the company in their country and an Audited financial statement for the part two years. Similarly documented approval of foreign company's technical capability as well as past experience shall be submitted.

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A bank guarantees covering share of foreign partners investment shall be issued and submitted. In case of doubt, the embassy of the foreign partner may be requested to attest.

Article 12. - Letter of Intent. - When the application for a joint venture licence together with all the necessary documents is received and concluded by the Ministry that the plan is economically sound and practicable, beneficial for the country's economy and its operation is unharmed to the marine resources protection and will not conflict with the Somali traditional fishermen, a letter of Intent may be given to allow the licence to initiate preparatory work.

Article 13. - Temporary Fishing Licence. - If it is deemed necessary a temporary fishing licence to start survey or experimental fishing may be issued for the operating period of three months or less on submission of the following document to the Minister or his deputy:

- (1) A copy of vessels' registration document to verify ownership, gross tonnage, net tonnage, length, engine horse power, port of registry, fish hold capacity,
- (2) In case if the name of the vessels' ownership is different from either of those of the joint venture partners, a copy of authenticated chartering agreement between the vessels' owner and the Joint Venture party,
- (3) Detailed crew's list.

During this period, the temporary fishing licence fee shall be charged at a fixed rate as prescribed in this guideline.

Article 14. - To observe Somali Laws. - No licence issued under this Guideline shall relieve any joint venture company, society or other association of persons, or any foreign vessel or its master or crew of any obligation or requirement imposed by Somali financial transaction Laws, foreign investment Law, civil Law, labour Law or laws concerning navigation, customs, immigration, health or other matters.

Article 15. - Licencing. - The Minister or his deputy may, when all the provisions in this guidelines are satisfied, issue a licence in the prescribed form in respect of any joint venture operation, upon payment of the prescribed licence fee.

Article 16. - Cancellation or suspension of licence. - The Minister or his deputy may cancel or suspend any licence that has been issued in respect of any joint venture operation when he recognises that:

- (a) it is necessary to do so in order to allow for the proper management and development of any particular fishery in accordance with the terms of any fisheries management and development plan, or

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- (b) the operation in respect of which the licence has been issued has been used in contravention of this Guidelines or any conditions of the licence.

Article 17. - Terms and non-transformability of licences. - (1) Unless earlier cancelled in accordance with Section 11, a licence shall be valid for a period not more than one year, subject to yearly extension on application for the planned period,

(2) No licence shall be transferable except with the written permission of the Minister or his deputy which is to be endorsed upon such licence.

Article 18. - Licence to be carried on board or in site. - It shall be a condition of the licence that a copy of the licence shall be carried on board any licenced fishing vessel or in operation site, and made available to any authorized officer or observer upon request.

Article 19. - Observers. - The Minister or his deputy may appoint one or more observers for the purpose of monitoring the operations of joint venture/fishing activities under the Guidelines. All the expenses including transportation, subsistence allowance of the observer to carry out the prescribed duties shall be borne by the JV.

Article 20. - Refusal or obstruction of observers or authorized officers. - Any licences under this Guidelines fails or refuses:

- (a) to permit or assist an observer to come and remain on board or inside to exercise of any power to examine or inspect or observe the operations, records or documents to confirm the fulfilment of the conditions provided in the licence or under this Guidelines,
- (b) is guilty of an offence and is liable to an immediate cancellation of the licence.

Article 21. - Joint Venture Licence fees. - The fees of licencing joint venture chargeable by type of business organization in Section 3 shall be as follows:

Type (1) in Section 3	us\$ 10,000 per year or equivalent Somali shillings
Type (2) in Section 3	US\$ 12,000 per 6 months or equivalent Somali shillings

Article 22. - Fishing Licence fees. - The fees of fishing licence by type of fishing gear per boat shall be additional to the above licence fees as follows;

multi-purpose coastal fishing boat of 10m LOA or less	US\$ 100 per month per boat
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Multi-purpose coastal fishing boat of 18m LOA or less	US\$160 per month per boat
Tuna fishing boat (single boat operation)	US\$ 1,600 per month
Bottom/Mid-water trawler of less than 100 G R T	US\$ 160 per month
Pair trawlers of less than 400 GRT	US\$ 720 per month per pair
Trawlers of more than 100 GRT to 250 GRT	US\$ 240 per month
Trawlers of more than 250 GRT to 500 GRT or less	US\$ 320 per month
Trawlers of more than 500 GRT to 1000 GRT or less	US\$ 720 per month
Trawlers of more than 1000 GRT	US\$ 1,000 per month

/ SRI LANKA /

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1. LIMITS OF NATIONAL JURISDICTION

(a) Maritime Zones Law N° 22 of 1976.

Article 1. - Short title. - This Law may be cited as the Maritime Zones Law, N° 22 of 1976.

Article 2. - Territorial sea. - (1) The President of the Republic of Sri Lanka may, by Proclamation published in the Gazette, declare the limits of the sea beyond the land territory and internal waters of Sri Lanka which shall be the territorial sea of Sri Lanka, specifying in such Proclamation the base-lines from which such limits shall be measured. The waters on the landward side of such base-lines shall form part of the internal waters of Sri Lanka.

(2) Where an island or rock, or a group of islands and rocks, or a group of islands or a group of rocks, constituting part of the territory of Sri Lanka is situated seaward from the main coast or base-line, the territorial sea shall extend to the limits declared by the Proclamation under sub-section (1) measured from the low-water mark of ordinary spring tides along the seaward edge of such island or rock, or group of islands and rocks, or group of islands or group of rocks.

(3) The sovereignty of the Republic extends to the territorial sea and to the air space over the territorial sea as well as to its bed and sub-soil.

Article 3. - Use of territorial sea by foreign ships and aircraft. - (1) Ships of all States shall enjoy the right of innocent passage through the territorial sea. Passage is innocent only so long as such passage is not prejudicial to the peace, good order or security of the Republic:

Provided that no foreign warship shall enter or pass through the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(2) No foreign aircraft shall enter or pass through the air space above the territorial sea, except in accordance with the written laws in force in Sri Lanka:

Provided that no foreign military aircraft shall enter or pass through the air space above the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(3) A foreign ship or foreign aircraft which acts in contravention of the provisions of this section is liable to confiscation.

(4) The Minister may, by Order published in the Gazette, suspend, in a specified area or areas of the territorial sea the right of innocent passage of any ship, if, in his opinion, such suspension is necessary in order to safeguard the peace, good order or security of the Republic.

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Article A. - Contiguous zone. - (1) The President may, by Proclamation published in the Gazette, declare the limits of a zone contiguous to the territorial sea and extending seawards from the outer limits of the territorial sea which shall be the contiguous zone of Sri Lanka.

(2) Where there is a reasonable apprehension of the contravention of any written laws of Sri Lanka in relation to:

- (a) the security of the Republic;
- (b) immigration, health and sanitation; or
- (c) customs and other revenue matters,

the relevant Minister shall take such measures as may be necessary in respect of the contiguous zone in order to secure the enforcement of, or to prevent the contravention of, such laws.

Article 5. - Exclusive economic zone. - (1) The President may, by Proclamation published in the Gazette, declare any zone of the sea adjacent to the territorial sea, as well as the sea-bed and sub-soil thereof, to be the exclusive economic zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) All the natural resources, both living and non living, within the exclusive economic zone, on and under the sea-bed and in the sub-soil and on the water surface and within the water column shall vest in the Republic.

(3) In the exclusive economic zone the Republic has:

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non living, as well as for the production of energy from tides, winds and currents, and for other economic uses;
- (b) exclusive rights and jurisdiction to authorize, regulate and control scientific research; |
- (c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone, for the convenience of shipping or for any other purpose; and
- (d) other rights recognized by international law.

Article 6. - Continental shelf. - (1) The continental shelf of Sri Lanka shall comprise:

- (a) the sea-bed and sub-soil of the submarine areas that extend beyond the territorial sea of Sri Lanka throughout the natural prolongation of the land territory of Sri Lanka to the outer edge of the continental margin or to a distance of two hundred nautical miles

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from the base-line from which the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and

- (b) the sea-bed and sub-soil of the analogous sub-marine areas adjacent to the coast of any island or rock, or group of islands and rocks, or group of islands or group of rocks, constituting part of the territory of Sri Lanka.

(2) All the natural resources, both living and non living, on and under the sea-bed and in the sub-soil of the continental shelf shall vest in the Republic.

(3) In respect of the continental shelf the Republic has:

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non living;
- (b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;
- (c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf, for the convenience of shipping or for any other purpose; and
- (d) other rights recognized by international law.

Article 7. - Pollution prevention zone. - (1) The President may, by Proclamation published in the Gazette, declare any zone of the sea adjacent to the territorial sea, and of the sea-bed and sub-soil thereof, to be the pollution prevention zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) The relevant Minister shall, take such steps as may be necessary to control and prevent the pollution of, and to preserve the ecological balance within, such zone.

Article 8. - Maritime boundary between Sri Lanka and India. - Notwithstanding the provisions of this Law or any other written law:

- (a) the boundary between Sri Lanka and India in the waters from Palk Strait to Adam's Bridge shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1 : 10° 05' North, 80° 03' East

Position 2 : 09° 57' North, 79° 35' East

Position 3 : 09° 40.15' North, 79° 22.60' East

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Position 4 : 09° 21.80' North, 79° 30.70' East

Position 5 : 09° 13' North, 79° 32' East

Position 6 : 09° 06' North, 79° 32' East

- (b) the boundary between Sri Lanka and India in the Gulf of Mannar shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1m : 09° 06.0' North, 79° 32.0' East

Position 2m : 09° 00.0' North, 79° 31.3' East

Position 3m : 08° 53.8' North, 79° 29.3' East

Position 4m : 08° 40.0' North, 79° 18.2' East

Position 5m : 08° 37.2' North, 79° 13.0' East

Position 6m : 08° 31.2' North, 79° 04.7' East

Position 7m : 08° 22.2' North, 78° 55.4' East

Position 8m : 08° 12.2' North, 78° 53.7' East

Position 9m : 07° 35.3' North, 78° 45.7' East

Position 10m : 07° 21.0' North, 78° 38.8' East

Position 11m : 06° 30.8' North, 78° 12.2' East

Position 12m : 05° 53.9' North, 77° 50.7' East

Position 13m : 05° 00.0' North, 77° 10.6' East

- (c) the boundary between Sri Lanka and India in the Bay of Bengal shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1 b : 10° 05.0' North, 80° 03.0' East

Position 1 ba : 10° 05.8' North, 80° 05.0' East

Position 1 bb : 10° 08.4' North, 80° 09.5' East

Position 2 b : 10° 33.0' North, 80° 46.0' East

Position 3 b : 10° 41.7' North, 81° 02.5' East

Position 4 b : 11° 02.7' North, 81° 56.0' East

Position 5 b : 11° 16.0' North, 82° 24.4' East

Position 6 b : 11° 26.6' North, 83° 22.0' East

Article 9. - Historic waters. - (1) The President may by Proclamation published in the Gazette declare the limits of the historic waters of Sri Lanka.

(2) The Republic of Sri Lanka shall exercise sovereignty, exclusive jurisdiction and control in and over the historic waters, as well as in and over the islands and the continental shelf and the sea-bed and sub-soil thereof within such historic waters.

Article 10. - Publication of map. - As soon as may be convenient after the coming into operation of this Law, and thereafter whenever necessary, the Minister may require the Surveyor-General to publish or cause to be published a map indicating the low-water mark of ordinary spring tides, the base-lines for measurement of the territorial sea, and the outer limits of the territorial sea and other maritime zones and jurisdiction of Sri Lanka declared in accordance with the provisions of this Law.

Article 11. - Amendment of other written laws. - Notwithstanding anything to the contrary in any other written law, every reference in any written law to the expression "territorial waters", "territorial sea", "coastal waters", "contiguous zone", "exclusive economic zone", "continental shelf" or "pollution prevention zone" shall be read and construed subject to and in accordance with the provisions of this Law.

Article 12. - Construction of other laws. - In order to give effect to the principles and provisions of this Law, all written laws in force in Sri Lanka shall be read and construed as though the applicability of such laws, wherever relevant, extends to the limits of the contiguous zone, the exclusive economic zone, the continental shelf, or the pollution prevention zone, as the case may be.

Article 13. - Regulations. - (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Law.

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

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before the National State Assembly for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

Article 14. - Minister's certificate. - In any proceedings before any court in Sri Lanka if a question arises as to whether any act or omission has been done or omitted to be done within or without the territorial sea of Sri Lanka, or in any other zone or jurisdiction declared under this Law, a certificate of the Minister signed by him shall be prima facie proof of the place where such act or omission was done or omitted to be done.

Article 15. - Interpretation. - In this Law, unless the context otherwise requires:

"foreign aircraft" shall have the same meaning as in the Air Navigation Act;

"military aircraft" means an aircraft which by reason of the equipment contained therein, could be used for any warlike purpose;

"ship" means any description of ship or vessel or boat, or any other description of vessel used in navigation on or below the waters and not exclusively propelled by cars, paddles or poles, and includes all equipment, apparel and appurtenances (excluding supplies for maintenance) which are necessary for navigation and conduct of the business of the ship; and

"warship" means a ship which by reason of the equipment contained therein, could be used for any warlike purpose

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(b) Proclamation by the President of 15 January 1977.

Whereas the National State Assembly has enacted the Maritime Zones Law, N° 22 of 1976, which provides for the declaration of the territorial sea and other maritime zones of Sri Lanka and all other matters connected therewith or incidental thereto;

And whereas it has become necessary to declare in accordance with the provisions of the said Maritime Zones Law the extents, respectively, of the territorial sea, the contiguous zone, the exclusive economic zone, the pollution prevention zone and the historic waters;

Now therefore, I, William Gopallawa, President of the Republic of Sri Lanka, do by this Proclamation declare, in pursuance of the powers vested in me by sections 2, 4, 5, 7 and 9 respectively of the Maritime Zones Law, N° 22 of 1976 (1):

(1) that the territorial sea of Sri Lanka shall, notwithstanding anything in any prior proclamation declaring the territorial sea of Sri Lanka, and except as provided in paragraph 7 (iii) hereof, extend to the sea to a distance of 12 nautical miles measured from the baselines described in paragraph (2);

(2) that the breadth of the territorial sea shall be measured from the low water mark of ordinary spring tides along the coast of the mainland and along the seaward edge of islands:

Provided that for the purpose of determining the baselines for delimiting the territorial sea:

- (i) a low tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as islands,
- (ii) permanent installations further out to sea which form an integral part of a port system shall be considered as part of the coast of the mainland,
- (iii) the method of straight baselines may be employed in drawing the baselines where there are deep bays and inlets in the coast or where there is a fringe of islands immediately adjacent to the coast, provided that such baselines shall not depart appreciably from the general direction of the coast and the areas of the sea lying landward from these lines shall be sufficiently closely linked to the land domain to be subject to the regime of internal waters;

Provided further that baseline from which the breadth of the territorial sea shall be measured in the sea north of Point Pedro shall be the arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait:

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- (i) 09° 49' 8" North, 80° 15' 2" East,
- (ii) 10° 05' 0" North, 80° 03' 0" East

(3) that the contiguous zone of Sri Lanka shall extend 24 nautical miles seaward from the baselines from which the territorial sea is measured;

(4) that the exclusive economic zone of Sri Lanka shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(5) that the pollution prevention zone shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(6) that notwithstanding anything in paragraphs (4) and (5), the exclusive economic zone and the pollution prevention zone of Sri Lanka in the Gulf of Mannar and the Bay of Bengal shall extend to the sea up to the maritime boundary between Sri Lanka and India as defined in section 8 of the Maritime Zones Law N° 22 of 1976 (1);

- (7) (i) that the historic waters of Sri Lanka shall comprise the areas of sea in the Palk Strait, Palk Bay and the Gulf of Mannar bounded by:
 - (a) the coast of the mainland of Sri Lanka;
 - (b) the maritime boundary between Sri Lanka and India as defined in Section 8 of the Maritime Zones Law, N° 22 of 1976 (1);
 - (c) the arc of Great Circle between the following positions defined by latitude and longitude in the Gulf of Mannar;
 - (i) 08° 15' 0" North, 79° 44' 0" East,
 - (ii) 08° 22' 2" North, 78° 55' 4" East; and
 - (d) the arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait;
 - (i) 09° 49' 8" North, 80° 15' 2" East,
 - (ii) 10° 05' 0" North, 80° 03' 0" East;
- (ii) the historic waters in the Palk Bay and Palk Strait shall form part of the internal waters of Sri Lanka;
- (iii) the historic waters in the Gulf of Mannar shall form part of the territorial sea of Sri Lanka.

2. BASIC FISHERIES LEGISLATION

(a) Fisheries Ordinance (Cap. 212), as amended *

Article 1. - Short title. - This Ordinance may be cited as the Fisheries Ordinance.

Article 2. - Appointment of Director and other officers. - (1) There may be appointed:

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

(2) Subject to the general direction and control of the Minister, the Director shall be responsible for the administration of the provisions of this Ordinance.

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

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

(5) All officers (not below the rank of Preventive Sergeant) appointed under this section are hereby declared to be peace officers within the meaning and for the purposes of the Criminal Procedure Code.

Article 3. - Establishment of Fisheries Advisory Board. - (1) There shall be a Fisheries Advisory Board which shall consist of;

- (a) the Director as chairman;
- (aa) one or more Deputy Directors of Fisheries appointed by the Minister; and
- (b) the persons for the time being holding the offices of Director of Commerce, Commissioner for the Development of Marketing, Master Attendant of the port of Colombo and Registrar of Cooperative Societies;

* Unofficial consolidation

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- (c) two officers from the Department of Industries appointed by the Minister; and
- (d) such other unofficial members, not less than ten in number, as the Minister may from time to time appoint.

(2) Any of the officers mentioned in paragraphs (a), (b) and (c) of subsections (1) who is unable to attend any meeting of the board may authorize any other officer of his department to be present on his behalf at such meeting; and the officer so authorized shall be deemed for the purposes of the meeting to be a member of the board.

(3) Subject as hereinafter provided, each member of the board who is appointed under subsection (1) (d) shall ordinarily hold office for a period of three years unless he is appointed to be a member of the board for some shorter period:

Provided that any member of the board may at any time resign from the board or be removed therefrom by order of the Minister;

Provided further that an unofficial member of the board appointed under paragraph (d) of subsection (1) shall, if he absents himself from these three consecutive meetings of the board without notifying a reasonable excuse to the chairman, cease to be a member of the board.

(4) Regulations may be made providing for the conduct of the business of the board and the procedure to be observed at meetings of the board:

Provided that the board may regulate its own procedure in any matter not provided for by regulation.

Article 4. - Duties, powers and functions of the board. - It shall be the duty of the board:

- (a) to advise the Director on all such matters relating to fisheries and the fishing industry in Ceylon, or to the administration of this Ordinance, as the Director may refer to the board for advice;
- (b) to perform and exercise such duties and powers as may be prescribed or entrusted to it by or under this Ordinance:

Provided, however, that nothing herein before contained shall be deemed to preclude the board from making any recommendation to the Director on any matter referred to in paragraph (a), notwithstanding that it may not have been referred to the board for advice.

Article 5. - [repealed]

Article 6. - [repealed]

Article 7. - [repealed]

Article 8. - [repealed]

Article 9. - Registration of fishing boats. - Regulations may be made providing for the registration of local fishing boats used for the purpose of taking fish in Ceylon waters, and of the owners of Such boats.

Article 10. - Prohibition of use of unregistered fishing boats in Ceylon waters. - On or after such date as may be prescribed, no person shall use any local fishing boat for the purpose of taking fish in Ceylon waters, unless the boat has been registered under this Ordinance.

Article 11. - Regulation of landing of fish taken outside Ceylon waters. - (1) On or after such date as may be prescribed, no person shall, except under the authority of a permit issued in that behalf by a prescribed officer, land at any port or place in Ceylon any fish taken outside Ceylon waters unless:

- (a) such fish was taken by a fishing boat duly registered under this Ordinance; or
- (b) such fish was, before being brought to land in Ceylon, previously landed at a port or place outside Ceylon.

(2) Regulations may be made exempting any specified class or classes of persons from the operation of the provisions of subsection (1).

(3) A prescribed officer may, in such circumstances and upon such grounds as may be prescribed, refuse to issue to any person a permit under this Ordinance to land in Ceylon fish taken outside Ceylon waters. An appeal shall lie to the Minister from any such refusal, and the decision of the Minister upon such appeal shall be final.

PROTECTION OF FISH

Article 12. - Restriction of exportation of specified fish, eggs, etc. - (1) No person shall, except under the authority of an export permit issued by the Director in that behalf, export from Ceylon and live fish, the eggs, roe or spawn of any fish, which is of a species for the time being included in the First Schedule.

(2) The provisions of the First Schedule may from time to time be added to or otherwise amended by regulations.

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

Article 13. - Restriction of importation of non-indigenous fish. - (1) Subject to the provisions of subsection (2), no person shall, except under the authority of an import permit issued by the Director in that behalf, import into Ceylon any live fish or the eggs, roe or spawn of any fish.

(2) No import permit shall be required to authorize the importation into Ceylon of any live fish of any species for the time being included in the Second Schedule or the eggs, roe or spawn of any such fish.

(3) Any person appointed under subsection (1) to form part of the Customs Ordinance, and the provisions of that Ordinance shall apply accordingly.

Article 14. - Prohibition of use of poison, explosives, etc. - No person shall in Ceylon waters use any poisonous, explosive or stupefying substance for the purpose of poisoning, killing or stupefying any fish.

Article 15. - Prohibition of possession, sale and transport of fish taken by poison, etc. - No person shall possess, sell, expose for sale or transport, any fish which has been taken by the use of any poisonous, explosive or stupefying substance, whether such fish has been taken in Ceylon waters or outside Ceylon waters:

Provided that it shall be a defence for a person prosecuted for the possession or transport of any fish, to prove that he did not know, or had no reasonable cause to believe, that such fish had been taken by the use of any poisonous, explosive or stupefying substance.

Article 16. - Prohibitions as to damage to or destruction of fishing equipment. - No person shall:

- (a) wilfully damage or destroy any fishing stakes, nets or other fishing equipment belonging to any other person;
- (b) manufacture, sell, expose for sale or have in his possession, any instrument serving only or intended to damage or destroy fishing stakes, nets or other fishing equipment.

Article 17. - Grant of exclusive right to take specified non-indigenous fish. - (1) Where the Director is satisfied that adequate arrangements have been made by any club or association for the preservation and protection, in any stream or inland water, of any fish of any species for the time being included in the Second Schedule, the Director may, with the approval of the Minister, by writing under his hand, grant to such club or association the exclusive right to take such fish in such stream or inland water within such limits and for such period and subject to such conditions as the Minister may determine.

(2) The provisions of the Second Schedule may from time to time be added to or otherwise amended by regulation.

(3) Where the exclusive right to take any fish in any stream or inland water is granted to any club or association under subsection (1), such club or association may make rules for the preservation and protection in such stream or inland water, of the fish to which the right relates and for the regulation of the time and manner of taking such fish, and such rules may, without prejudice to the generality of the powers herein before conferred, provide for all or any of the following matters:

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- (a) the issue by the club or association; of licences authorizing the taking of such fish, the conditions subject to which such licences may be issued, the fees payable therefor, and the purposes for which such fees shall be applied;
- (b) the prohibition or restriction of the taking of such fish during specified seasons.

(4) No rule made under subsection (3) shall have effect unless it is approved by the Minister and published in the Gazette.

(5) Any exclusive right granted or deemed to be granted under this section may be withdrawn in such manner and in such circumstances as may be prescribed.

Article 18. - Breach of rules under section 17. - No person shall take any fish in any stream or inland water in contravention of any rules made under section 17 relating to the taking of such fish in such stream or water.

Article 19. - Sections 5 and 10 not to apply in cases referred to in section 17. - The provisions of sections 5 and 10 shall have no application in the case of any person who takes any fish, or of any fishing boat used for the purpose of taking fish, in any stream or inland water, if the exclusive right of taking any fish in such stream or water is granted to any club or association under section 17.

FISHING DISPUTES

Article 20. - Fishing disputes. - (1) Where any fishing dispute arises or is apprehended, the Minister may, if he considers it expedient so to do, refer the dispute and all matters relating thereto, connected therewith or arising therefrom for public inquiry and report to any person or to a committee of not more than three persons appointed by him for the purpose. Where a committee is so appointed, one of the members nominated by the Minister in that behalf shall be the chairman.

(2) A reference made to any person or committee under subsection (1) shall specify the subject-matter of the fishing dispute to which it relates and shall require that person or committee to hold a public inquiry into and report on not only the subject-matter of that dispute but also all such matters relating to, connected with or arising from that dispute as may be mentioned in any representations that may be made in accordance with the provisions of this section to that person or committee. The Minister shall publish a copy of the reference in the Gazette, and judicial notice shall be taken by all courts in Ceylon of the reference so published.

(3) It shall be the duty of the person or committee to whom a dispute is referred under subsection (1):

- (a) to cause notice to be published in the Gazette;
 - (i) specifying the subject-matter of the dispute;

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- (ii) calling upon all persons desiring so to do to make written representations regarding the dispute or any matter relating thereto, connected therewith or arising therefrom, to the office of the Director before such date as may be specified in the notice; and
 - (iii) appointing a time and place for the commencement of a public inquiry into the subject-matter of the dispute and any matters relating thereto, connected therewith or arising therefrom; and
- (b) to cause copies of the notice in Sinhalese and in Tamil to be posted at the police stations, post offices and other suitable places in the area in which persons interested in the subject-matter of the dispute are believed to reside.

(4) Any person who is affected by a fishing dispute regarding which a notice is published under subsection (3) or by any matter relating to, connected with or arising from such dispute shall be entitled to be present and to make representations relating to such dispute or matter and to tender evidence, whether oral or documentary, in support of his representations at the public inquiry into such dispute.

(5) It shall be lawful for the person or committee holding a public inquiry into a fishing dispute under this section by order to require any person to give evidence at the public inquiry and to produce thereat any such document in his custody or possession as is relevant to the subject-matter of that dispute or to any matter relating to, connected with or arising from that dispute.

(6) The person or committee holding a public inquiry under this section may in his or their discretion require that oral evidence given at the inquiry shall be given on oath.

(7) Any person who fails or refuses to comply with any order made under subsection (5) or who gives false evidence at any public inquiry held under this section shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(8) Regulations may be made providing for the procedure to be followed at public inquiries held under this section. Subject to the provisions of any such regulation, the person or the committee to whom a dispute is referred under subsection (1) may determine the procedure to be followed at the public enquiry.

(9) It shall be the duty of the person or committee to whom a dispute is referred under subsection (1), after considering such representations as may have been made and such evidence as may have been given regarding the subject-matter of the dispute and any matters relating thereto, connected

therewith or arising therefrom, to prepare a report containing the findings upon the matters inquired into and such recommendations as that person or committee may consider necessary in regard to those matters and the rights, restrictions or prohibitions which should be conferred or imposed with respect to the taking of fish in the waters in relation to which the dispute arose or is apprehended.

Such report shall be read out at the conclusion of the public inquiry or on a date to which the inquiry shall be adjourned for the purpose, and shall be published in the Gazette.

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

(11) The Minister, after considering the report published under subsection (9) in respect of any fishing dispute and any representations made to him under subsection (10) with reference to that report, may make regulations regarding the subject-matter of that dispute or any matter relating thereto, connected therewith or arising therefrom, including regulations for the purpose of:

- (a) prohibiting, restricting or regulating the taking of fish in any specified part of Ceylon waters by persons not belonging to any specified group or section of persons; or
- (b) fixing different days or times during which different groups or sections of persons engaged in fishing may take fish in any specified part of Ceylon waters; or
- (c) cancelling the registration of any fishing net and of the owner thereof and registering, in place of such fishing net and owner, any other fishing net and the owner thereof.

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

(13) (13) Where a fishing dispute has been referred for public inquiry and report under the preceding provisions of this section, then, notwithstanding anything in any other law, no civil action or other civil proceeding shall in respect of any matter constituting or comprised in the subject-matter of the dispute be instituted or maintained in any civil court at any time before the expiration of a period of three months from the date of the publication in the Gazette of the report prepared under subsection (9) in relation to that dispute.

(14) In this section "fishing dispute" means any dispute, between two or more groups or sections of persons engaged in fishing, in regard to the right to take fish, or to the time or manner of taking fish in any part of Ceylon waters.

Article 20A. - Interim Orders in respect of fishing disputes. - (1) Where the Minister apprehends that any fishing dispute which has been referred for public inquiry and report under section 20 is likely to result in a breach of the peace, the Minister may, by Order published in the Gazette, make all such provisions in respect of the matters referred to in paragraph (a) or paragraph (b) or paragraph (c) of subsection (11) of that section as he may deem necessary to prevent such breach of the peace.

(2) Any Order made by the Minister under subsection (1) in respect of any fishing dispute shall come into force on the date of its publication in the Gazette and shall cease to be in force on the date of the coming into force of regulations made by the Minister under section 20 in respect of that dispute:

Provided that the Minister may, before the coming into force of such regulations, revoke the said Order by, Order published in the Gazette.

POWERS OF OFFICERS, OFFENCES, REGISTRATION OF MORTGAGES' REGULATIONS, ETC.

Article 21. - Power of inspection, etc. - The Director or any prescribed officer or any person authorized in writing by the Director either generally or specially in that behalf, may:

- (a) go on board any fishing boat which is for the time being within Ceylon waters and may make such examination of the boat, the personnel of the crew thereof, the nets and other equipment carried therein and the fish found therein, as may be necessary for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened;
- (b) it shall, forthwith after the final determination of the prosecution, be returned to that person or to such other person as is considered by the court to be entitled to its possession unless it is duly declared to be forfeited to Her Majesty under subsection (2) of section 30.

Article 22. - Power to seize nets, etc. - (1) Any officer appointed under section 2(1) may, if he has reason to believe that any offence under this Ordinance has been committed, seize and detain any local fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connection with the commission of the offence, or any fish in respect of which the offence is believed to have been committed.

(2) Where any article is seized under subsection (1), the officer by whom the article was seized shall, as soon as possible, produce that article before or make it available for inspection by a Magistrate's Court of competent

jurisdiction; and the court shall make such order as it may deem fit relating to the custody of the article pending its disposal under subsection (3).

(3) Where any article is seized under subsection (1) from the possession of any person:

- (a) it shall be returned to that person forthwith upon the expiration of fourteen days after the seizure, unless a prosecution for the alleged offence is instituted before the end of that period; or
- (b) it shall, forthwith after the final determination of the prosecution, be returned to that person or to such other person as is considered by the court to be entitled to its possession unless it is duly declared to be forfeited to Her Majesty under subsection (2) of section 30.

Article 23. - Presumptions as to the taking of fish. - (1) For the purposes of this Ordinance it shall be presumed until the contrary is proved:

- (a) that where any fish is found at any time in any fishing boat at any place in Ceylon or in Ceylon waters, such fish was taken:
 - (i) by the owner of that boat, if he is in the boat at that time or if no person is found in the boat at that time, or
 - (ii) by the person for the time being in the boat and in charge thereof, if the owner is not in the boat at that time.
- (b) [repealed]
- (c) that any fish which is not taken for sport, scientific research or for any other prescribed purpose, is taken for profit.

(2) In any prosecution for a contravention of any of the provisions of section 14 in respect of any fish, it shall be presumed, until the contrary is proved, that such fish was taken in Ceylon waters.

Article 24. - Presumptions as to use of poison, etc. - (1) Where any poisonous, explosive or stupefying substance, which can be used for the purpose of poisoning, killing or stupefying fish, is found in the possession or control of any person in the neighbourhood of any Ceylon waters, shortly after such substance is proved to have been used in such waters, that person shall be presumed, until the contrary is proved, to have used such substance for the purpose aforesaid.

(2) Where any poisonous, explosive or stupefying substance, which can be used for the purpose of poisoning, killing or stupefying fish, is found in the possession or control of any person in a fishing boat in Ceylon waters, that person shall be presumed, until the contrary is proved, to have attempted to use such substance for the purpose aforesaid.

Article 25. - Presumption as to use of net in prohibited waters. - Where any net, the use of which is any specified part of Ceylon waters is prohibited by any regulation made under this Ordinance, is found in the possession or under the control of any person within a distance of a quarter of a mile from such waters, then, for the purposes of any prosecution for a contravention of that regulation that person shall be presumed, until the contrary is proved, to have used such net in such waters.

Article 26. - Offences and penalties. - (1) Any person who acts in contravention of any provision of this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who acts in contravention of any provision of any regulation or of any Order made under section 20A or of any condition lawfully inserted in any fishing licence or permit granted under this Ordinance, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees.

(3) A person who acts in contravention of any provision of any regulation or of any Order made under section 20A shall, in addition to any other penalty which may be imposed under subsection (2), be liable to a fine of one hundred rupees for each day during which the contravention is continued after conviction thereof.

(4) Any person who attempts or conspires to commit any offence under this Ordinance shall be deemed to be guilty of that offence.

Article 27. - (1) Any person who acts in contravention of any of the provisions of section 14 or section 15 shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than two thousand five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment or on a second or subsequent conviction to a fine not less than three thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

(2) Any officer appointed under section 2 (1) who shall:

- (a) be guilty of cowardice, or
- (b) wilfully fail in his duty to report any offence against this Ordinance, or
- (c) connive at the commission of any offence against this Ordinance,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees.

(3) The preceding provisions of this sections shall have effect notwithstanding anything in section 26.

Article 28. - Offence under section 14 to be non-bailable. - Notwithstanding anything in the First Schedule to the Criminal Procedure Code, an offence under section 14 of this Ordinance shall be a non-bailable offence within the meaning and for the purposes of that Code.

Article 29. - Offences to be cognizable. - Notwithstanding anything in the First Schedule to the Criminal Procedure Code, every offence under this Ordinance shall be a cognizable offence within the meaning of that Code.

Article 30. - Cancellation of licences and permits, forfeiture of boats, fish, etc. - (1) Where the holder of a fishing licence or of a permit granted or issued under this Ordinance is convicted by a Magistrate of any offence under this Ordinance, the Magistrate may make order cancelling the licence or permit.

(2) The Magistrate may, on the conviction of any person of any offence under this Ordinance, make order declaring that any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connection with the commission of the offence, or any fish in respect of which the offence was committed shall be forfeited to the Republic:

Provided that in the case of a conviction of an offence under section 14 or section 15, the Magistrate shall make order as aforesaid unless it is proved that the fishing boat, fishing net or stake, or other equipment or instrument or vehicle belongs to a person other than the person convicted and that the owner thereof had no knowledge that it would be used in or in connection with the commission of the offence.

Article 31. - Jurisdiction over offences committed at sea. - Where any offence under this Ordinance is committed by any person in any part of the sea which is within Ceylon waters, the Magistrate's Court having jurisdiction:

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

shall have jurisdiction to try the offence.

Article 32. - Bar of actions. - No action shall lie against the Government of Ceylon or against any officer appointed under section 2 (1) for damages in any civil court for any act bona fide done or ordered to be done in pursuance of this Ordinance; and no prosecution of any such officer and no action which may be lawfully brought against any such officer, in respect of anything done in pursuance of this Ordinance, shall be entertained by any court unless it is instituted within six months from the date of the act complained of.

Article 32A. - Registration of instruments of mortgage. - (1) Every instrument creating a mortgage of a fishing boat (hereinafter referred to as an "instrument of mortgage") whether executed before, on or after the relevant date, shall be presented to the Director for registration.

(2) Each instrument of mortgage shall, in the order in which it is presented, be registered by the Director in the prescribed manner:

- (a) in the case of a mortgage of a fishing boat registered prior to the relevant date, in the prescribed register of mortgages; and
- (b) in the case of a mortgage of a fishing boat registered on or after the relevant date, in the prescribed register of fishing boats.

Article 32B. - Priority of instruments of mortgage. - Where there are more instruments of mortgage than one registered in respect of the same fishing boat, such instruments shall be entitled to priority one over the other, according to the date on which each instrument is registered and not according to the date of the execution of each instrument:

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

Article 32C. - Registered mortgage of fishing boat to subsist notwithstanding sales, etc., to third parties. - Notwithstanding anything in any other law, where an instrument of mortgage of a fishing boat is registered under section 32A any sale or other disposition of the fishing boat by or against the mortgagor shall not, so long as the mortgage continues in force, extinguish or be deemed to extinguish the mortgage of the fishing boat which shall remain subject to the mortgage in the hands of the transferee or other person in whose favour such disposition is effected.

Article 32D. - Entry of discharge of mortgage. - Where a registered mortgage of a fishing boat is discharged the Director shall, on production of the instrument of mortgage with a receipt for the payment of the mortgage money endorsed thereon, duly signed and attested, make an entry in the register in which the mortgage is registered to the effect that the mortgage has been discharged.

Article 32E. - Mortgage not affected by bankruptcy. - A registered mortgage of a fishing boat shall not be affected by any act of bankruptcy committed by the mortgagor after the date of registration of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the fishing boat in his possession or order or disposition or was 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.

Article 32F. - Transfer of mortgages and Registration. - (1) A registered mortgage of a fishing boat may be transferred to any person and the instrument effecting the transfer (hereinafter referred to as an "instrument of transfer") shall be in the prescribed form. Every instrument of transfer whether executed before, on or after the relevant date shall be presented to the Director for registration.

(2) Every instrument of transfer shall be registered by the Director in the prescribed manner in the register in which the mortgage is registered.

(3) The person to whom any such mortgage has been transferred shall enjoy the same priority as was enjoyed by the transferor.

Article 32G. - Transmission of interest in mortgage on bankruptcy, etc. - (1) Where the interest of a mortgagee in a fishing boat is transmitted by bankruptcy, death or by any lawful means, other than by a transfer under section 32F, the person to whom the interest is transmitted shall:

- (a) make a declaration to the Director stating his name and the manner in which the property has been transmitted; and
- (b) produce to the satisfaction of the Director evidence of the transmission of the interest of the mortgagee in the fishing boat.

(2) The Director shall, on receipt of the declaration and on production of the evidence referred to in subsection (1) enter in the register in which the mortgage is registered the name of the person entitled under the transmission as mortgagee of the fishing boat.

(3) The person to whom the interest of a mortgagee is transmitted by bankruptcy, death or by any lawful means, other than by a transfer under section 32F, shall enjoy the same priority as was enjoyed by such mortgagee.

Article 32H. - Searches and copies. - All registers, books and documents kept under this Ordinance may be searched and examined by any person claiming to be interested therein or by his attorney-at-law or agent duly authorized thereto in writing, and certified copies or extracts from any such register, book or document may be obtained from the Director if required.

Article 32J. - Evidence. - A copy or extract purporting to be certified under the hand of the Director to be a true copy of or extract from any register, book or document kept pursuant to this Ordinance shall be admissible in evidence without proof of the signature or appointment of the Director, and shall be prima facie evidence of the contents of such register book or document for all purposes and in all proceedings, civil or criminal.

Article 32K. - Other written law not to apply. - The provisions of any written law, other than this Ordinance, requiring the registration under that law of any instrument creating the mortgage of movable property shall not apply to any instrument of mortgage.

Article 33. - Regulations. - (1) The Minister may make regulations for the regulation and control of the fishing industry, for the protection of fish in Ceylon waters, and generally for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations for or in respect of all or any of the following matters:

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- (a) all matters stated or required in this Ordinance to be prescribed or for which regulations are authorized or required to be made under this Ordinance;
- (b) [repealed]
- (c) [repealed]
- (d) the registration of local fishing boats used in Ceylon waters and of the owners thereof, including the officers or persons by whom such boats shall be registered, the fees payable for such registration (including different fees in respect of different classes of boats or boats used for different purposes or in different areas), and the marking of registered boats and of the fishing nets and other fishing equipment carried therein;
- (dd) all matters relating to mortgages of fishing boats and the registration of mortgages, discharge of mortgages, transfer of mortgages and the transmission of the interest of mortgages, including the fees to be paid for registration, the form of registers to be used for registration and the manner in which registration is to be made;
- (e) [repealed]
- (f) [repealed]
- (g) [repealed]
- (h) the issue of export and import permits, the fees payable therefor, the conditions to be attached thereto, and the circumstances in which or the grounds upon which such permits may be refused;
- (i) the prohibition or restriction of the taking of fish, during any specified period, and the establishment of close seasons;
- (j) the prohibition of the use of any specified equipment, device or substance for the purpose of, or in connexion with, the taking of fish, and the regulation of the time and manner of taking fish;
- (k) the registration of fishing nets or other specified fishing equipment used in Ceylon waters or any part of such waters and of the owners thereof, including the circumstances in which such registration may be refused, the officers and servants by whom such nets or other specified fishing equipment shall be registered, the fees payable for such registration (including different fees in respect of different kinds of nets or other specified fishing equipment or of nets or other equipment used for different purposes or in different areas), and the marking of registered fishing nets or other registered fishing equipment;

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- (l) the regulation of the kind of fishing nets or other fishing equipment to be used, and the prohibition or restriction of the possession or use of fishing nets or other fishing equipment of any specified description, for the purpose of taking fish in Ceylon waters or any part thereof, and where such regulation or restriction is by means of licences, the charging of fees for such licences;
- (m) the regulation of the exercise of the powers conferred by section 21;
- (n) the prohibition, regulation or control of the erection and use of fishing stakes, fish kraals, stake-nets and other such appliances for taking fish;
- (o) the charging of fees in respect of fishing and of the use of fish kraals in Ceylon waters, and the disposal of such fees;
- (p) the prohibition or restriction of the taking or sale of fish of a smaller size than such size as may be prescribed;
- (q) the returns and information to be furnished by persons who take fish for profit in Ceylon waters;
- (r) the detention and disposal of any fish, or of any boats, nets, instruments or other equipment or any vehicle declared to be forfeited to Her Majesty under this Ordinance;
- (s) all matters incidental to or connected with the matters specifically referred to in this subsection.

(3) Any regulation made for or in respect of any of the matters referred to in paragraphs (i) to (p) of subsection (2) may be limited in application to fish of any specified class or description, or in operation to any specified part of Ceylon waters or to the waters in any specified place or area in Ceylon.

(4) No regulation made by the Minister shall have effect until it has been approved by the Senate and the House of Representatives and notification of such approval is published in the Gazette. Every regulation shall upon notification of such approval be as valid and effectual as if it were herein enacted.

Article 34. - Fisheries Reward Fund. - (1) A fund to be called the Fisheries Reward Fund (hereinafter referred to as the "fund") is hereby established.

(2) There shall be paid into the fund all fines recovered under this Ordinance and all sums of money realized by the disposal of articles forfeited under this Ordinance.

(3) The Director may, in his discretion, pay a reward to any officer appointed under section 2(1) or informer out of the moneys in the fund:

Provided, however, that no such reward shall exceed fifty rupees unless the Director has obtained the approval of the Permanent Secretary to the Ministry of Industries and Fisheries (hereinafter referred to as "the Permanent Secretary").

(4) Where any witness incurs travelling expenses in attending court for the purpose of giving evidence at any trial in respect of an offence under this Ordinance which are not payable to him under any other law, the Director may pay to such witness out of the moneys in the fund such amount as may be determined by him to cover the cost of the expenses properly so incurred:

Provided that no such payment shall exceed fifty rupees unless the Director has obtained the approval of the Permanent Secretary.

(5) The Director shall be responsible for the administration of the fund and accounts of the fund shall be audited annually by the Auditor-General.

Article 35. - Interpretation. - In this Ordinance, unless the context otherwise requires:

"appointed date" means the 1st day of June, 1941;

"board" means the Fisheries Advisory Board established under section 3;

"Ceylon waters" includes:

- (a) the territorial sea of Sri Lanka; and
- (b) all public bays, rivers, lakes, lagoons, estuaries, streams, tanks pools, ponds and channels and all other public inland waters;

"Director" means the Director of Fisheries appointed under section 2;

"fish" means any variety of marine, fluviomarine or fresh-eater fishes, crustacea or mollusca, and includes every aquatic animal which derives its sustenance wholly or mainly in water, but does not include:

- (a) chanks;
- (b) pear oysters within the meaning of the Pearl Fisheries Ordinance;
- (c) whales to which the Whaling Ordinance applies; or
- (d) any reptile for the time being included in Schedule I to the Fauna and Flora Protection Ordinance;

"fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being employed for the purpose of taking fish;

"for profit", when used with reference to the taking of any fish, means the taking of such fish for the purpose of trade or sale;

"inland water" means any part of Ceylon waters other than the territorial waters of Ceylon;

"local fishing boat" has the same meaning as in the Fisheries (Regulation of Foreign Fishing boats) Act No. 59 of 1979;

"prescribed" means prescribed by regulation;

"registered" means registered under this Ordinance;

"regulation" means a regulation made by the Minister under this Ordinance;

"relevant date" means such date as may be fixed for the purposes of this Ordinance by the Minister by order published in the Gazette;

"take" with its grammatical variations and cognate expressions, when used with reference to any fish, includes the killing, capture or destruction of such fish;

"territorial sea of Sri Lanka" means the part of the sea within a distance of twelve nautical miles measured from the appropriate baseline.

SAVINGS OF OTHER WRITTEN LAW

Article 36. - Savings for concessions, regulations. - Notwithstanding the repeal of the Game Protection Ordinance, 1909:

- (a) any exclusive right of taking any fish in any stream or inland water hereinafter conceded to any club or association under that Ordinance may continue to be exercised in like manner as if such right was granted to that club or association under section 17 of this Ordinance, and all rules made by such club or association and in force at the appointed date, shall continue in force in like manner as if they were made under this ordinance, and may be amended, varied or rescinded by rules made by that club or association and duly approved by the Minister under the said section;
- (b) all regulations made under that Ordinance and in force at the appointed date, shall continue in force in like manner as if they were made under this Ordinance, and may be amended, varied, or rescinded by regulations made under section 33;
- (c) every notification, establishing a close season in respect of any fish, made under that Ordinance and in force at the appointed date, shall continue in force in like manner as if it were a regulation made under this Ordinance, and may be amended, varied or rescinded by regulation.

Article 37. - Application of Ordinance. - (1) Nothing in this Ordinance shall apply to the taking of fish in any Strict Natural Reserve or National Park within the meaning of the Fauna and Flora Protection Ordinance.

(2) The provisions of this Ordinance shall be (in addition to and not in substitution of any provision of the Forest Ordinance or of any rule made thereunder relating to the taking of fish or to the manner of the taking of fish in Ceylon waters.

FIRST SCHEDULE

[Section 12]

FISHES WHICH MAY NOT BE EXPORTED EXCEPT UNDER PERMIT

<u>Scientific Name</u>	<u>Sinhalese Name</u>
1. Belontia Signata	Polutta
2. Puntius cumingi	Potheya
3. Puntius tilteya	Lai titteya
4. Puntius nigrofasciatus	Bulath sapeya
5. Rasbora vaterifloris	Hal mal dandiya

SECOND SCHEDULE

[Sections 13 and
17]

FISHES IN RESPECT OF WHICH EXCLUSIVE RIGHT MAY BE GRANTED

Trout	Tench
Perch	Gourami

- (b) Fisheries (Regulation of Foreign Fishing Boats) Act No. 59 of 1979
(as amended) *

Article 1. - This Act may be cited as the Fisheries (Regulation of Foreign Fishing Boats) Act, No. 59 of 1979.

PART I - ADMINISTRATION

Article 2. - The Secretary shall be responsible for the administration of this Act and for the implementation and enforcement of its provisions.

Article 3. - The commanders of the armed forces shall render all such forms of assistance as may be necessary to ensure the proper enforcement of this Act and to establish and maintain an effective system of surveillance over fishing and related activities by foreign fishing boats in Sri Lanka waters.

PART II - CONTROLS OVER FISHING AND RELATED ACTIVITIES BY FOREIGN FISHING BOATS IN SRI LANKA WATERS

Article 4. - Subject to the provisions of section 12, no foreign fishing boat shall be used for fishing or related activities in Sri Lanka waters except under the authority of a permit issued under section 6.

Article 5. - Where any foreign fishing boat enters Sri Lanka waters otherwise than under the authority of a permit issued under section 6, the fishing gear of such boat shall, at all times while it is in such waters, be kept stowed in the prescribed manner.

Article 6. - (1) The Secretary or any person specially authorized by him may, with the approval of the Minister, on application made therefor and payment of the prescribed fee issue a permit in respect of any foreign fishing boat, authorizing that boat to be used for such fishing and related activities, in such area or areas of Sri Lanka waters and during such periods, as may be specified in the permit. Every such permit shall be in the prescribed form.

(2) Every application for a permit shall be made to the Secretary in the prescribed form and shall contain the prescribed particulars.

Article 7. - (1) The Minister may prescribe the areas of Sri Lanka waters which shall be reserved for fishing by Sri Lanka fishermen and by local fishing boats.

(2) No permit issued under section 6 shall authorize or be valid for, fishing or related activities by any foreign fishing) boat in any area prescribed for the purposes of this section.

* Unofficial consolidation incorporating the Fisheries (Regulation Foreign Fishing Boats) (Amendment) Act, No. 37 of 1982.

Article 8. - Every permit issued under section 6 shall be subject to such conditions as may be prescribed and to such other conditions (hereinafter referred to as "special conditions") as the Secretary may think fit to attach to such permit, having regard to the period for which the permit is issued, the areas within which the foreign fishing boat is authorized by such permit to be used for fishing and related activities, the methods of fishing employed, and the type of gear used, by such boat.

Article 9. - (1) The Secretary may from time to time, where he is satisfied that it is necessary or expedient for the proper management of fisheries in Sri Lanka waters, vary any special conditions attached to any permit issued under section 6.

(2) Where in pursuance of the powers vested in him by subsection (1), the Secretary varies any special condition attached to any permit issued under section 6, he shall cause notice of such variation to be given to the holder of the permit as soon as practicable.

Article 10. - (1) The Secretary may make order suspending any permit issued under section 6 or cancel such permit:

- (a) where he is satisfied that the foreign fishing boat in respect of which the permit is issued, has been used in contravention of the provisions of this Act or of any regulation made under this Act or of any condition attached to such permit;
- (b) where he is satisfied that such action is necessary or expedient for the proper management of fisheries in Sri Lanka waters.

Every order made under this subsection shall state the grounds therefor.

(2) Where any permit is suspended or cancelled on the ground specified in subsection (1)(b), such proportion of the fee paid for such permit as represents the unexpired portion of the period for which the permit was issued shall be reimbursed to the holder of the permit on his request. Any such request shall be made in writing to the Secretary:

- (a) within sixty days from the date of the order suspending or cancelling the permit; or
- (b) where an appeal is made to the Minister against an order suspending or cancelling a permit, within thirty days of the decision of the Minister on such appeal.

Article 11. - (1) Any person aggrieved by an order made by the Secretary under section 10(1) may appeal therefrom to the Minister within thirty days of the making of the order. The decision of the Minister on any such appeal shall be final.

(2) No variation made by the Secretary under section 9(1) or order of suspension or cancellation made under section 10(1) or decision of the Minister under subsection (1) shall be called in question in any court on the

ground that such variation, suspension or cancellation or decision as the case may be, was not necessary or expedient for the proper management of fisheries in Sri Lanka waters.

Article 12. - (1) The Secretary may give written permission authorizing any foreign fishing boat to be used for research operations, experimental fishing or scientific investigations relating to fisheries resources in Sri Lanka waters.

(2) The Secretary may, in giving his written permission under subsection (1), attach such conditions as he may think fit, regarding the conduct of such research operations, experimental fishing or scientific investigations as such foreign fishing boat is authorized to be used for.

(3) Nothing in section 4 or section 5 shall apply to any boat operating under the authority of, and in accordance with, the written permission of the Secretary given under subsection (1).

(4) The Secretary may at any time, rescind any written permission given under subsection (1) or vary the conditions attached to such permission, where he considers that such rescission or variation is necessary in the public interest.

PART III - POWERS OF AUTHORIZED OFFICERS

Article 13. - (1) For the purposes of enforcing this Act, any authorized officer may:

- (a) stop, board and search any foreign fishing boat in Sri Lanka waters;
- (b) require to be produced, examine and take copies of, any permit, log-book or other document required to be kept or maintained by or under this Act;
- (c) require to be produced, and examine, any fishing nets or other fishing gear on board, or belonging to, the boat and inspect any fish or aquatic plant on board the boat;
- (d) make such enquiries of the master and crew of the boat as may be necessary to ascertain whether any offence has been committed under this Act.

(2) Any authorized officer, where he has reasonable grounds to believe that an offence has been committed under the Act may, with or without a warrant:

- (a) seize and detain any boat, used in, or in connection with, the commission of the offence including any fishing gear, fish or aquatic plants, equipment, stores and cargo found on board, or belonging to, the boat, or seize any fishing gear abandoned by the boat; and

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(b) arrest any person who he has reason to believe has committed such offence.

(3) In effecting the seizure of a boat under this section, an authorized officer may use such force as may be reasonably necessary.

(4) Any foreign fishing boat seized under this section, and the crew thereof, shall be brought to the nearest or most convenient port in Sri Lanka.

(5) Where any foreign fishing boat or other thing is seized under this section, the authorized officer by whom such boat or other thing was seized, shall as soon as possible produce the boat or other thing before, or make it available for inspection by, a Judge of the High Court, who shall make such order as he may deem fit relating to the detention or custody of such boat or other thing pending the conclusion of a prosecution instituted in respect of that boat or other thing:

Provided however that where any fish or aquatic plant so seized is subject to speedy decay; an authorized officer may, on the direction of the Secretary or a person authorized in writing in that behalf by the Secretary, sell such fish or aquatic plant and shall deposit the proceeds of sale in the High Court.

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

(7) Where, following the commission of an offence under this Act or any other Act relating to Fisheries by any foreign boat in Sri Lanka waters, such foreign fishing boat is pursued beyond the limits of Sri Lanka waters, the powers conferred on authorized officers by this section may be exercised beyond the limits of Sri Lanka waters in the circumstances, and to the extent, recognized by international law.

Article 14. - (1) No action shall lie against the Government of Sri Lanka or against any authorized officer for damages in any civil court, for any act done or ordered to be done in good faith in pursuance of any provision of this Act.

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

PART IV - OFFENCES

Article 15. - Where any foreign fishing boat is used in contravention of the provisions of section 4 or section 5 the master, owner and charterer, if any, of such boat shall each be guilty of an offence under this Act and shall each be liable on conviction after trial without a jury before a Judge of the High Court :

- (a) in the case of a contravention of section 4, to a fine not exceeding one million five hundred thousand rupees; or
- (b) in the case of a contravention of section 5, to a fine not exceeding seven hundred and fifty thousand rupees.

Article 16. - Where any foreign fishing boat in respect of which a permit has been issued under section 6 is used in contravention of the conditions of such permit, the master, owner and charterer, if any, of such boat shall each be guilty of an offence under this Act and shall each be liable on conviction after trial without a jury before a Judge of the High Court, to a fine not exceeding seven hundred and fifty thousand rupees.

Article 17. - Any person who:

- (a) wilfully obstructs any authorized officer in the exercise of any powers conferred on him by this Act; or
- (b) fails to produce:
 - (i) any permit, log-book or other document required to be maintained by or under this Act; or
 - (ii) any fishing nets or fishing gear on board, or belonging to, a foreign fishing boat,
when required to do so by an authorized officer; or
- (c) fails to comply with any enquiry or requirement made by an authorized officer in accordance with the provisions of this Act,

shall be guilty of an offence under this Act and shall be liable on conviction after trial without a jury before a Judge of the High Court to a fine not exceeding twenty-five thousand rupees.

Article 18. - Where any person is convicted of an offence under this Act, the Court :

- (a) may, and in the case of a contravention on section 4 shall, make order that any boat used, in, or in connection with, the commission of the offence, together with its fishing gear, equipment, stores and cargo and any fish or aquatic plants found on board such boat or the proceeds of sale of any such fish or aquatic plants deposited in Court under the proviso to section 13(5), shall be forfeited;
- (b) shall order that any costs incurred in holding the boat in detention, and any costs of repatriation of any member or members of the crew of the boat, shall be payable by the person convicted.

Article 19. - (1) Any boat, fishing gear, fish, aquatic plant, equipment, stores or cargo forfeited under section 18 shall upon such forfeiture vest absolutely in the State. Such vesting shall take effect:

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- (a) after the expiration of the period within which an appeal may be preferred to the Court of Appeal against the order of forfeiture; or
- (b) where an appeal has been preferred to the Court of Appeal against the order of forfeiture, upon the determination of such appeal, confirming or upholding the order of forfeiture.

(2) The Secretary shall take possession of any boat, fishing gear, fish, aquatic plant, equipment, stores or cargo vested in the State under subsection (1) and may sell or otherwise dispose of them as he may think fit.

Article 20. - (1) The Secretary or a person authorized in writing in that behalf by the Secretary may, having regard to the circumstances in which the offence was committed and with the approval of the Minister, compound any offence under this Act for a sum of money equal to not less than one-fifth of the maximum fine imposable for such offence, and may, as part of the compounding of the offence, with the approval of the Minister, order the release of any boat, fish or other thing seized under section 13 (and in respect of which no order of detention has been made by a Judge of the High Court, on payment of a sum of money not exceeding the aggregate of the estimated value of the boat, fish or other thing, and the costs incurred in the detention of the boat and repatriation of its crew.

- (2) The compounding of any offence under this section:
 - (a) shall be notified in writing under the signature of both parties to the High Court;
 - (b) shall have the effect of an acquittal of the accused.

Article 21. - (1) Where a Judge of the High Court has ordered the detention of a foreign fishing boat pending the conclusion of any prosecution instituted in respect of that boat, the owner of the boat, permit holder, master or the authorized local representative appointed in respect of the boat, may apply to that Judge for the release of the boat on the provision of a satisfactory bond or other form of security in accordance with this section.

(2) A Judge of the High Court to whom an application is made under subsection (1), shall order the release of the boat on the execution by a person approved by the Judge, of a satisfactory bond or other form of security in an amount not less than the aggregate of the value of the boat, [including all fishing gear, equipment, stores and cargo, the value of the fish or aquatic plants on board at the time of seizure, other than the value of any fish or aquatic plants which have been sold and the proceeds deposited in Court in accordance with the proviso to section 13(5)], the expenses incurred in the detention and in the repatriation of any member or members of the crew of the boat and the maximum fine to which the master, owner or charterer of such boat would be liable if convicted of the offence in respect of which a prosecution against such master, owner or charterer has been or is to be instituted.

(3) The release of any bond or other form of security executed under this section shall be conditioned upon:

- (a) finding by the Court that the boat has not been used in or in connection with, the commission of an offence under this Act; or
- (b)
 - (i) payment in full, within fourteen days of the date of the judgement of the Court, of any fine imposed by the Court and any costs ordered to be paid under section 18(b); and
 - (ii) delivery to the Court, on the order of the Court, of the boat (including all fishing gear, equipment stores and cargo, and of any fish or aquatic plants ordered to be forfeited) without any impairment of its value, or payment of the monetary value thereof as determined by the Court, where the Court finds that the boat has been used in, or in connection with, the commission of an offence under this Act.

(4) The amount specified in the bond or other form of security shall be recoverable in full in any court of competent jurisdiction, as a debt due to the State jointly and severally by the person or persons by whom the bond or other form of security is given, unless such person or persons prove the due performance of the condition on which the bond is released.

Article 22. - Where the master, owner or charterer of a foreign fishing boat, has been convicted of an offence under section 15 or 16, the boat, (including its fishing gear, equipment, stores and cargo) if not ordered to be forfeit by the Court, shall be held until such time as the fine, costs and other moneys ordered by the Court to be paid have been paid, and if payment in full has not been made within thirty days of the date on which the fine is imposed or the costs and other moneys are ordered to be paid, the boat shall be sold and the fine, costs and other moneys shall be recovered from the proceeds of the sale.

Article 23. - Where in any prosecution instituted under this Act following the seizure of a foreign fishing boat 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.

Article 24. - Any offence under this Act committed in Sri Lanka waters shall, notwithstanding anything to the contrary in any other law relating to the territorial jurisdiction of the High Court, be triable by the High Court sitting in any judicial zone of Sri Lanka.

Article 25. - Where for the purposes of any prosecution or other proceeding instituted under this Act, any notice, summons or other document is required to be served on the owner or charterer of a foreign fishing boat, such notice, summons or other document shall be deemed to have been properly served, if it

is served in person or by registered post on the master of such boat, or on the authorized local representative appointed by the owner or charterer of such boat.

Article 26. - (1) The Minister may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this Act.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for, or in respect of, all or any of the following matters:

- (a) the manner in which the fishing gear of foreign fishing boats shall be stowed, when prohibited from fishing in Sri Lanka waters;
- (b) the form of applications for a permit under section 6, the particulars to be contained in such applications and the manner in which such applications shall be made;
- (c) the forms of permits issued under section 6 and the fees to be paid therefor;
- (d) the conditions to be attached to a permit issued under section (6), including conditions relating to:
 - (i) the appointment by permit holders, of authorized local representatives or agents in Sri Lanka in respect of fishing operations;
 - (ii) the maintenance by permit holders, of bonds and other forms of security for the fulfilment of the conditions attached to the permit;
 - (iii) the requirements to be observed by the boat in respect of which the permit is issued, while such boat is in Sri Lanka waters;
 - (iv) the maintenance by the boat in respect of which the permit is issued, of log-books and other records of position, catch and fishing efforts and of the transporting and processing operations carried out by such boat;
 - (v) furnishing by the permit holder of statistical and other information, including statistics relating to catch and effort and of reports as to the position of the boat;
 - (vi) the marking of the boat in respect of which the permit is issued, and the installation and maintenance on board such boat, of transponders and other equipment for the identification and location of boats and of adequate navigational equipment to enable boats to fix their positions themselves;

- (vii) the provision of facilities by the permit-holder for the placing of trainees and other personnel on board the boat in respect of which the permit is issued;
 - (viii) the employment of Sri Lanka citizens on board the boat in respect of which the permit is issued;
 - (ix) the placing the Sri Lanka observers on board the boat in respect of which the permit is issued;
 - (x) the compliance by the boat in respect of which the permit is issued, with directions, instructions or other requirements given by authorized officers acting in pursuance of the powers conferred on them by this Act or by any other law.
- (e) the procedures to be conformed to by foreign capital investment in fisheries, including joint-venture proposals;
 - (f) the conditions under which foreign fishing boats shall be allowed to enter into Sri Lanka ports, whether for inspection of the catch or for other purposes;
 - (g) the Sri Lanka waters within which a foreign fishing boat may be authorized by a permit issued under section 6, to be used for fishing and related activities;
 - (h) the procedures to be adopted by an authorized officer in effecting the seizure of a foreign fishing boat under section 13;
 - (i) provision that the contravention of, or failure to comply with, any regulation made under this section shall be an offence under this Act triable by a Judge of the High Court without a jury and punishable with a fine not exceeding one million rupees;
 - (j) any other matter which is required or authorized by this Act to be prescribed.

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

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded from the date of disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation is so deemed to be rescinded shall be published in the Gazette.

Article 27. - The Fisheries Ordinance is hereby amended as follows:

- (a) by the repeal of sections 5, 6, 7 and 8 of that Ordinance;
- (b) in section 9 of that Ordinance, by the substitution, for the expression "fishing boat" wherever that expression occurs in that section, of the expression "local fishing boat";
- (c) in section 10 of that Ordinance, by the substitution for the expression "fishing boat", of the expression "local fishing boat";
- (d) in subsection (1) of section 22 of that Ordinance, by the substitution, for the expression "fishing boat", of the expression "local fishing boat";
- (e) in section 23 of that Ordinance, by the repeal of paragraph (b) of that section;
- (f) in subsection (2) of section 33 of that Ordinance:
 - (i) by the repeal of paragraphs (b) and (c) of that subsection;
 - (ii) by the substitution, in paragraph (d) of that subsection, for the expression "fishing boats" of the expression "local fishing boats"; and
 - (iii) by the repeal of paragraphs (e), (f) and (g) of that subsection; and
- (g) in section 35 of that Ordinance:
 - (i) by the omission of the definitions respectively, of "Ceylonese", "Ceylonese company" and "fishing licence"; and
 - (ii) by the insertion, immediately after the definition of "Inland Water", of the following new definition:

"Local fishing boat" has the same meaning as in the Fisheries (Regulation of Foreign Fishing boats) Act, No. 59 of 1979;"

Article 28. - In this Act, unless the context otherwise requires:

"aquatic plant" means any seaweed, photoplankton or other aquatic flora;

"authorized officer" means any officer not below the rank of Fisheries Inspector appointed under the Fisheries Ordinance, any member of the Navy not below the rank of petty officer, any member of the Air Force not below the rank of Sergeant, any police officer not below the rank of Sergeant and any other person designated as such by name or by office, by the Minister in writing;

"fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, mollusc, holothurian or aquatic mammal, and its young, fry, eggs or spawn;

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"fishing" means catching, taking or killing fish or collecting aquatic plants by any method and includes an attempt to catch, take or kill fish, or to collect aquatic plants;

"fishing boat" means any vessel for the time being used for fishing or related activities;

"foreign fishing boat" means any fishing boat other than a local fishing boat ;

"local fishing boat" means any fishing boat;

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

and registered under the Merchant Shipping Act, No. 52 of 1971;

"prescribed" means prescribed by regulation made under this Act; "related activities" in relation to fishing means:

- (a) transshipping fish to or from any boat or vessel;
- (b) storing, processing, or transporting fish or aquatic plants obtained from fishing operations;
- (c) refueling or supplying fishing boats or performing other activities in support of, or ancillary to, fishing operations;
- (d) attempting or preparing to do any of the above;

"Secretary" means the person for the time being holding office as the Secretary to the Ministry of the Minister;

"Sri Lanka waters" means:

- (a) the area declared to be the territorial sea of Sri Lanka by proclamation made under section 2 of the Maritime Zones Law, No. 22 of 1976;
- (b) the area declared to be the contiguous zone of Sri Lanka by proclamation made under section 4 of the Maritime Zones Law, No. 22 of 1976;

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- (c) the area declared to be the exclusive economic zone of Sri Lanka by proclamation made under section 5 of the Maritime Zones Law, No. 22 of 1976;
- (d) the area declared to be the historic waters of Sri Lanka by proclamation made under section 9 of the Maritime Zones Law, No. 22 of 1976;
- (e) all public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds, channels and all other public inland or internal waters.

3. - REGULATIONS

(a) Fisheries Regulations, 1941 (as amended)

Article 1. - These regulations may be cited as the Fisheries Regulations, 1941.

Article 2. - In these regulations:

"Deputy Director" means the Deputy Director of Fisheries;

"Ordinance" means the Fisheries Ordinance.

Article 3. - (1) An ordinary meeting of the Fisheries Advisory Board shall be held on the third Saturday in January, April, July and October in each year.

(2) The Director may in his discretion summon a special meeting of the board at any time and shall summon such special meeting on receipt of a written requisition in that behalf signed by not less than seven members of the board.

(3) Unless the Director otherwise orders, every meeting of the board shall be held at the office of the Director.

Article 4. - The Director shall give to each member of the board at least seven days' written notice of every meeting of the board and shall specify in such notice the time of the meeting and the business to be transacted thereat.

Article 5. - At every meeting of the board, seven members, including the chairman, shall form a quorum.

Article 6. - In the absence of the Director from any meeting of the board, a member of the board elected by the majority of the members present shall preside at the meeting.

Article 7. - The Director shall cause a record of the minutes of all meetings of the board to be made in a book which shall be kept for the purpose.

Article 8. - The business of the board may be conducted, so far as is practicable, by the circulation of papers amongst the members of the board.

Article 9. - The officer by whom a fishing licence under section 5 of the Ordinance may be granted shall be the Director or the Deputy Director.

Article 10. - Every application for a fishing licence shall:

- (a) be made to the Director or the Deputy Director;
- (b) be in the form A set out in the First Schedule; and
- (c) be accompanied by a fee of two rupees.

Article 11. - The Director or the Deputy Director may, in any of the circumstances or on any of the grounds set out hereunder, refuse to grant a fishing licence to any person who makes application therefor:

- (a) If, in the opinion of the Director or the Deputy Director, the grant of a licence to the applicant will, having regard to the fishing grounds in which the applicant desires to take fish and the places at which he desires to land the fish so taken, the grant of the licence will be detrimental to the interests of other persons who ordinarily take fish in such grounds or land fish at such places; or
- (b) If, in the opinion of the Director or the Deputy Director, the grant of the licence to the applicant is likely to cause a scarcity of fish in the fishing grounds in which the applicant desires to take fish.

Article 12. - Every fishing licence shall be granted by the Director or the Deputy Director and shall be substantially in the form B set out in the First Schedule.

Article 13. - Every fishing licence shall be subject to such of the following conditions as may be inserted in the licence by the Director or the Deputy Director of Fisheries:

- (a) where a log-book or a fish account book is kept on any boat registered under these regulations, the licensee shall permit the Director or a person authorized in writing by the Director, to inspect the log-book or the fish account book;
- (b) the licensee shall send to the Director, once in every week a statement of the total catch of each of the boats used by him in Ceylon waters and of the localities at which the fish was caught.
- (c) such other conditions as the Director may at his discretion, insert in the special circumstances of any particular case.

Article 14. - Every person who is desirous:

- (a) of exporting from Ceylon any live fish, or the eggs, roe, or spawn of any fish, which is of a species for the time being included in the First Schedule to the Ordinance, or
- (b) subject to the provisions of section 13 of the Ordinance, of importing into Ceylon any live fish of any species which is not indigenous to Ceylon, or the eggs, roe or spawn of any such fish shall make application substantially in the form D set out in the First Schedule hereto.

Article 15. - Every export permit under section 12 of the Ordinance and every import permit under section 13 of the Ordinance shall be substantially in the form E set out in the First Schedule.

Article 16. - The following conditions shall be attached to every export permit issued under section 12 and to every import permit issued under section 13 of the Ordinance:

- (a) The permit shall be surrendered to the Collector of Customs at the time of the exportation or the importation, as the case may be, of the fish, roe or spawn specified therein.
- (b) The permit shall expire on the date specified therein.

Article 17. - A permit under section 12, authorizing the export from Ceylon of any live fish or the eggs, roe or spawn of any fish which is of a species for the time being included in the First Schedule to the Ordinance, may be refused by the Director if, in the opinion of the Director, such export is likely:

- (a) to be detrimental to fish in Ceylon waters,
- (b) to diminish unduly the quantity of such fish in Ceylon waters, or
- (c) to cause an increase of pests in Ceylon waters.

Article 17A. - Where any live fish or the roe, spawn or egg of any fish, which is of a species for the time being included in the First Schedule to the Ordinance is exported by any person, the Director shall cause the container in which such fish or roe, spawn or egg is exported to be sealed in his presence or in the presence of an officer authorized by him for the purpose, so as to ensure that no fish or the roe, spawn or egg of any fish other than that specified in the permit issued to such person is included in such container.

Article 18. - A permit under section 13, authorizing the import into Ceylon of any live fish of any species which is not indigenous to Ceylon or the eggs, roe or spawn of any such fish, may be refused by the Director if, in the opinion of the Director, such import is likely:

- (a) to be detrimental to fish indigenous to Ceylon, or
- (b) to be a pest in Ceylon waters.

Article 19. - For the purposes of section 21 of the Ordinance, every Government Agent and Assistant Government Agent shall be a prescribed officer.

Article 20. - (1) Every appeal under section 6 of the Ordinance against the decision of the Director or the Deputy Director of Fisheries shall be signed by the appellant and shall:

- (a) be made by a written petition in the English, Sinhalese or Tamil language;
- (b) contain a concise statement of the grounds upon which the appeal is preferred;

(c) bear uncanceled revenue stamps to the value of five rupees: Provided, however, that no fee shall be payable in the case of any appeal preferred by any public servant in the discharge of his duties.

(2) Two additional copies of the statement of the grounds upon which the appeal is preferred shall be sent by the appellant with each petition of appeal.

(3) Every petition of appeal referred to in paragraph (1) shall be substantially in the following form:

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STATEMENT OF APPEAL

1. Name or designation of appellant: _____
2. Address of appellant: _____
3. Date of decision of Director/Deputy Director: _____
4. Date of receipt of decision of Director/Deputy Director: _____
5. The above-named appellant states as follows: _____

Date: _____

Signature of Appellant

FIRST SCHEDULE

FORM A

THE FISHERIES ORDINANCE

Application for a fishing licence

1. Name and permanent address of applicant: _____
2. Address of applicant in Ceylon: _____
3. Race and Nationality: _____
4. Are you employed by anybody, if so give name and address of employer:

5. How long have you fished in Ceylon waters?: _____
6. Do you propose to employ anybody, if so what proportion of Ceylonese labour do you guarantee to employ?: _____
7. Number and types of boats proposed to be used for the purpose of taking fish:
catamarans or tepams propelled by paddles or oars: _____
outrigger canoes or sailing boats not exceeding 30 feet in length: _____
power driven boats propelled by oil or coal fired engines:
not exceeding 25 feet in length overall: _____
exceeding 25 feet but not exceeding 50 feet in length overall: _____
exceeding 50 feet in length overall: _____

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8. In what fishing grounds do you desire to take fish?

9. At what places (whether in Ceylon or elsewhere) do you desire to land such fish?

Signature of applicant

FORM B

THE FISHERIES ORDINANCE

_____ of _____ is hereby licensed to take or employ any other person to take fish for profit in Ceylon waters.

This licence expires on the thirty-first day of December next following the date on which it is granted.

This licence is subject to the following conditions:

Deputy/Director of Fisheries

FORM D

THE FISHERIES ORDINANCE

Applications for Permit to Export / Import Fish

1. Name and address of importer/exporter: _____
2. Names of fish or names of fish whose eggs, roe or spawn to be imported/exported:

3. Number of each species of fish: _____
4. Locality from which the fish or eggs, roe or spawn are to be imported/exported:

5. Reasons for importing/exporting: _____
6. Consignor's/Consignee's name and address: _____

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FORM E

THE FISHERIES ORDINANCE

Permit to Import/Export any live fish, roe or spawn of any fish

Under section 12(1)/13(1) of the Fisheries Ordinance _____

(name) _____ of _____ (place) is hereby authorized to
export/import the under-mentioned varieties of live fish or eggs, roe or spawn on the under-
mentioned varieties in one shipment or in one consignment.

This permit expires on _____

Director of Fisheries

Date: _____

REGULATIONS

Article 1. - No person shall on and after the first day of January, 1954, use any fishing boat for the purpose of taking fish in Ceylon waters unless:

- (a) that boat has been registered by the Director; and
- (b) the owner of that boat has also been registered by the Director.

Article 2. - Every application for the registration of a fishing boat and the owner of that boat shall:

- (a) if in English be substantially in the form A specified in the First Schedule hereto or if in Sinhalese or Tamil be in the corresponding form in that language and made to the Director; and
- (b) be accompanied by fees calculated at the rates set out in the Second Schedule hereto for the registration of the boat.

Article 3. - No fishing boat shall be registered unless an officer authorized in that behalf by the Director has examined the boat and issued a report to the effect that the boat is fit for use. Such report shall be attached to every application for registration of the boat.

Article 4. - (1) Upon the registration of the fishing boat and the owner of that boat a certificate of registration which is substantially in the form B specified in the First Schedule hereto shall be issued to the owner of the boat.

(2) Every certificate of registration issued under paragraph (1) shall expire on the thirty-first day of December of the year in respect of which it is issued.

(3) The Director shall issue to the owner of a registered fishing boat a certified copy of the certificate of registration issued under paragraph (1), on the application of such owner and on payment by him of a fee of one rupee.

Article 5. - The Director shall maintain a register of all fishing boats registered under these regulations.

Article 6. - (1) The owner of every registered fishing boat other than a boat referred to in paragraph (2) shall cause the registration number and the distinguishing letters allotted to that boat at the time of registration to be clearly engraved or marked on each side of the boat in white figures and letters. Such figures and letters shall:

- (a) in the case of a boat not exceeding fifteen feet in length, be at least six inches in length and one and a half inches in breadth, and
- (b) in the case of a boat exceeding fifteen feet in length, be at least eight inches in length and two inches in breadth.

(2) The owner of every registered catamaram shall cause the registration number and the distinguishing letters allotted to that catamaram at the time of registration to be clearly engraved or marked across the logs of such catamaram in black figures and letters which are at least eight inches in length and two inches in breadth. The figures and letters shall be so engraved or marked that a part of the registration number and of the distinguishing letters shall appear on each of the logs of the catamaram.

(3) Subject to the preceding provision of this regulation the owner of every registered fishing boat with a sail shall cause the registration number and the distinguishing letters allotted to that boat at the time of registration to be clearly painted on each side of the sail in black figures and letters on a white background. Such figures and letters shall be at least fifteen inches in length and two inches in breadth.

Article 7. - Where the Director is of opinion that the fishing nets and other fishing equipment carried in a registered boat used in any area should be marked, he may by notification published in the Gazette require the registered owner of the boat to affix or cause to be affixed to every fishing net and other fishing equipment carried therein a small brass or aluminium disc with the appropriate registered number and the appropriate distinguishing letters clearly marked thereon.

Article 8. - Every person desirous of renewing a certificate of registration issued under regulation 4 shall apply to the Director substantially in the form C specified in the First Schedule hereto.

Article 9. - (1) Every application for the renewal of a certificate of registration shall be made at least forty-five days before the date on which the certificate expires and shall be accompanied by the fee set out in the Third Schedule hereto for the registration of the boat.

(2) No certificate of registration shall be renewed unless the fishing boat to which the application relates has been examined by an officer authorized by the Director and a report to the effect that the boat is fit for use has been issued by such officer. Such report shall be attached to every application for renewal of registration.

Article 10. - (1) Upon the renewal of the registration of a fishing boat, a certificate of the renewal of registration which is substantially in the form D specified in the First Schedule hereto shall be issued to the owner of the boat.

(2) Every certificate of renewal of the registration of a fishing boat shall expire on the thirty-first day of December of the year in respect of which it is issued.

(3) The Director shall issue to the owner of a registered fishing boat a certified copy of the certificate of the renewal of registration issued under paragraph (1), on the application of such owner and on payment by him of a fee of one rupee.

Article 11. - If the registered owner of any registered boat transfers the ownership of such boat to any other person, he shall immediately notify the Director in writing of the transfer of ownership.

Article 12. - On any change of possession of a registered boat either upon a voluntary transfer made by the registered owner or consequent on the death of the registered owner, the person into whose possession the boat has passed shall, within one month after such change of possession, make an application to the Director to be registered as the new owner in such one of the forms E and F specified in the First Schedule hereto as may be appropriate to the case.

Article 13. - Upon the registration of any person as the new owner of any registered boat, a certificate which is substantially in the form G specified in the First Schedule hereto shall be issued to the owner.

Article 14. - The Minister may, by Order published in the Gazette declare that all the provisions or any specified provision, of these regulations shall not apply in relation to any specified class or description of fishing boats.

Article 15. - The Fisheries Regulations, 1941, published in Gazette No. 8,765 of July 18, 1941, are hereby amended as follows:

- (1) by the rescission of regulations 13, 14 and 15;
- (2) by the renumbering of regulations 16, 17, 18, 19, 20, 21, 22 and 23 as regulations 13, 14, 15, 16, 17, 18, 19 and 20;
- (3) in the First Schedule, by the rescission of form C; and
- (4) by the rescission of the Second Schedule.

Article 16. - In these regulations:

"Director" means the Director of Fisheries;

"registered boat" means any fishing boat registered under these regulations; and

"registered owner" means any person registered as the owner of a registered boat.

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FIRST SCHEDULE

FORM A

(Regulation 2)

APPLICATION FOR THE REGISTRATION OF A FISHING BOAT AND OF THE OWNER
OF THE FISHING BOAT

1. Name of owner: _____
2. Address of owner: _____
3. Description of the boat: _____
 - (a) Timber used: _____
Hull: _____
Planking: _____
Outrigger: _____
 - (b) Date of building: _____
 - (c) Type: Paru, Vallam, Oru, Catamaram, Teppam, Padavun, Pa-dil, Kulla
or any
other: _____
 - (d) Length of the boat: _____
 - (e) Purpose for which boat will be used: _____
 - (i) Personal use of registered owner: _____
 - (ii) Hire: _____
 - (f) How propelled (by sail, oars or mechanically): _____
 - (g) Displacement and capacity (crew): _____
4. Place at which the boat will be kept: _____
 - (a) In the case of a Padu, the name, the licensee, the number and
date of the licence: _____
 - (b) In the case of a Waraya or Village, the name of the Waraya or
Village: _____
5. The certificate of registration should be sent to me to the following
address: _____
6. I hereby declare that the boat described above has not been previously
registered in Ceylon, and that the above particulars are true and accurate in
every respect and that the boat is my property.

Signature of Witness

Signature of Applicant

Date: _____

Date: _____

(REGULATION 4)

CERTIFICATE OF REGISTRATION

1. Name of owner: _____
2. Address of owner: _____
3. Description of the boat: _____
 - (a) Timber used: _____
 - Hull: _____
 - Planking: _____
 - Outrigger: _____
 - (b) Date of building: _____
 - (c) Type: _____
 - (d) Length of the boat: _____
 - (e) Purpose for which boat will be used: _____
 - (f) How propelled (by sail, oars or mechanically): _____
 - (g) Displacement and capacity (crew): _____
4. Place at which the boat will be kept: _____
 - (a) Padu: name: _____ Licence No.: _____
 - Date of the licence: _____
 - (b) Waraya or Village: _____
5. Registration number: _____
6. Date of registration: _____
7. This certificate shall be valid until December 31, 19__.

Date: _____

Director of Fisheries

FORM C

(REGULATION 8)

APPLICATION FOR THE RENEWAL OF A CERTIFICATE OF REGISTRATION

1. Name of owner: _____
2. Address of owner: _____

3. Description of the boat: _____
- (a) Timber used: _____
Hull: _____
Planking: _____
Outrigger: _____
- (b) Date of building: _____
- (c) Type: _____
- (d) Length: _____
- (e) Purpose for which boat will be used: _____
(i) Hire: _____
(ii) Personal use of the registered owner: _____
- (f) How propelled (by sail, oars or mechanically): _____
- (g) Displacement and capacity (crew): _____
4. Place at which the boat will be kept: _____
- (a) Padu: name: _____ Licence No.: _____
Date of the licence: _____
- (b) Waraya or Village: _____
5. Registration number: _____
6. Date of registration: _____
7. Date of last renewal of registration: _____

Date: _____

Director of Fisheries

FORM D

(REGULATION 10 (1))

CERTIFICATE OF THE RENEWAL OF THE REGISTRATION OF A FISHING BOAT

Name: _____

Registration No.: _____

Renewal Fee: _____

Date of Expiry: _____ 31st December, 19__

Director of Fisheries

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FORM E

(REGULATION 12)

APPLICATION FOR REGISTRATION OF A FISHING BOAT ON TRANSFER

To: The Director of Fisheries,
Colombo

Consequent on a transfer from 1/ _____ I 2/ _____
of 3/ _____ declare that I am entitled to the possession of
fishing boat No. _____ (Type _____) and hereby apply
to be registered as the new owner thereof.

- (i) Purpose for which the boat will be used 4/: _____
- (ii) Place at which the boat will usually be kept: _____
- (iii) I enclose herewith the certificate of registration issued to the
transferor in respect of the boat.

(iv) Date of coming into possession: _____

I hereby declare that the particulars given above are true and accurate in
every respect.

The certificate of registration should be sent to me to the following
address: _____.

Date: _____

Signature of the owner

- 1/ Name in Full
- 2/ Name in full in capitals
- 3/ Address
- 4/ State whether it is intended to be used for hire or for personal use.

FORM F

(REGULATION 12)

APPLICATION FOR REGISTRATION OF FISHING BOAT ON THE DEATH OF REGISTERED OWNER

To: The Director of Fisheries,
Colombo

Consequent on the death on the day of _____, 19__ of the registered owner
of fishing boat No. _____ I 1/, _____ of 2/ _____
as the 3/ _____ of the deceased, hereby apply to be registered as
the owner of that boat.

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- (i) Purpose for which the boat will be used: _____
(ii) Address at which the boat will usually be kept: _____

I enclose herewith the certificate of registration relating to that boat.

The certificate of registration should be sent to me to the following address: _____

I hereby declare that I am entitled to the possession of the boat and that the particulars given herein are true and accurate in every respect.

Date: _____

Signature of the owner

- 1/ Name in Full in capitals
2/ Address
3/ State whether heir, executor, administrator, etc.
4/ State whether it is used for hire or for personal use.

FORM G

(REGULATION 13)

CERTIFICATE OF THE REGISTRATION OF A NEW OWNER OF A REGISTERED FISHING BOAT

1. Name of new owner: _____
2. Address of new owner: _____
3. Name of previous owner: _____
4. Address of previous owner: _____
5. Description of the boat: _____
(a) Timber used: _____
Hull: _____
Planking: _____
Outrigger: _____
(b) Date of building: _____
(c) Type: _____
(d) Purpose for which boat will be used: _____
(i) Hire: _____
(ii) Personal use of the registered owner: _____
6. Place at which the boat will be kept: _____
(a) Padu: name: _____ Licence No.: _____
Date of licence: _____
(b) Waraya or Village: _____

7. Registration number: _____

8. Date of registration: _____

9. Date of last renewal of registration: _____

Date: _____

Director of Fisheries

SECOND SCHEDULE

LEGISLATION FEES

(Regulation 2)

	Rs.	c.
For each catamaram, theppam or for any other type of boat which does not exceed 15 feet in length	2	0
For each oru or for any other type of boat which exceeds 15 feet but does not exceed 30 feet in length	5	0
For each oru or other rowing or sailing boat exceeding 30 feet in length	10	0
For each power-driven boat propelled by petrol, oil or coal fired engines	25	0
For each fishing boat taking fish in possession of a licence issued under section 5	300	0

THIRD SCHEDULE

(Regulation 9)

	Rs.	c.
1. For each catamaram, theppam or for any other type of boat which does not exceed 15 feet in length	1	0
2. For each rowing or sailing boat not referred to in item 1	2	0
3. For each power-driven boat propelled by petrol, oil or coal fired engines	5	0
4. For each fishing boat taking fish in possession of a licence issued under section 5	300	0

For the purposes of section 21 of the Fisheries Ordinance each of the following officers shall be a prescribed officer:

Deputy Director of Fisheries
Assistant Director of Fisheries
Chief Inspector of Fisheries

Inspectors of Fisheries

Sub-Inspectors of Fisheries

Preventive Officers of the Fisheries Department

Preventive Sergeants of the Fisheries Department

Preventive Guards of the Fisheries Department

SECTION 36

Note: The rules under section 6, the regulations under sections 8 and 10, and the notifications under sections 3 and 12 of the repealed Game Protection Ordinance, No. 1 of 1909, which are kept in force by section 36 of the Fisheries Ordinance, are not reproduced.

Note: The rest of the Regulations under Section 33 are local in their application and are not reproduced.

(b) Inland Water Fishing Regulations, 1978

Article 1. - These regulations may be cited as the Inland Water Fishing Regulations, 1978.

Article 2. - These regulations shall apply to and in relation to such Inland Waters as may be proclaimed from time to time by the Director by notification published in the Gazette as waters to which these regulations shall apply.

Article 3. - No person shall, except on the authority of a permit issued by the Director or by such officer specially authorized in writing by the Director in that behalf, use or operate any shore seine, set of gill nets, or any other type of fishing gear which may be specified by the Director by notification published in the Gazette (other than a rod and line) for the purpose of taking fish in any Inland Waters proclaimed under regulation 2.

Article 4. - Every person who wishes to obtain a permit shall make a written application substantially in the Form A set out in the Schedule hereto, to the Director or to such other officer specially authorized in writing in that behalf by the Director to receive such applications.

Article 5. - (1) On receipt of an application for a permit the Director or other authorized officer may, after such inquiry as he may deem necessary, issue to the applicant a permit which shall specify the number of shore seine, sets of gill nets, or the quantity of other fishing gear that may be used, and any other conditions that shall apply in relation to such permit. Such permit shall, unless earlier cancelled under these regulations, remain in force during the period specified therein.

(2) Every such permit shall be substantially in the Form B set out in the Schedule hereto and shall be issued on the payment of:

- (a) in the case of a shore seine, a refundable deposit of one hundred rupees and a permit fee of twenty-five rupees;
- (b) in the case of a set of gill nets, a [refundable deposit of ten rupees and a permit fee of five rupees;
- (c) in the case of other fishing gear, a refundable deposit of five rupees and a permit fee of two rupees and fifty cents.

(3) Every such permit may be revalidated annually on payment of a revalidation fee of:

- (a) in the case of a shore seine, twenty-five rupees;
- (b) in the case of a set of gill nets, five rupees; and
- (c) in the case of other fishing gear, two rupees and fifty cents.

Article 6. - The Director is hereby empowered from time to time to limit the number of permits that may be issued in any area forming part of inland waters which may be proclaimed under these regulations in respect of shore seine, sets of gill nets or other fishing gear.

Article 7. - Where the Director refuses to issue a permit under regulation 5, the applicant may appeal from such refusal in writing to the Minister within thirty days from the date of communication to him of the refusal. The appeal shall set out the grounds upon which it is made.

Article 8. - The decision of the Minister on any appeal under regulation 7 shall be final and conclusive.

Article 9. - Any permit issued to any person may be cancelled by the Director where the permit holder has contravened any of the provisions of the Fisheries Ordinance or of these regulations or any condition contained in the permit. Notice of such cancellation shall be sent by registered post to the last known address of such permit holder.

Article 10. - The Director may by notification published in the Gazette prohibit the fishing or the taking of any size of variety of fish specified in such notification from any inland waters proclaimed under these regulations or may prohibit the use of any variety or fishing net with mesh of a size which does not conform to the specifications set out in such notification.

Article 11. - In the event of any conflict or inconsistency between the provisions of these regulations and the regulations made under any other ordinance the provisions of these regulations shall prevail over the regulations made under such other ordinance.

Article 12. - In these regulations, unless the context otherwise requires:

"Director" has the same meaning as in the ordinance;

"Inland Water" has the same meaning as in the ordinance;

"Set of gill nets" means a unit consisting of not more than six pieces of gill nets each piece of which shall not exceed one thousand five hundred meshes in length;

"Shore seine" means a fishing net the mesh of which is made of rope or other material and which is set in water and hauled or dragged with ropes at its two extremities until it is brought to a position which permits the extraction of the fish taken in it and includes the fishing nets commonly known as "madel" "karavalai" and "adasuvalai".

APPLICATION OF INLAND WATER FISHING PERMIT REGULATION 4(2)

1. Name and address of applicant: _____

(a) Permanent address: _____

(b) Temporary address: _____

2. Particulars of Inland Water where fishing is to be carried out: _____

(a) Name: _____

(b) Situation: _____

3. Particulars of nets to be used:

Type of net	No. of Units	Mesh sizes
-------------	--------------	------------

4. Particulars of crafts to be used:

Type of craft	Regd. No.	Yard No.
---------------	-----------	----------

5. Number of persons who will be employed by applicant: _____

(i) in fishing: _____

(ii) in curing or connected activities: _____

6. Number of persons to be housed in Wadiyas: _____

7. Where is the Wadiya proposed to be located: _____

8. Will vehicles be used for the transport of fish or any connected activities: _____

Date: _____

Signature of Applicant

(c) piny Lobster and Prawn (Shrimp) Regulations, 1973

Article 1. - These regulations may be cited as the Spiny Lobster and Prawn (Shrimp) Regulations, 1973.

Article 2. - No person shall fish for, take, or land from any vessel any spiny lobster the carapace length of which is less than eight centimetres (3.15 inches) or the tail length of which is less than eleven and one half centimetres (4.50 inches).

Article 3. - No person shall purchase or have in his possession any spiny lobster the carapace length of which is less than eight centimetres (3.15 inches) or the tail length of which is less than eleven and one half centimetres (4.50 inches).

Article 4. - (1) No person shall fish for, or take any spiny lobster that is in the soft-shell stage.

(2) No person shall sell, purchase or have in his possession any spiny lobster which is in the soft-shell stage.

Article 5. - No person shall land from any vessel or sell or have in his possession any spiny lobster tail which:

(a) is in such a condition that it cannot be measured; or

(b) has the calcified bar of the tergum of the first abdominal segment fractured.

Article 6. - (1) Every person who takes any spiny lobster that is carrying external eggs shall immediately return it alive with as little injury as possible into the water from which it was taken

(2) No person shall remove the external eggs from any female lobster or from any spiny lobster tail.

(3) No person shall buy, sell or expose for sale, or have in his possession any female spiny lobster or any spiny lobster tail from which any of the external eggs have been removed.

(4) No person shall buy, sell, expose for sale or have in his possession any female spiny lobster or spiny lobster tail which is carrying external eggs.

(5) No person shall buy, sell, expose for sale or have in his possession any female spiny lobster or spiny lobster tail from which any of the peopods or swimmerets or any part thereof have been removed.

Article 7. - The Director may by notification published in the Gazette specify the size and type of lobster pot or other fishing gear that may be used for the purpose of fishing or taking of spiny lobster.

Article 8. - No person shall have in his possession, or expose for sale or sell any spiny lobster meat except on the authority of a permit issued to him in that behalf by the Director.

Article 9. - (1) A permit issued by the Director in terms of regulation 8 shall be substantially in Form A set out in the First Schedule hereto and shall be subject to the conditions specified therein.

(2) Every application for a permit under paragraph (1) shall be accompanied by an application fee of fifty rupees.

Article 10. - No person shall except on the authority of a permit issued to him by the Director in that behalf:

- (a) fish for, take, or land from any vessel any spiny lobster;
- (b) sell, purchase or have in his possession any spiny lobster;

the carapace length of which is in excess of eight centimetres (3.15 inches) or the tail length of which is in excess of eleven and one half centimetres (4.50 inches).

Article 11. - Every permit issued by the Director under regulation 10 shall be substantially in Form B set out in the First Schedule hereto and shall be subject to the conditions specified therein.

Article 12. - Every application for a permit under regulation 10 shall be accompanied by an application fee of two rupees.

Article 13. - (1) No person shall export or pack for export or ship for export any spiny lobster or spiny lobster meat or spiny lobster tails except on the authority of a permit issued by the Director in that behalf.

(2) Every permit issued by the Director under paragraph (1) shall be substantially in Form C set out in the First Schedule hereto and shall be subject to the conditions specified therein.

(3) Every application for a permit under paragraph (1) shall be accompanied by a fee of twenty-five rupees.

Article 14. - Every person carrying on business as an exporter of spiny lobster, spiny lobster meat or spiny lobster tails shall ensure that every container in which such spiny lobster, spiny lobster meat or spiny lobster tails, is packed for export bears the date of packing.

Article 15. - The provisions of regulations 2, 3 and 4 of those regulations shall apply to any spiny lobster:

- (a) Which is exported or packed or shipped for export;
- (b) out of which lobster meat is extracted or processed for export; and

- (c) the tail of which is processed or packed for export.

Article 16. - Where there is any doubt as to the carapace length of any spiny lobster that may be exported under these regulations the tail length of such lobster shall be used as the standard of measurement.

Article 17. - For the purpose of ascertaining the tail length of any spiny lobster, the tail of such lobster shall be pressed flat on a board with the ventral surface downwards.

Article 18. - The minimum tail length of any spiny lobster that may be exported shall be eleven and one half centimetres (4.50 inches).

Article 19. - The tail length of any spiny lobster shall be the measurement of the tail from the anterior surface of the calcified bar of the tergum of the first abdominal segment along the median line to the posterior surface of the telson, as specified in the sketch shown in the Second Schedule hereto.

Article 20. - The Director may by notification published in the Gazette demarcate Ceylon Waters into such specified areas as he may deem necessary for the purpose of breeding and for the protection of the spiny lobster.

Article 21. - The Director may prohibit or restrict the taking or fishing of spiny lobster in any area specified in the notification under regulation 20 during such period as he may specify in such notification.

Article 22. - No person shall, notwithstanding that he may be the holder of a permit under these regulations, fish for, or take any spiny lobster in that part of the sea lying between a straight line running due West from the Southern most extremity of the Mount Lavinia Hotel and a straight line running due West of the Northern most extremity of the Galle Buck light house.

Article 23. - No person shall, without reasonable excuse notwithstanding that he may be the holder of a permit under these regulations, have in his possession whether in any fishing boat or otherwise any spiny lobster, spiny lobster meat, spiny lobster tails, or any lobster pot in that part of the sea to which regulation 22 applies.

Article 24. - (1) Every person carrying on the business of processing spiny lobster, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails for export from Sri Lanka shall:

- (a) maintain records in such form as may be required by the Director of:
- (i) the number and weight of spiny lobster, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails received each day at the premises where he carried on such business;
 - (ii) the person or persons from whom the spiny lobster, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails were received; and

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(iii) the number of containers and the weight of spiny lobster, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails packed in such containers for export in the premises where he carries on such business; and

(b) Send a copy of every bill of lading issued to him by the exporter to the Director.

(2) Every person carrying on business as aforesaid shall at any time during his ordinary hours of business, on being requested to do so by the Director or his authorized representative produce for inspection all or any of the records required to be maintained under paragraph (1).

(3) The Director or his authorized representative is empowered to open any container in which any spiny lobsters, spiny lobster tails, prawn (shrimp) prawn (shrimp) tails have been packed for export during the course of any inspection carried out under the provisions of paragraph (2) for the purpose of checking or verifying the accuracy of the records.

(4) Every entry in the records required to be maintained under these regulations shall be labelled or marked:

(a) With the serial number of each container in which spiny lobster, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails have been packed; and

(b) with the date of packing which may be a code known to the Director or his authorized representative.

(5) Every person carrying on the business of processing spiny lobsters, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails shall ensure that every container packed for export bears a label or marking clearly showing the number of spiny lobster, spiny lobster tails, prawn (shrimp) or prawn (shrimp) tails packed in such container and the batch number of such container. Any such batch number may be a code known to the Director or his authorized representative.

Article 25. - In these regulations:

"carapace" means the outer cover of the cephalothorax or fused portion of the head and thorax of the spiny lobster;

"carapace length" means the length of the carapace measured from the mid-point of the anterior border of the carapace between the base of the two rostral horns along the mid-line to the posterior border of the carapace;

"Director" shall have the same meaning as in the Ordinance;

"lobster pot" includes lobster basket or any other device used for catching spiny lobsters;

"soft-shell" means the quality of the shell of the spiny lobster after moulting before it has hardened;

"spiny lobster" means any of the following species of rock lobsters:

Panulirus homarus, Panulirus longipes,

Panulirus versicolor, Panulirus ornatus,

Panulirus pencillatus and Panulirus polyphagus;

"Ceylon waters" shall have the same meaning as in the Ordinance;

"take" shall have the same meaning as in the Ordinance;

"telson" means the terminal abdominal joint of the spiny lobster;

"tergum" means the dorsal shell of the abdomen of the spiny lobster.

FIRST SCHEDULE

FORM A

PERMIT FOR THE SALE OF SPINY LOBSTER MEAT (REGULATIONS 8 AND 9)

of

having paid a fee of Rupees _____ (Rs. _____) is hereby authorized under the Spiny Lobster and Prawn (Shrimp) Regulations 1973, to possess, expose for sale or sell any spiny lobster meat.

2. This permit shall, unless earlier cancelled be valid until.
3. This permit is subject to the following conditions:
 - (1) This permit is personal to the holder named herein and shall not be transferable.
 - (2) This permit is subject to the provisions of the aforementioned regulations.

Director of Fisheries

FORM B

SPINY LOBSTER FISHING PERMIT (REGULATIONS 10 AND 11)

of

having paid a fee of Rupees (Rs.)
is

hereby authorized under the Spiny Lobster and Prawn (Shrimp) Regulations 1973, to:

- (a) fish for, take, or land from any vessel any spiny lobster;
- (b) sell, purchase or have in his possessin any spiny lobster;

the carapace length of which is in excess of eight centimetres or the tail length of which is in excess of eleven and one half centimetres.

2. This permit shall, unless earlier cancelled be valid until

3. This permit is subject to the following conditions:

- (i) This permit is personal to the holder named herein and shall not be transferable.
- (ii) This permit is subject to the provisions of the aforementioned regulations.

Date:

Director of Fisheries

FORM C

PERMIT FOR THE EXPORT OF SPINY LOBSTERS (REGULATION 13)

of

having paid a fee of Rupees (Rs.)
is hereby authorized under the Spiny Lobster and Prawn (Shrimp) Regulations 1973, to export, pack for export or ship for export any spiny lobster or spiny lobster meat or spiny lobster tails.

2. This permit shall unless earlier cancelled be Valid until:

3. This permit is subject to the following conditions:

- (a) this permit is personal to the holder here in named and shall not be transferable.
- (b) this permit is subject to the provisions (of the aforementioned regulations.

Date:

Director of Fisheries

- (d) Foreign Fishing Boats Regulations 1981.

REGULATIONS

Article 1. - These regulations may be cited as the Foreign Fishing Boat Regulations 1981.

Article 2. - Every foreign fishing boat prohibited from fishing in Sri Lanka Waters under Section 4 of the Act shall, while within such waters stow its fishing gear in accordance with the following provisions:

- (a) all such gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;
- (b) all nets and trawl boards and weights shall be disconnected from their towing or hauling wires or ropes or rigid frames;
- (c) all fishing gear carried on deck shall be secured to some part of the super-structure of the boat.

Article 3. - Every application for a permit under section 6 of the Act shall be in writing, signed by the owner, charterer or master of the foreign fishing boat in respect of which the permit is sought, and countersigned by the authorized local representative name in the application, and shall contain the following particulars:

- (a) the name, description and tonnage of the boat, its equipment and crew complement;
- (b) the flag state and home port of the boat;
- (c) the name of the owner, charterer, if any, and master of the boat;
- (d) the side number of the boat, its radio frequencies and call sign;
- (e) a description of the proposed fishing operations or related activities including. -
 - (i) the species to be fished;
 - (ii) the method of fishing, the type and size of gear to be used;
 - (iii) the area or areas to be fished;
 - (iv) the quantity of fish to be caught;
 - (v) the period of time for which a permit is sought;
 - (vi) the place in which the fish is to be landed or processed and a description of the ultimate destination and use of the fish;
 - (vii) where a permit is sought to engage in related activities a description of the support operations, and the name and permit number if any, of fishing boats in support of which the related activities are to be carried out;

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- (f) a description of any joint venture or other contractual arrangements with Sri Lanka business interests in connection with the fishing operations;
- (g) a brief description of any related fishing operations sought to be undertaken in Sri Lanka waters by other boats belonging to or under the control of the foreign fishing boat owner or charterer if any;
- (h) the name and address of the local representative authorized by the owner or charterer to represent him in all dealing with officials of the Government of the Republic of Sri Lanka, and evidence of the extent to which the local representative is legally authorized to undertake legal and financial obligations on behalf of the owner or charterer;

Article 4. - Every permit issued under Section 6 of the Act with the approval of the Minister, shall be in the form set out in the First Schedule to these regulations.

Article 5. - The fee payable for a permit under Section 6 of the Act in respect of a fishing boat described in Column I of the Second Schedule to these regulations shall be at such rate as is specified in the corresponding entry in Column II of that Schedule.

Article 6. - (1) No permit issued under Section 6 of the Act, except of permit issued in respect of a foreign policy bond covered by an approved joint venture arrangement, shall be valid for fishing operations by any foreign fishing boat in Sri Lanka Waters within thirty five miles of the baseline from which the territorial sea is measured.

(2) A permit issued in respect of a foreign policy bond covered by an approved joint venture arrangement shall be valid far fishing operations by such boat in Sri Lanka Waters beyond twenty four miles of the baseline from which the territorial sea is measured.

(3) In this regulation, "an approved joint venture arrangement" means any joint venture arrangement between the owner or charterer of the foreign fishing boat and the Government of Sri Lanka or a State Corporation or a Registered Co-operative Society or a citizen or citizens of Sri Lanka or a company incorporated in Sri Lanka, in which the majority of the shares are held by Sri Lanka citizens.

- (a) which established a locally registered company to undertake the fishing operations, which is controlled by, and in which a majority of the shares are held by, the local party] or parties;
- (b) which has received any necessary approval as a foreign investment from the appropriate authorities responsible for approving foreign investment; and
- (c) which has been approved for the purpose of these regulations by the Director.

Article 7. - No joint venture arrangement shall be approved for fishing operations which is of a type and in an area already adequately developed or exploited by Sri Lanka fishermen or where, in the opinion of the Director, such fishing operations would conflict with existing or projected operations by Sri Lanka fishermen.

Article 8. - Every permit issued in respect of a foreign fishing boat under Section 6 of the Act shall be subject to the following general conditions:

- (a) The owner or charterer, if any, of the boat shall appoint and maintain a local representative or representatives in Sri Lanka, who shall be authorized to accept legal and financial responsibility on behalf of the owner or charterer in respect of the operations undertaken by the boat, and to accept service of any notice, summons or other document on behalf of the owner or charterer in any legal proceedings arising out of the conduct of the fishing operations or related activities by the boat. The local representative shall be a person resident in Sri Lanka and having a permanent office or establishment in Sri Lanka.
- (b) the owner or charterer, if any, of the boat shall, if required by the Director, execute and maintain a bond or other form of security in an amount and form satisfactory to the Director, to guarantee the fulfilment of the conditions attached to the permit;
- (c) the master of the boat, or the authorized local representative shall notify the Director of the estimated time and locations of entry of the boat into Sri Lanka waters not less than twenty four hours prior to such entry, and shall at the same time notify the Director of the following:
 - (i) the approximate fishing plan or schedule of activities to be carried out under the permit;
 - (ii) the port to which the boat will proceed for initial inspection unless exempted from such inspection; and
 - (iii) the species of fish on board the boat, and the quantity and condition of each species;
- (d) after entry into Sri Lanka Waters, the boat shall proceed directly and immediately to an inspection port for initial inspection by an authorized officer unless exempted from inspection by the Director, and shall not be used for fishing or related activities in Sri Lanka Waters until such time as such inspection has been carried out or such exemption has been given;
- (e) where fishing is authorized by the permit:
 - (i) only such species of fish shall be fished for, in such quantities, using such methods of fishing and such fishing gear as are authorized by the permit;

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- (ii) all relevant laws and regulations regarding the conservation and management of fisheries resources in Sri Lanka Waters and the conduct of fishing operations shall be complied with;
- (iii) the master of the boat shall cause written records to be maintained on a daily basis of the fishing effort and catch of the boat, and of any transshipment or other dispositions of the catch, in such form as the Director may require;
- (f) where the transshipment, transporting or processing of fish is authorized by the permit:
 - (i) only fish of the species, in the quantities and from the boats specified in the permit may be transhipped, transported or processed;
 - (ii) the master of the boat shall cause to be maintained in such form as the Director may require, written records on a daily basis of the transshipping, transporting and processing operations carried out, and of the species and quantities transhipped, transported or processed.:
- (g) the written records required to be maintained under paragraph (f) and (g) shall be transmitted by the master of the boat to the Director:
 - (i) at any time during the term of the permit at the request of the Director, or of any fisheries officer on his behalf or by any authorized officer, and
 - (ii) not later than thirty days after the expiry of the permit;
- (h) the master of the boat shall cause reports to be made of the position of the boat and of its activities including where applicable, catch statistics, at such times, in such form and by such means as may be specified in the permit or otherwise required by the Director;
- (i) the master of the boat, or the authorised local representative shall notify the Director of the estimated time of entry of the boat into any Sri Lanka port, at least twenty-four hours prior to such entry;
- (j) the master of the boat shall bring the boat into a Sri Lanka port for inspection at any time when required to do so by the Director or any authorized officer;
- (k) where the boat is in any area of Sri Lanka Waters where it is not authorized by its permit to engage in fishing all fishing gear shall be stowed in accordance with the methods prescribed in these regulations;

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- (l) the boat shall at all times while in Sri Lanka Waters:
 - (i) fly the flag of its flag state, and
 - (ii) display in a place clearly visible both from the sea and from the air the letters and numbers identifying the boat and assigned to it in the permit, in white markings of at least three feet in height, in the case of a boat, the overall length of which exceed sixty feet or eighteen inches in height in any other case, on a black background;
- (m) the master of the boat shall permit an observer or observers designated in writing by the Director, to go on board and remain on board the boat for the whole or part of the period of validity of the permit issued under section 6 in respect of the boat and shall:
 - (i) provide the observer or observers with suitable food and accommodation while on board;
 - (ii) co-operate fully with each observer in the performance of his duties;
 - (iii) arrange for the observer or observers to send or receive messages by way of the Radio-Telegraph or Radio-Telephone facilities on board the boat;
- (n) the master of the boat shall, at all times while in Sri Lanka Waters comply with any directions or instructions given to him by any authorized officer or naval enforcement vessel, and in particular, shall bring the boat to when requested to do so and permit any authorized officer to board the boat and co-operate with such officer in any inspection carried out by him;
- (o) the boat shall have on board at all times while in Sri Lanka Waters such communications and position fixing equipment as may be specified in these regulations or in the permit as required equipment;
- (p) the master of the boat, or the authorized local representative shall notify the Director of the estimated time and location of the departure of the boat from Sri Lanka Waters not less than forty eight hours prior to such departure, and shall at the same time notify the Director of the following:
 - (i) the port to which the boat will proceed for final inspection, unless exempted from such inspection, and
 - (ii) the species of fish on board the boat, and the quantity and condition of each species;

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- (q) before leaving Sri Lanka Waters, the boat shall proceed to an inspection port for final inspection by an authorized officer unless exempted from such final inspection by the Director;
- (r) after final inspection, the boat shall depart directly from Sri Lanka Waters and shall not be used for fishing or related activities before such departure;
- (s) any records, reports or notifications required to be maintained or made under this regulation shall be maintained or made in the English Language.

Article 9. - (1) For the purpose of section 13 of the Act or regulation 8 of these regulations:

- (a) the signal to be used for requiring a foreign fishing boat to be brought to a Sri Lanka port for inspection in the International Code of Signals signals "L";
- (b) the signal to be used for requiring a foreign fishing boat to bring to be boarded is the International Code of Signals signal "SQ3".

(2) Signals may be given by flag, signal lamp, loudspeaker, horn, siren, message block, whistle or radio.

Article 10. - In these regulations:

"Director" shall have the same meaning as in the Act;

"Inspection port" means a port in Sri Lanka approved by the Director for the purposes of inspection of foreign fishing boats;

"Authorized Officer" shall have the same meaning as in the Act; and

"Act" means the Fisheries (Regulation of Foreign Fishing Boats) Act N° 59 of 1979.

FIRST SCHEDULE

Regulation 4.

THE REPUBLIC OF SRI LANKA

Foreign Fishing Boat Permit

No:.....

Issued to:

Address:

Name and address of owner of boat if different from above:

Name and address of agent or other legal representative in Sri Lanka:

Name and address of master of boat:

Name of boat:

Type of boat:

Port and country of registry:

Registration number:

Fishing boat identification mark:

Length: Registered net tonnage:

Engine horse power:

Name of port to be used as base:

Name and permit number of fishing boat in support of which the boat is to be used:

Special conditions (if any):

Period of validity from:

Until:

Date of issue:

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Fees paid:

Part I :
Part II :
Total :

Director of Fisheries.

Approved:

Minister of Fisheries.

This permit is granted subject to the following conditions:

1. The holder shall comply with and ensure that the vessel is used in conformity with the provisions of the Fisheries (Regulation of Foreign Fishing Boats) Act, N° 59 of 1979 and any regulations made thereunder.

SECOND SCHEDULE

Regulation 5.

Fees payable in respect of Foreign Fishing Boat permits

<u>Tonnage of vessel</u>	Fees payable per month per Gross Registered Tonnage (GRT) in U.S. dollars
0 and less than 100	5
100 and less than 500	4
500 and over	3

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1. <u>LIMITS OF NATIONAL JURISDICTION</u> Resolution N° 1047 of 2 August 1960 of the Council of Ministers of the Sudan pertaining the Territorial Sea	SUD 1
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4. <u>SUPPLEMENTARY LEGISLATION</u>	

1. LIMITS OF NATIONAL JURISDICTION

Resolution N° 1047 of 2 August 1960 of the Council of Ministers of the Sudan pertaining the Territorial Sea.

The Council of Ministers of the Sudan resolved on 2 August 1960 that the territorial sea of the Sudan shall have a breadth of twelve miles.

2. BASIC FISHERIES LEGISLATION

The Marine Fisheries Ordinance, 1937.

An ordinance to regulate marine fisheries.

Article 1. - Title and commencement. - This ordinance may be cited as the Marine Fisheries Ordinance and shall come into force on publication in the Gazette.

Article 2. - Definitions. - In this ordinance, unless the context otherwise requires :

"Craft" includes every description of ship, boat or other floating craft;

"Fish" means any aquatic animal whether mamalian or not, and includes shell fish;

"Fishing" means any method of catching fish, and the taking by any means of the marine products set out in Schedule I hereto;

"Local authority" means the person appointed as such by the Minister of Animal Resources for the purpose of carrying out the provisions of this ordinance and shall include any person to whom by the terms of such appointment the powers of the Local Authority may be delegated.

Article 3. - Fishing craft to have licences. - No craft shall be employed for the purpose of fishing in territorial waters unless a valid licence, hereinafter referred to as a fishing craft licence, shall have been issued under this ordinance in respect of such craft.

Provided that craft employed as aforesaid by persons fishing by way of sport only shall not be reason solely of such employment require a licence as aforesaid.

Article 4. - Fishermen to have permits. - No person shall engage in or be employed in fishing in territorial waters unless he] is the holder of a valid permit, hereinafter referred to as a fishing permit, issued under this ordinance for such purpose.

Provided that:

- (a) a person who takes fish with a line from the shore shall not require a permit;
- (b) no member of the crew of a duly licensed traft shall require a permit;
- (c) no passengers in craft fishing therefrom [by way of sport only shall require a permit.

SUD 3

Article 5. - Issue and duration of licences and permits. - Fishing craft licences and fishing permits under this ordinance shall be issued by the Local Authority on payment of the fees set out in Schedule II hereto, and unless previously forfeited or otherwise determined, shall expire on the 31st day of December next following;

Provided that the Local Authority may in respect of any craft the owner of which does not live in the Sudan refuse at his discretion to issue a fishing craft licence and in respect of any other craft or person may for good cause shown refuse to issue a fishing craft licence of fishing permit.

Article 6. - Closed areas. - The Minister of Animal Resources may, for the better conservation and development of fisheries, by order published in the Gazette, declare any part of territorial waters to be a closed area.

Article 7. - Restriction of fishing in closed areas

- (a) No person shall fish in a closed area otherwise than for the sole purpose of sport unless he has previously obtained the permission in writing of the Local Authority.
- (b) The Local Authority may grant such permission subject to such terms and conditions as he shall think fit, and may refuse such permission at his discretion and without assigning any reason.

Article 8. - Powers of search, examination and arrest. - Every police officer, customs officer, or other person duly authorized in that behalf by the Local Authority may, for the purpose of enforcing this ordinance or any regulations made hereunder

- (a) board and search any craft found in territorial waters or any craft which he has pursued continuously from territorial waters into the high seas and which he, on reasonable grounds, suspects to have been employed for the purpose of fishing in territorial waters;
- (b) require any person on board any such craft engaged in or employed in fishing in territorial waters or whom he, on reasonable grounds, suspects to have been so engaged or employed to exhibit his fishing permit, apparatus and catch;
- (c) where there is reasonable suspicion in the case of any such craft that an offence has been committed, take the alleged offender, the craft, apparatus and catch without summons, warrant or other process to the nearest or most convenient police station or post. The craft and apparatus may be detained pending trial and the catch may be sold and the proceeds of the sale impounded.

Article 9. - Power of Local Authority to amend schedules and make regulations. - (1) The Local Authority may from time to time by order alter or amend or revoke the schedules hereto and shall have power to make, issue and amend regulations not inconsistent with this ordinance;

- (a) requiring all licensed craft to be marked in a certain way;

SUD 4

- (b) regulating the procedure for the issue of fishing craft licences and fishing permits and laying down forms for such licences and permits;
- (c) regulating the conditions on which licences and permits may be issued under this ordinance including, with the consent of the General Manager of the Sudan Railways and the Director of Customs, conditions as to landing of catches;
- (d) restricting fishing in certain seasons;
- (e) prescribing limits to the size of fish or marine products of named species which may be taken;
- (f) prohibiting any method of fishing;
- (g) generally for carrying any of the purposes and provisions of this ordinance into effect and for the safeguarding and development of the fisheries of the Sudan and for the protection of persons engaged in fishing;

and may prescribe penalties including the cancellation, suspension or endorsement of any licence or permit issued under this ordinance for the breach of such regulations.

(2) All such orders and regulations shall be laid upon the table of each House of Parliament.

Article 10. - Offences and penalties. - (1) Any person who acts in contravention of or fails to comply with any of the provisions of this ordinance shall be guilty of an offence against this ordinance and shall be liable to a fine not exceeding LS. 50 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The Court may also order the confiscation of any craft, apparatus or catch employed in the commission of, or derived from any offence under this ordinance and the cancellation of or suspension for such time as the Court thinks fit or endorsement of the date and nature of the offence on a fishing craft licence issued in respect of any such craft or any fishing permit issued to any person guilty of any such offence as aforesaid.

Article 11. - Court by which offences triable - (1) Offences against this ordinance shall be triable by the Court of a Magistrate of the second class summarily or non-summarily.

(2) Offences under any regulation duly made under Section 9 of this ordinance shall be triable by the Court of a Magistrate of the second class summarily or non-summarily.

SCHEDULE I.

Pearls and mother of pearl.
Trochus shell (Kokian).
Edible sea slugs (beche de raer).
Tortoise shell.
Sponges.
Ambergris.

SCHEDULE II

FEES

The following fees shall be charged on the issue and renewal of fishing craft licences and fishing permits under this ordinance:

Fishing Craft Licences *

Craft under 2 tons register	050 m/ms per craft per annum
Craft of 2 tons register and above	050 m/ms per ton per annum

(If taken out after June 30th half fees will be charged)

Fishing Permits

Nil

* Fees amended, text not available

3. REGULATIONS

The Marine Fisheries Regulations

In exercise of the powers conferred on him by Section 9 of the Marine Fisheries Ordinance, the Governor of Kassala Province with the consent of the Governor-General in Council hereby makes the following regulations:

Article 1. - Title and commencement. - These regulations may be cited as the Marine Fisheries Regulations, and shall come into force at the same time as the Marine Fisheries Ordinance.

Article 2. - Marking of licensed craft. - All craft licensed under the Marine Fisheries Ordinance shall bear the letter "F" painted in legible Arabic lettering on both sides of the prow after and in addition to any mark directed to be displayed thereon by any regulations made under the Harbours and Shipping Ordinance.

Article 3. - Place of issue of permits. - Fishing craft licences and fishing permits shall be obtained from the office of the Commissioner Port Sudan.

Article 4. - Landing of catches. - No fish or marine products shall be landed except in accordance with the provisions of the Customs Ordinance and of any regulations made thereunder and no fresh fish other than shell fish, but including crustacea, intended for sale shall be landed at Port Sudan except at N° 8 Jetty or at Suakin except at the fish market.

No marine products other than fresh fish including crustacea shall be landed within three miles of Port Sudan or Suakin except at Flamingo Bay.

Article 5. - Limits to size of fish which may be taken. - No fish, less than 8 inches in length measured from nose to apex of caudal fin shall be taken from the sea except:

Bayad	Abeen	Girdas or Kanaf
Gotar	Arabi Kas	Kokoi
Karb	Sardines	Ableim
Gurn or Goarita	Handook	Sharks
Habbabir	Eabat	Swordfish
Sigan	Abu Kohla	Rays

Article 6. - Mesh and size of fishing nets. - The minimum mesh of nets used for casting shall be as follows:

For Sardines	3/4 inch.
For all other fish	1 1/2 inches.

Seine nets shall not be more than 200 metres in total length.

The wings (each 1/4 of the total length) shall have a minimum mesh size of 2 1/2 inches and the centre portion (i.e. 1/4 of the total length) a minimum mesh size of 1 1/2 inches.

Article 7. - Prohibition of use of explosives. - No person shall use explosives for the taking of any fish.

Article 8. - Offences and penalties. - (1) Any person who acts in contravention of or fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall be liable to a fine not exceeding LS. 10.

(2) In addition to any such fine any Court before which a person is convicted of any offence against the provisions of these regulations:

- (a) may suspend any fishing craft licence or fishing permit as the case may be for such period as the Court thinks fit and any such licence so suspended shall be void and of no effect as long as the suspension continues in force, and shall be retained by the Court in order to be forwarded to the issuing authority who shall keep the licence till the period of suspension shall have expired; and
- (b) may in any case, and shall where an order of suspension is made under paragraph (a) of this regulation order that particulars of the conviction and of any suspension shall be endorsed on any such licence.

(3) On the issue of a new fishing craft licence or fishing permit to any person the particulars of any endorsement on any previous licence shall be copied on to the new licence.

(4) Any person obtaining or attempting to obtain a new fishing craft licence or fishing permit during the period of any such suspension without disclosing such suspension shall be guilty of an offence against these regulations.

/ TANZANIA /

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1. LIMITS OF NATIONAL JURISDICTION

Proclamation by the President of 24 August 1973 on the extent of the Territorial Waters of the United Republic of Tanzania

Whereas the Law of Nations recognizes that the sovereign power of a State extends to a belt of sea adjacent to its coasts;

And whereas, in the absence of uniformity in international practice relating to the extent of the territorial waters of states, it is necessary that a declaration be made of the extent of the territorial waters of the United Republic of Tanzania;

Now therefore, I, Julius Kambarage Nyerere, President of the United Republic of Tanzania, in exercise of the powers vested in me by the Interim Constitution of Tanzania 1965, and other written laws of the United Republic do hereby declare and proclaim that, notwithstanding any rule of law or any practice which may have been observed hitherto in relation to the United Republic of Tanzania or the territorial waters of the United Republic of Tanzania, the territorial waters of the United Republic of Tanzania extend across the sea a distance of fifty nautical miles measured from the appropriate base lines along the coasts and adjacent islands, as marked on charts numbered 1 to 4 issued by the Surveys Division of the Ministry of Lands, Settlement and Water Development, Dar es Salaam, on 30th March, 1967 and registered with the Secretary-General of the United Nations;

Provided that in respect of the island of Pemba where the distance between the base line measured on Pemba and the mainland of Kenya is less than one hundred nautical miles, the territorial waters of the United Republic of Tanzania extend up to the median line every point of which is equidistant from the nearest point on the base-line between Pemba and the mainland of Kenya as marked on the aforesaid charts.

The Proclamation made by me on the tenth day of July, 1963 and published as Government Notice numbered 353 of 1963 and the Proclamation made by me on the thirtieth day of March, 1967 and published as Government Notice No. 137 of 1967 are hereby revoked.

2. BASIC FISHERIES LEGISLATION

Fisheries Act, 1970

Enacted by the Parliament of the United Republic of Tanzania

PART I - PRELIMINARY

Article 1. - Short title and commencement. - This Act may be cited as the Fisheries Act, 1970 and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Article 2. - Interpretation. - In this Act, unless the context otherwise requires:

"aquatic flora" means all aquatic plants and other members of the aquatic vegetable kingdom and includes corals, sponges and weeds;

"authorized officer" means the Chief Fisheries Officer or any fisheries officer or other officer or person authorized in writing by the Minister or the Chief Fisheries Officer to exercise any (power or to discharge any duty under this Act or any subsidiary legislation made hereunder;

"Chief Fisheries Officer" means the officer appointed under section 3;

"close period" means any period during which, in relation to any specie or kind of fish, fish product or aquatic flora: such fish, fish product or aquatic flora, as the case may be, may not be captured, killed, injured, gathered or collected by any means whatsoever;

"controlled area" means an area declared to be a controlled area under this Act;

"dam" includes any fixed obstruction used for the purpose of damming, impounding, retaining or controlling the flow of water;

"fish" means all forms of aquatic or amphibious life (including turtles, crabs and shell fish) and includes the spat, brood, fry, spawn, ova and young of all such fish, but does not include any aquatic or amphibious animal to which the provisions of the Fauna Conservation Ordinance (Cap. 302) apply or the young of any such animal;

"fishing" means collection, capture, gathering, killing, snaring or trapping of fish, fish product or aquatic flora;

"fishing gear" means any net, line, cork, buoy, basket, trap, hook or other article, apparatus, structure, construction or installation whatsoever used for the purpose of fishing;

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"fish product" means anything made, collected or obtained from fish, and includes fish meal, dried fish, fish manure, offal, fish silage, canned fish, oil or any fish, pearl, mother-of-pearl, shell, beche de mer, ambergris, larva and sponge;

"fishing vessel" means any boat or other aquatic or amphibious craft or vehicle used, outfitted or designed for the purpose of collecting, capturing, gathering, processing or transporting fish, whether operating on, above or below water;

"fishing weir" means any erection, structure, construction or obstruction whatsoever placed across or in any waters and temporarily or permanently fixed to or resting on the bed or a bank, which is designed for the purpose of collection, gathering, capturing, killing or injuring of fish, fish product or aquatic flora, and includes stake nets and basket traps;

"immature" in relation to any specie of fish means a fish of that specie which is smaller in size or length than the size or length prescribed in relation thereto;

"landing" means the landing of fish, fish product or aquatic flora in Tanganyika, whether or not such fish, fish product or aquatic flora was collected, captured, gathered or otherwise obtained within or outside the territorial waters;

"mesh" means the opening or space in a net enclosed by threads of the net or, in the case of a wire net, by the strands of wire; and "mesh size" means the distance between each drag knot of the thread when measured wet and stretched, or, in the case of a wire net, the diameter of the smallest opening enclosed by strands of wire;

"Minister" means the Minister for the time being responsible for fisheries;

"net" means fishing neta made of thread or wire or any other material whatsoever, designed to be used for the purpose of collecting, capturing, gathering, killing or injuring fish, fish product or aquatic flora;

"product of aquatic flora" means anything made out of, or composed wholly or partly of, any aquatic flora;

"territorial waters" means the water within the area extending across the sea to a distance of twelve nautical miles measured from the mean low water line along the coast of Tanganyika and the adjacent islands, and includes all lakes, rivers, fish ponds and dams in Tanganyika.

PART II - OFFICERS

Article 3. - Fisheries officers. - (1) There shall be a Chief Fisheries Officer who shall be appointed by the President.

(2) The Minister may appoint such number of fisheries officers as, in his opinion, may be necessary for the purpose of the administration of this Act and the subsidiary legislation made hereunder.

PART III - DEVELOPMENT AND CONTROL OF THE FISHING INDUSTRY

Article 4. - Minister may regulate fish industry. - (1) The Minister may, by order published in the Gazette, provide that no person shall engage in:

- (a) fishing;
- (b) collecting, gathering or manufacturing fish products or products of aquatic flora;
- (c) selling or marketing of fish, fish products, aquatic flora or products of aquatic flora;
- (c) importing or exporting of fish, fish products, aquatic flora or products of aquatic flora;

save under a licence issued by the Chief Fisheries Officer or any other authorized officer.

(2) An order under subsection (1) may be made to apply to all fish, fish products, aquatic flora or products of aquatic flora or to any specie or kind of fish, fish product, aquatic flora or product of aquatic flora.

(3) Any order made under this section may:

- (a) prescribe fees for licences;
- (b) prescribe terms and conditions of licences;
- (c) prescribe penalties for any contravention of the order or any breach of any term or condition of a licence:

Provided that any penalty so prescribed shall not exceed the general penalty prescribed by section 8;

- (d) provide and impose such exceptions, reservations and conditions as the Minister may think fit.

Article 5. - Minister may impose restrictions. - (1) The Minister may, by order published in the Gazette, declare any area or waters to be a controlled area in relation to all fish, fish products or aquatic flora, or in relation to any specie or kind of fish, fish product or aquatic flora.

(2) Where any area or any portion of territorial waters is declared to be a controlled area, no person shall, save with the authority in writing of the Chief Fisheries Officer or any authorized officer, engage in or do any fishing in such area or waters:

- (a) prescribe penalties for any contravention of the order;

Provided that any penalty so prescribed shall not exceed the general penalty prescribed by section 8;

- (b) provide and impose such exceptions, reservations and conditions as the Minister may think fit.

Article 6. - Preference to be given to citizens. - Where an order is made under section 4 or section 5, the Chief Fisheries Officer or any authorized officer shall not, save with the consent in writing of the Minister, grant any licence or authority, as the case may be, to any person who is not a citizen of the United Republic, or, in the case of a body corporate, to any body corporate which is not incorporated by or under any written law.

PART IV - REGULATIONS

Article 7. - Regulations. - (1) The Minister may make regulations for the better carrying out of the objects and purposes of this Act and may, by such regulations, make provisions which, in his opinion, are necessary or expedient for the purpose of protecting, conserving, developing, regulating or controlling the capture, collection, gathering, manufacture, storage or marketing of fish, fish products, aquatic flora or products of aquatic flora.

(2) Without prejudice to the generality of subsection (1) the Minister may make regulations:

- (a) providing for the issue, suspension and cancellation of licences or authorities granted or given under this Act or any subsidiary legislation made hereunder;
- (b) prescribing the terms and conditions upon which any such licence or authority may be granted or given;
- (c) prescribing the forms of application for licences or authorities and also forms of licences and authorities;
- (d) prescribing fees for licences and authorities;
- (e) requiring all or any category of fishing vessels to be registered ;
- (f) providing for and regulating the description, specifications and form of nets to be used in fishing and the size of the meshes thereof;
- (g) prohibiting or regulating the use of any description of fishing gear;

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- (h) prohibiting, restricting or regulating the bringing into Tanganyika of any live fish, other than fish indigenous to Tanganyika ;
- (i) prohibiting or regulating the sale of any fish, aquatic flora or any fish product or product of aquatic flora;
- (j) prohibiting or restricting the use of explosives for the purpose of fishing;
- (k) prohibiting or restricting the use of any poisonous or toxic substance for the purpose of fishing;
- (l) prohibiting or restricting the capturing, collection, gathering, killing or injuring of immature fish;
- (m) prohibiting or restricting the collection, removal or destruction of any variety of fish, aquatic flora, fish product or product of aquatic flora;
- (n) providing for the protection of spawning areas;
- (o) preventing the obstruction and pollution of territorial waters;
- (p) controlling the import and export of fish, aquatic flora, fish products or products of aquatic flora;
- (q) determining and imposing close periods;
- (r) limiting or controlling the number and size of fishing vessels;
- (s) regulating the marketing of fish, aquatic flora, fish products or products of aquatic flora;
- (t) prohibiting, regulating or controlling) the activities of foreign fishing vessels within territorial waters;
- (u) regulating the manufacture of fish products or products of aquatic flora;
- (v) prescribing conditions which every manufacturer of fish products or products of aquatic flora shall comply with;
- (w) prescribing specifications to which any factory, building or other premises used for the purposes of manufacture, storage or sale of any fish, fish product, aquatic flora or product of aquatic flora shall conform;
- (x) establishing marine parks, sanctuaries] or reserves for any purpose whatsoever;
- (y) controlling and regulating construction, installation, size and specifications of fishing weirs.

- (3) Regulations made under this section may be expressed to apply:
- (a) to all fish, aquatic flora, fish products or products of aquatic flora, or to any specie or kind of fish, aquatic flora, fish product or product of aquatic flora;
 - (b) to all persons or to any class of persons specified in the regulations;
 - (c) to all areas or to any area or areas specified in the regulations.

PART V - OFFENCES

Article 8. - Penalty for offences. - (1) Where regulations made under section 7 provide that the contravention of any regulation shall be an offence, the Minister may provide in respect of such offence a penalty of a fine not exceeding twenty thousand shillings or of a term of imprisonment not exceeding five years, or of both such fine and imprisonment.

(2) Where any subsidiary legislation made under this Act make no specific provision for penalty for any offence under such subsidiary legislation, any person guilty of the offence shall, upon conviction, be liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Article 9. - Power of search and seizure. - (1) The Chief Fisheries Officer, an authorized officer or a police officer of or above the rank of Inspector may, without warrant:

- (a) board and search any vessel, vehicle or any part thereof;
- (b) enter any premises, building, land or other place whatsoever;
- (c) seize, remove and retain any fish, aquatic flora, fish product, product of aquatic flora, fishing gear or any other article or thing whatsoever, whether found on board any vessel or vehicle or in any building, place or premises, and in respect of which it appears to him that any offence under this Act or any subsidiary legislation made hereunder has been committed, or which appears to him to constitute evidence of any such offence having been committed;
- (d) arrest any person whom he reasonably suspects of having committed any offence under this Act or any subsidiary legislation made hereunder or of being about to commit any such offence.

(2) The Chief Fisheries Officer or any authorized officer, or any police officer of or above the rank of Inspector may enter and search without warrant any factory, premises or place used or reasonably suspected of being used, either wholly or in part, for the manufacture of any fish product or any

product of aquatic flora or for storage of fish, aquatic flora, fish product, or product of aquatic flora or for storage of fish, aquatic flora, fish product, or product of aquatic flor in respect of which he has reason to believe an offence under this Act or under any subsidiary legislation made hereunder has been committed or is about to be committed.

Article 10. - Seizure and forfeiture of things used for the commission of offences. - Whenever it is lawful under this Act for the Chief Fisheries Officer, an authorized officer or a police officer to seize and retain any fish, fish product, aquatic flora or product of aquatic flora or other article or thing, it shall be lawful:

- (a) to seize and retain:
 - (i) any receptacle other than a vessel or vehicle, in which such fish, fish product, aquatic flora, product of aquatic flora or other article or thing is contained;
 - (ii) any machinery (other than propellant machinery of a vessel or vehicle), implement, ustensil, material or substance used for the commission of any offence under this Act or under any subsidiary legislation made hereunder;
 - (iii) any book of account or other document which appears to him to contain evidence that an offence has been or is about to be committed under this Act or any subsidiary legislation made hereunder; and
- (b) to direct any vessel or vehicle in which any fish, fish product, aquatic flora or product of aquatic flora or other article or thing is seized in accordance with the provisions of section 9 or of paragraph (a) of this section, to proceed to such port or place in Tanganyika as may be convenient for unloading from the vessel or vehicle such fish, fish product, aquatic flora or product of aquatic flora or other varticle or thing seized thereon, and may then detain the vessel or vehicle for such time as may reasonably be required to effect the unloading.

Article 11. - Forfeiture of things in respect of which offences are committed. - (1) Where a magistrate is satisfied that an offence under this Act, or any subsidiary legislation made hereunder has been committed in respect of any fish, fish product, aquatic flora or product of aquatic flora, or any other article or thing seized under the provisions of section 9 or section 10, whether or not any person has been convicted in respect of such offence, the magistrate may order such fish, fish product, aquatic flora, product of aquatic flora or other article or thing, to be forfeited to the United Republic.

(2) Notwithstanding anything contained in subsection (1), where any fish, fish product, aquatic flora or product of aquatic flora is seized under section 9 or section 10, the Chief Fisheries Officer: or any authorized officer

may, if he is satisfied that the fish, fish product, aquatic flora or product of aquatic flora is of a perishable nature, cause the same to be sold or otherwise disposed of prior to application being made for the forfeiture thereof under subsection (1).

(3) Where any fish, fish product, aquatic flora or product of aquatic flora is sold pursuant to the provisions of subsection (2) an application for the disposal of the proceeds of the sale shall be made to a magistrate, and upon such application being made:

- (a) if the magistrate is satisfied that an offence has been committed in respect of the article to which the proceeds relate, whether or not any person has been convicted of the offence, he may order the proceeds to be forfeited to the United Republic;
- (b) if the magistrate is satisfied that no such offence has been committed in respect of the article to which the proceeds relate, he shall, upon application made by any person claiming to be the owner of such article and upon being satisfied as to the validity of the claim, order such proceeds to be paid to the claimant;
- (c) if no claim is made or the magistrate is not satisfied as to the validity of the claim, the proceeds shall be paid into general revenue of the United Republic.

Article 12. - Forfeiture of vessel or vehicle. - Where, upon conviction for an offence under this Act or any subsidiary legislation made hereunder, the court is satisfied that any vessel or vehicle was used in the commission of the offence, the court may order such vessel or vehicle to be forfeited to the United Republic:

Provided that no order under this section shall be made if the owner of such vessel or vehicle satisfies the court that the vessel or vehicle was so used without his knowledge or consent.

Article 13. - Any person who wilfully obstructs, hinders, assaults or resists the Chief Fisheries Officer, an authorized officer or a police officer in the exercise of his powers under this Act or under any subsidiary legislation made hereunder, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years.

PART VI - MISCELLANEOUS PROVISIONS

Article 14. - Exemptions. - (1) The Minister may, if in his opinion it is in the public interest so to do, exempt any person or organization from all or any of the provisions of this Act or of any subsidiary legislation made hereunder.

(2) The Chief Fisheries Officer, an authorized officer or any other public officer lawfully exercising his powers under this Act or under any subsidiary legislation made hereunder, shall be exempt from the provisions of this Act or such subsidiary legislation creating any offence.

(3) The Chief Fisheries Officer may, in the interests of science or research, exempt by licence any person or organization from all or any of the provisions of this Act or any subsidiary legislation made hereunder subject to such terms and such conditions and for such period as may be specified in such licence.

Article 15. - Indemnity. - No matter or thing done by any person exercising or purporting to exercise any function under this Act or under any subsidiary legislation made hereunder shall, if done bona fide in the execution or purported execution of his functions under any of the provisions of this Act or such subsidiary legislation, subject any such person as aforesaid to any action, liability, claim or demand whatsoever.

Article 16. - This Act to prevail over any by-laws. - Where any provision of any by-law made by a local authority is inconsistent with any provision of this Act or of any subsidiary legislation made hereunder, the provision of this Act or, as the case may be, of the subsidiary legislation, shall be construed so as to revoke, to the extent of the inconsistency, the provision of such by-law.

Article 17. - Repeal of Fisheries Ordinance Cap. 295. - (1) The Fisheries Ordinance is hereby repealed.

(2) Every Fisheries Board established under the Fisheries Ordinance is hereby dissolved.

(3) The Minister may, where he is satisfied that any Fisheries Board to which subsection (2) applies has any asset or liability, at any time during the period of twelve months immediately succeeding the coming into operation of this Act, by order published in the Gazette, make provision for the disposal of such asset or liability, and may for that purpose provide for the vesting of the asset or liability of such Board in any public officer and confer, by such order or by any subsequent order, upon such public officer, such powers as may be necessary or expedient for the purpose of the winding-up of the affairs of the Board and the Disposal of its assets and liabilities.

Article 18. - Repeal of Trout Protection Ordinance Chap. 368. - The Trout Protection Ordinance is hereby repealed.

3. REGULATIONS

- (a) The Fisheries (General) Regulations, 1973 (as amended) *

PART I - PRELIMINARY

Article 1. - Short title and commencement. - These Regulations may be cited as the Fisheries (General) Regulations, 1973 and shall come into operation on the first day of July, 1973.

Article 2. - Interpretation. - In these Regulations, unless the context otherwise requires:

"the Act" means the Fisheries Act, 1970;

"beche-de-mer" means achinoderms of the class holothuroidea;

"coral" means a living or dead calcareous skeleton secreted by pypoid coelenterates of the class Anthozoa;

"Director of Fisheries" means the person for the time being exercising the powers conferred by or under the Act upon the officer appointed under section 3 of the Act;

"fish dealer" means any person other than a fisherman who sells, barter or offers for sale any fish or fish product, and includes every person or body of persons, whether corporate or unincorporate, engaged in the buying, selling, bartering, exposing for sale, preparing, processing, packing or storing, landing or transshipping, any fish product, but does not include any hotel, restaurant, cafeteria or other similar establishment or which the Minister may declare not to be a fish dealer for the purpose of these Regulations;

"fisherman" means any person engaged in fishing;

"fishery" includes every area, locality or place or station in or on which fishing gear or weir is used, set, placed or located, and also the area, tract or stretch of water in or from which fish may be taken by such fishing gear or weir;

"foreign fishing vessel" means a vessel which is not a Tanzania fishing vessel;

* Unofficial consolidation in incorporating Fisheries (General) (Amendment) Regulations 1975; Fisheries (General) (Amendment) (N° 2) Regulations, 1975; Fisheries (General) (Amendment) Regulations, 1978; Fisheries (General) (Amendment) Regulations, 1982.

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"fresh water game fish" means trout (*Salmo trutta*, Linneus), small mouth black-bass (*Micropterus dolomieu*, Lacapède), large mouth black-bass (*Micropterus Salmoides*, Lacapède), and includes all the young and the eggs thereof ;

"Government vessel" means any vessel belonging to or in the service of the United Republic;

"length" means:

- (a) in relation to a fishing vessel, the overall length of the vessel from the forward part of the stem to the after side of the rim timbers;
- (b) in relation to a lobster, the distance from the rear of the head carapace to the end of the body shell (abdominal length) measured along a line parallel to the centre line of the body shell;

"licensing authority" means an officer in the Fisheries Division of a rank of not less than that of Fisheries Assistant, Grade II and it includes a District Natural Resources Officer and any other person who may be authorized by the Minister in writing to exercise any power or to discharge any duty under these Regulations related to registration of vessels and licensing of fishing vessels fishermen and fish dealers;

"mollusc" means a large phylum of invertebrates without segments or limbs usually having a mantle or fold of skin that secretes a shell. Members of the phylum includes lamellibranchs, gastropods, cephalopods and scaphopods;

"non-resident" means a non-citizen whose stay within Tanzania is of period of less than two years;

"owner" as applied to registered vessels or fishing gear means the registered owner, and as applied to any other vessels or fishing gear means the actual owner;

"oyster" means any mollusc of any species of genus *ostrea*;

"processing" means cleaning, filleting, icing, packing, canning, freezing, smoking, salting, packing, drying or otherwise preparing fish or fish product for marketing;

"registered tonnage" in relation to a vessel means the tonnage appearing on her certificate of registry;

"resident" means a citizen or non-citizen whose stay within Tanzania is of a period of two years and above;

"sea fisheries" means the fisheries of the waters which are to sea-ward of the mean high water mark;

"sea shells" means marine organisms of the phyla mollusc and crustacea whose bodies are covered by shells, and includes corals;

"Schedule" means a schedule of these Regulations;

"shell" means the hard protective covering of a mollusc;

"sport fishing" means fishing for sport or pleasure and not for profit;

"Tanzania fishing vessel" means a fishing vessel registered or licenced under these Regulations which is owned wholly by one or more persons each of whom is a citizen of the United Republic, or by a body corporate, incorporated under and subject to the laws of the United Republic and having its principal place of business in the United Republic; and also a Government vessel;

"trout stream" means any stream which contains trout.

PART II - REGISTRATION OF FISHING VESSELS

Article 3. - Application. - (1) Every vessel to which the provisions of this Part of these Regulations apply shall be registered in accordance with, and be subject to the provisions of the Act and these Regulations.

(2) This Part of these Regulations shall apply to every vessel, other than dug-out canoes, howsoever called or described, used for fishing purposes.

(3) No person shall use for fishing purposes any vessel, which is required to be registered under these Regulations, unless such a vessel has been duly registered.

(4) No person shall employ, cause or permit any other person to use a vessel which such first mentioned person is prohibited from using by the provisions of paragraph (3) of this regulation.

Article 4. - Register. - (1) Every licensing authority shall keep a register for the registration of fishing vessels.

(2) The register of fishing vessels shall be kept in such form as to show the particulars set out in the appropriate application form prescribed in the First Schedule (Form 1).

Article 5. - Application. - Every person who applies to register a fishing vessel shall lodge with the licensing authority an application in duplicate duly completed in the appropriate form prescribed in the First Schedule.

Article 6. - Entry in register. - (1) On receipt of an application and the prescribed fee, the licensing authority may, subject to these Regulations, register the vessel and shall issue a certificate of registration in the appropriate form prescribed in the First Schedule (Form 2).

(1A) An applicant shall pay a fee of five shillings if he is resident for the purpose of registering a vessel, or fifty shillings if he is a non-resident, for the purpose of marking the vessel he is registering;

(2) Every licensing authority shall assign to every vessel registered with him an identification mark consisting of a letter or letters representing the licensing authority with whom it is registered and a number.

(3) The identification mark to be assigned by a licensing authority shall conform as to lettering, numbering and otherwise with the particulars set out in the Second Schedule.

(4) Every vessel registered under the provisions of these Regulations shall be marked permanently and conspicuously to the satisfaction of the licensing authority as follows:

- (a) her name (if any) and identification mark shall be marked on each of her bows upon a plain background or distinct contrast thereto, that is to say, shall be in dark characters on a light background or in light characters on a dark background;
- (b) each letter and figure thereof shall be not less than 25 cm. high, and the contours shall be not less than 4 cm. broad.

(5) No identification marks other than those prescribed shall be marked on any registered vessel.

Article 7. - Transfer of vessel. - (1) On the transfer of ownership of any vessel the transferor shall hand the registration certificate relating to such vessel to the person acquiring the vessel and shall, within thirty days of the date of the transfer, furnish the licensing authority with whom the vessel is registered with the name and place of residence of the transferee and the date of the transfer.

(2) The transferee shall enter upon the registration certificate the particulars set out in Form 2 with respect to the transfer of ownership and shall, within thirty days of the date of transfer, forward it to the licensing authority with whom the vessel is registered.

(3) On receipt of a registration certificate forwarded to him in compliance with the provisions of paragraph (2) of this regulation, and the prescribed fee (if any), the licensing authority shall transfer the registration to the name of the person specified as the transferee and shall thereupon return the registration certificate to him.

Article 8. - Amendment of register. - If any circumstance (other than a change of ownership) occurs in relation to any registered vessel, which affects the accuracy of any particulars entered as respects that vessel in the register, the owner of the vessel shall forthwith inform the licensing authority with whom it has been registered, and the licensing authority shall thereupon without fee, cause the register to be amended accordingly.

Article 9. - Central registry of vessels. - (1) There shall be established a central registry of vessels registered under these Regulations.

(2) The Director of Fisheries may appoint an authorized Officer to be the Central registrar of vessels.

Article 10. - Copy of entries to be supplied. - (1) Every licensing authority shall supply without delay to the central registrar a copy of every entry made in his register and shall, upon application being made to him by any other licensing authority under these Regulations, or by any public officer, forthwith provide without fee a copy of the entries in his register relating to any specified vessel.

(2) Any member of the public, on showing reasonable cause, may on payment of the prescribed fee (if any) inspect the register of a licensing authority or the central registrar and such licensing authority or central registrar shall also supply to any person applying for a copy of the entries relating to any specified vessel, a copy of those entries on payment of the prescribed fee (if any), if such person shows that he has reasonable cause for requiring such a copy.

(3) Inspection of register - An officer of the Government may, in his official capacity, without fee, at all reasonable times inspect the register and take copies of any entries in it.

(4) Filing of Central registrar - The Central registrar shall file and keep all copies of such entries and copies of applications for licenses furnished in pursuance of these Regulations, and shall on request by any licensing authority or public officer supply such particulars in relation thereto as may be required.

(5) Copy of entry to be prima facie evidence - In any cause or matter relating to a vessel or a licence or permit issued under these Regulations any such copy of an entry or copy of a licence or permit produced by the central registrar or other officer deputed by him shall be prima facie evidence of any matter, fact or thing stated or appearing thereon.

PART III - LICENSING OF FISHING VESSELS, FISHERMEN AND FISH DEALERS

(a) Licensing of Fishing Vessels

Article 11. - Classes of vessels and issue of licences. - (1) Fishing vessels shall be classified for licensing purposes in the classes enumerated in Part (a) of the Third Schedule and the several fees payable for such licences shall be those stated in the said Part (a) of the Third Schedule against each class and upon payment of the said fees and subject to compliance with the provisions of the Act and of these Regulations licensing authorities may issue licences which shall be in the appropriate form prescribed in the First Schedule.

(2) Prohibition against use of vessel without licences - No person shall use for fishing purposes any vessel of a class specified in Part (a) of the Third Schedule, unless there is a valid licence in respect of such vessel issued in accordance with these Regulations.

licences

(3) No person shall employ, cause or permit any other person to use a vessel which such first mentioned person is prohibited from using by the provisions of paragraph (2) of this regulation.

(4) Applications for fishing vessel licences shall be made in the appropriate form prescribed in the First Schedule (Form 3).

(5) Licences permitting the use of a vessel for fishing purposes shall be in the appropriate form prescribed in the First Schedule (Form 4).

(6) Power to order inspection of vessel before licensing - For the purposes of ascertaining whether or not a vessel complies with the provisions of the Act or of these Regulations, a licensing authority may direct that before any vessel is licensed under this Part of these Regulations, the owner or the person applying for licensing shall produce the vessel for inspection by the licensing authority or an authorized officer.

Article 12. - Vessels to be provided with necessaries. - (1) No fishing vessel licensed under these Regulations shall proceed on a fishing voyage unless it is seaworthy and there is placed on the vessel:

- (a) sufficient quantity of food and a number of utensils for holding water and food;
- (b) a serviceable horn or trumpet.

(2) Where an authorized officer, upon inspection of any licensed fishing vessel which is being prepared to proceed on a fishing voyage, considers that the vessel is unseaworthy or unfit to proceed to sea or to make any fishing voyage without serious danger to life, that the food or water for the use of the crew are of bad quality, he may detain the vessel until he is satisfied that she is a safe vessel or that proper food or water are provided in lieu of those which have been condemned.

(3) Where any vessel is detained under paragraph (2), an authorized officer may, before releasing her, require the owner or master to rectify any defects found to exist.

(4) Any person who contravenes the provisions of paragraph (1) or fails or refuses to comply with any requirement under paragraph (3) of this regulation shall be guilty of an offence against these Regulations.

(b) Licensing of Fishermen and Fish Dealers

Article 13. - No person to engage in certain types of fishing or export of fish or fish product unless licensed. - (1) No person shall engage in fishing or export of any of the types of fish or fish products enumerated in Part (b) of the Third Schedule unless he is the holder of a valid licence permitting him to engage in fishing or export of the type of fish or fish product specified on the licence.

(2) No person shall employ, cause or permit any person to engage in fishing or export of any type of fish or fish product which such first mentioned person is prohibited from fishing or export by the provision of paragraph (1) of this regulation.

(3) The several fees stated against each type of fish or fish product specified in Part (b) of the Third Schedule shall be payable for licences for fishing or export of those types of fish or fish product.

(4) Applications for licences under this regulation shall be made in the appropriate form prescribed in the First Schedule (Form 5).

(5) Licences under this regulation shall be in the appropriate form prescribed in the First Schedule (Form 6).

(6) On receipt of an application and the prescribed fee, a licensing authority may, subject to the provisions of the Act and of these Regulations, issue a licence in the prescribed form.

(7) (a) No person shall by way of trade, buy, sell or otherwise deal in fish or fish products unless a valid licence issued by Ministry of

Trade is issued to him or is exempted from such licence in respect of his trade in fish or fish products under these regulations.

(b) Fees for the licence are shown in the 3rd Schedule of these regulations and the exempted group includes the fishermen with valid fishing licences who may sell or otherwise deal in fish or fish products throughout the United Republic in Tearooms, Restaurants, Hotels or Ships and at fish receiving stations.

(c) Fish hawking is prohibited and instead all hawkers should sell their fish or fish products in fish markets or prescribed places and shall have valid licences issued by the Ministry of Trade.

(d) No person other than licenced fishermen or fish dealer shall possess fish or fish products specified in 3rd Schedule of these Regulations without a certificate of ownership specified in the third Schedule to these Regulations.

(8) For the purpose of computing any fees payable by any person:

"Citizen" shall, in relation to an individual, mean a citizen of the United Republic, and in relation to a body of persons, whether corporate or uncorporate, it shall be deemed to mean a body which is wholly owned by or composed of persons each of whom is a citizen of the United Republic; and

"non citizen" shall be construed accordingly;

"export" means export by way of trade;

"public corporation" means:

- (a) any public corporation established by an order made under the Public Corporation Act, 1969;
- (b) any public corporation established for any district, or any two or more districts, by an order made under section 3 of the District Corporations Act, 1973.

(c) General Provisions Relating to Licences

Article 14. - Register of licences. - Every licensing authority shall keep and maintain a register in respect of each type of licence issued under these Regulations.

Article 15. - Power to refuse or suspend licences. - A licensing authority may, in his discretion, refuse to issue a licence or may suspend any licence already issued under these Regulations for such period as he may specify:

Provided that where the licensing authority is other than the Director of Fisheries, he shall report every case of suspension to the Director who may confirm, vary or reserve the decision of the licensing authority.

Article 16. - Power to cancel licences in certain cases. - The Director of Fisheries may cancel or revoke any licence, permit or authority issued or granted under these Regulations on either of the following grounds:

- (a) that the holder has been convicted of an offence against the Act or any Regulations made thereunder or has violated or failed to comply with any of the conditions or restrictions attached to or imposed on the licence, permit or authority;
- (b) that the holder has been convicted of an offence involving dishonestly or fraud.

Article 17. - Duration of licence. - (1) Every licence issued under these Regulations other than:

- (a) sport fishing licence referred to in paragraph (2) of this regulation;
- (b) a Special Licence issued by the Director of Fisheries under regulation 20,

unless previously cancelled shall remain in force until the 31st of December next following the date on which it is issued.

(2) A Sport Fishing Licence may be issued for one fortnight or for one month or for one year, and such licence shall, unless previously cancelled, continue in force:

- (a) in the case of a fortnightly licence, for a period of fourteen days from the date of issue;
- (b) in the case of a monthly licence, for a period of thirty days from the date of issue; and
- (c) in the case of a yearly licence, for a period of one year from the date of issue.

(3) Licence not transferable - A licence issued under these Regulations shall not be transferable.

Article 18. - Power of Director of Fisheries to attach conditions to licences. - (1) The Director of Fisheries may attach to any licence issued under these Regulations any conditions which in his opinion are necessary or expedient for the carrying into effect he objects and purposes of the Act and of these Regulations so long as those conditions are not inconsistent with the provisions of the Act or Regulations made thereunder.

(2) Without prejudice to the generality of the provisions of paragraph (1) of this regulation, the Director of Fisheries may impose conditions as to:

- (a) the methods used in fishing and disposal of fish or particular species of fish and the use of any equipment, appliance, instrument, net, fishing weir, dams or any other means whatsoever;
- (b) close periods for fishing and disposal of fish or particular species of fish;
- (c) the number of persons to be engaged, the number of boats, nets, fishing weir, dams or any pieces of equipment, appliance or instruments to be employed for any purpose in relation to fishing;

TAN 20

- (d) the minimum length or size of any species of fish which may be captured or killed;
- (e) the manner in which any fish or species of fish or any fish products shall be graded, cured, processed, preserved, marked or marketed;
- (f) the preparation, purchase, sale or disposal of fish or fish products including offal.

Article 19. - Director may call for records and returns. - (1) Every licensee shall furnish to an authorized officer such records pertaining to fish, species of fish or fish products captured, killed, processed, preserved, packed, bought, sold, imported, exported or otherwise acquired or disposed of as the Director of Fisheries may by general or special order direct.

(2) Every licensee shall submit to an authorized officer such periodic returns as the Director of Fisheries may by general or special order direct.

Article 20. - Special licence. - (1) Notwithstanding anything contained in these regulations, the Director of Fisheries may grant to any person, without fee, a licence to be called a Special Licence, which shall entitle the holder to engage in fishing and to do such other things as may be specified therein for any of the following purposes:

- (a) scientific research and museums;
- (b) complimentary purposes;
- (c) educational purposes;
- (d) the supply of food in cases of emergency where no other adequate food supply is available. I

(2) A Special Licence may authorize fishing in any waters and fishing of any kind of species of fish:

Provided that a Special Licence issued for complimentary purposes shall not authorize the fishing of any kind of fish declared to be protected fish under any regulations made under the Act or fishing in any marine reserve.

(3) A Special Licence shall be valid for the period specified therein.

Article 21. - Replacement of lost licence by duplicate. - (1) If any person to whom a licence has been issued under these Regulations satisfies the licensing authority who issued such licence that his licence or any copy of it has been lost, destroyed or defaced, the licensing authority (nay, on payment by the applicant of a fee of Shs. 5/- issue to him a duplicate licence (including any particulars endorsed or entered upon the licence lost, destroyed or defaced), and the duplicate so issued shall have the same effect as the original licence.

(2) Any licence which has been altered or added to without lawful authority, or has become defaced or mutilated shall not be deemed to be a valid licence for the purposes of these Regulations.

Article 22. - Appeals. - (1) Any person aggrieved by:

- (a) the refusal by a licensing authority to issue a licence to him;
- (b) the suspension or revocation of a licence, permit or authority by the Director of Fisheries;
- (c) any condition or restriction attached or imposed on a licence, may within thirty days of communication to him of such refusal, suspension, revocation, condition or restriction, appeal in writing to the Minister.

(2) A petition of appeal lodged under this regulation need not be on any form, but the person appealing shall:

- (a) prepare the petition in duplicate;
- (b) adequately describe the matter to which the appeal relates;
- (c) set forth concisely the grounds of objection;
- (d) sign the petition; and
- (e) serve the duplicate on the Director of Fisheries or as the case may be, the licensing authority whose decision is challenged.

(3) On receipt of the duplicate referred to in paragraph (2)(e) of this regulation, the Director of Fisheries or the licensing authority, as the case may be, shall without delay forward to the Minister a written statement setting out such particulars relating to the subject matter of the appeal together with his own comments thereon as in his opinion are useful towards a just determination of the appeal.

(4) The decision of the Minister in an appeal shall be in writing and shall be communicated to the appellant and the Director of Fisheries or, as the case may be, the licensing authority.

PART IV - GENERAL PROVISIONS RELATING TO PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS

Article 23. - Restrictions on import and export of fish and introduction of new species. - (1) No person shall without obtaining a written permit or other authorization from the Director of Fisheries and except in accordance with the conditions specified in the permit or other authorization:

TAN 22

- (a) import and live fish or fish products into Tanganyika other than fish indigenous to Tanganyika; or
- (b) introduce into any water in Tanganyika blue gill sunfish (*Helioperca macrochira*) carp all species of cyprinus (including goldfish) or any species of fish not indigenous to Tanganyika or the eggs thereof; or
- (c) transfer any species of fish not indigenous to Tanganyika or the eggs thereof from one water to any other within Tanganyika; or
- (d) export any live fish or fish products from Tanganyika.

(2) In addition to any other penalty which may be awarded against any person for contravention of paragraph (1) of this regulation, the Director of Fisheries may order the seizure or destruction of any fish in respect of which the offence has been committed.

Article 24. - Control of disease in fish. - (1) Where in the opinion of any authorized officer any fish in any waters are infected with any epidemic disease, he may give notice in writing to the owner of the waters or of fishing rights therein requiring the destruction of all fish in the said waters or the taking of such other measures as the authorized officer may specify in the notice.

(2) Every person who receives notice served upon him under paragraph (1) of this regulation shall comply with the requirements set out therein at his own expense, and in default of such compliance, the authorized officer may enter upon the land take or cause to be taken such measures as may be necessary for complying with the requirements of the notice and expenses incurred thereon shall be recoverable as a civil debt from the person who has been in default.

Article 25. - Prohibition of use of explosives etc., and damaging of dams. - (1) No person shall:

- (a) use or be in possession of any explosive, electrical device or any poisonous or noxious substance, with intent thereby to capture, kill or injure fish in any waters, or to render any such fish easier to capture;
- (b) cut through, break down or destroy any dam in any water with intent to capture, kill or injure fish.

Article 26. - Prohibition of disturbance of spawn. - No person shall wilfully disturb any spawn or spawning fish or any bed, bank or shallow in which there is any spawn or spawning fish:

Provided that nothing in this regulation shall affect any legal right to take any material or water from any waters.

Article 27. - Prohibition of throwing overboard of certain substances. - No person shall throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any lake, river, harbour or roadstead, or any other water where fishing is carried on.

Article 28. - Prohibition of effluents and other deleterious substances. - (1) No person shall cause or knowingly permit to flow or pass into, or put or knowingly permit to be put in any waters lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or saw dust or any other deleterious substance or thing to such an extent as to be injurious to fish or to the spawning grounds, spawn or food of fish.

(2) The Minister may by order declare any substance to be deleterious for the purpose of this regulation.

Article 29. - Exemptions from certain prohibitions. - Notwithstanding anything contained in these regulations, a person shall not be guilty of an offence against any of the provisions of regulation 25, 26, 27 or 28 by reason only of any act done in exercise of any legal right, or in continuance of any process or method which he has been lawfully employing from before the commencement of these Regulations, if he proves to the satisfaction of the court that he had used all available and practicable means to render any substance, matter or thing used by him harmless to fish or to the spawning grounds, spawn or food of fish.

Article 30. - Restrictions on entry of foreign vessels in territorial waters. - No foreign vessel shall enter the territorial waters for any purpose unless such entry is authorized by or under:

- (a) the Act or regulations made thereunder; or
- (b) any other written law; or
- (c) any treaty or international convention to which the United Republic of Tanzania is a party.

Article 31. - Restrictions on fishing in territorial waters. - In the territorial waters no person on board a foreign fishing vessel, including members of her crew and persons attached to or employed on such vessel, shall:

- (a) fish or prepare to fish; or
- (b) unload, land or tranship any fish, outfit or supplies; or
- (c) ship or discharge any persons; or
- (d) purchase or obtain bait or any supplies or outfits; or
- (e) take or prepare any aquatic flora,

unless he is authorized to do so by or under the Act or regulations made thereunder, any other written law or any treaty or international convention to which the United Republic of Tanzania is a party.

Article 32. - Prohibition of exposing fishing gear in territorial waters. -Every foreign fishing vessel that enters the territorial waters shall fly its national flag and ensure that its registration mark is clearly visible, and it shall clear its decks of fishing gear which shall be stowed in such manner as to preclude its use.

Article 33. - Prohibition of transporting fish into, territorial waters. - No person, being on board a Tanzania fishing vessel shall bring into the territorial waters any fish received outside such waters from a foreign vessel, unless he is authorized to do so by the provisions of the Act or regulations made thereunder.

Article 34. - Restrictions on possession of fish in prohibited places. - At any place where fishing or fishing for any type of fish is prohibited under these Regulations, no person shall have in his possession any fishing gear, or fish for, buy, sell or have in his possession any fish or such type of fish the fishing of which is prohibited, as the case maybe, or any product thereof, without lawful excuse, the proof of which shall lie upon him.

Article 35. - Fishing gear not to obstruct navigation. - No person shall set or use seine nets, gill nets or other fishing gear in such place or manner as to obstruct navigation.

Article 36. - Fishing gear not to be damaged. - No person shall by conducting or navigating any boat or vessel or in manner to destroy or damage any seine net, gill net or other fishing gear lawfully set.

Article 37. - Shakes, weirs, etc., to be removed. -Every person who uses stakes, weirs, posts, bouys or other materials for the purposes of fishing shall remove the same from the waters within forty-eight hours of having ceased to use them, and in all cases at the expiry of the fishing season.

Article 38. - Main channel not to be obstructed. - Except where the Director of Fisheries having regard to any special circumstances by writing permits otherwise, a fishing gear shall be so set or used as to leave clear, navigational and unobstructed at least one third of the whole breadth of the river or stream, main channel at low tide or tidal stream, to which the gear is set.

Article 39. - Nets or weirs not to obstruct the passage of fish. - No person shall erect, construct, use or maintain in the territorial waters any net or weir or other fishing gear which unduly obstructs the passage of fish, and an authorized officer may order removal of or cause to be removed any such net, weir or other fishing gear.

Article 40. - Prohibition of use of certain sizes of seine and other types of nets, rockets, explosives harpoons and spear guns. - Notwithstanding anything contained in these Regulations, no person shall use for fishing:

- (a) monofilament nets in all Fresh Water Fisheries;
- (b) harpoon guns, spear guns.

Article 41. - Exemptions relating to methods of fishing. - (1) Notwithstanding anything contained in these Regulations, no licence, permit or permission shall be required for fishing by means of any of the methods set out in the Fourth Schedule.

(2) Where a fee has been prescribed and is chargeable in respect of any matter or thing under these Regulations, a licensing authority may remit the whole or part of such fee which, but for this regulation, would be payable by any bona fide Ujamaa Village.

PART V - OFFENCES AND PENALTIES

Article 42. - Offences. - Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence.

Article 43. - Penalty for offences. - Any person who is guilty of an offence under these Regulations shall be liable on conviction;

- (a) in the case of a first offence, to a penalty of a fine not exceeding ten thousand shillings or of a term of imprisonment not exceeding two years, or of both such fine and imprisonment;
- (b) in the case of a second or subsequent offence, to a penalty of a fine not exceeding twenty thousand shillings or a term of imprisonment not exceeding five years, or of both such fine and imprisonment.

Article 44. - (1) Any person who is guilty of an offence under Regulation 30, 31 and 40 shall be liable on conviction:

- (a) in the case of first offence to a penalty of a fine of not less than ten thousand shillings but not exceeding fifteen thousand shillings or to a term of imprisonment not less than two years but not exceeding 3 years or of both such fine and imprisonment;
- (b) in the case of a second or subsequent offence to a penalty of fine of not less than fifteen thousand shillings but not exceeding twenty thousand shillings or to a term of imprisonment not less than three years but not exceeding 5 years or of both such fine and imprisonment.

(2) The Court convicting a person of any offence under paragraphs (a) and (b) shall order forfeiture to the United Republic of such a vessel or fishing gear.

FIRST SCHEDULE

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

[The Fisheries (General) Regulations, 1973]

APPLICATION FOR REGISTRATION OF A FISHING VESSEL
[Regulation 4(2)]

Form 1

1. (a) Full name of owner
- (b) Occupation
- (c) Residential address
- (d) Postal address
- (e) Nationality (citizen of)
- If citizen of Tanzania state date and place of birth
-
- If citizenship acquired by Registration state registration number ...
-
- (f) Age and sex

2. I/We hereby apply for registration of the vessel described below:
 - (a) Name of vessel (if any)
 - (b) Length overall
 - (c) Type of vessel
 - (d) Tonnage
 - (e) Date of construction
 - (f) Prime mover: Paddel/Sail/Outboard Engine/Inboard Engine

 - (Delete whichever is inapplicable)

 - (g) Engine type Make
 - Engine N^o Date installed
 - (h) H.P. Number of Engines
 - (i) Home Port
 - (j) Type of Gear and Quantity of each type
 -
 -

3. I/We hereby certify that:
 - (a) all the above particulars are to the best of my/our knowledge correct; and that the vessel has not previously been registered in Tanganyika;
 - (b) the vessel in respect of which this application is made was inspected and a valid certificate of condition No. was issued by on

Place

Date

Signature of Applicant

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

[The Fisheries (General) Regulations, 1973]

CERTIFICATE OF REGISTRATION OF A FISHING VESSEL
[Regulation 6(1)]

Form 2

1.	.....	.....
	Name of owner	Occupation

	Residential address	Postal address

	Nationality	Age, Female/Male
2.	.....	.....
	Name of vessel	Length overall

	Type of vessel	Tonnage

	Date of construction	Prime Mover

	Engine Type and No. Make	Date installed

	H.P. Number of engines	Home Port

	Type of Gear and Quantity	.....
	Place	Fee Shs.
	Date	.....
		Licensing Authority

APPLICATION FOR FISHING VESSEL LICENCE
[Regulation 11(4)]

Form 3

Application is hereby made for the issue of a fishing vessel licence for the period from to in respect of a registered fishing vessel of which the following is a description.

- 1.
Full name of owner Full address of owner
-
Name of vessel Registration No.
-
Type of vessel Tonnage
-
Engine Type and No. Make Length overall
-
Home Port

2. Particulars of previous licence (if any):

Date of expiry of last licence

Period covered by expired licence: from
to Expired licence No.

If the vessel is not at present licenced, please state the reason for it not being licenced

3. Particulars of applicant:

Full name

Full address

Nationality Age Female/Male

I certify that to the best of my knowledge and belief the above particulars are true.

Place

Date

Signature of Applicant

Notes: Classes of fishing vessels and fees

	Citizen Shs.	Non-Citizen Shs.
1. Non-powered vessel of up to 10 metres in length	Free	200/-
2. Powered vessel up to 10 metres in length	30/-	1,000/-
3. Powered or non-powered vessel over 10 metres up to 15 metres in length	50/-	2,000/-
4. Powered or non-powered vessel over 15 metres up to 20 metres in length	100/-	6,000/-
5. Powered or non-powered vessel over 20 metres in length	500/-	10,000/-

THE UNITED REPUBLIC OF TANZANIA
THE FISHERIES ACT, 1970
[The Fisheries (General) Regulations, 1973]

LICENCE FOR FISHING VESSEL
[Regulation 11(5)]

Form 4

Licence is hereby granted to
.....
.....
of
to use for fishing, subject to the provisions of the Fisheries Act the vessel
hereunder described from to
inclusive.
Description of vessel
.....
.....
Fees paid: Shs.
Issued at thisday of ...

This licence is issued subject to the following conditions:
.....
.....
.....
N.B. This licence must be exhibited inside the vessel.

.....
Licensing Authority
.....
Signature of Licensee

TAN 30

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

[The Fisheries (General) Regulations, 1973]

APPLICATION LICENCE UNDER REGULATION 13
First Part

Form 5(a)

[To be filled by Applicant]

Fishing licence/collecting or dealing in:
.....
(State here: e.g. crustacea, seaweeds, beeh-der-mer etc.)

Full name of Applicant:
Address:
.....
Residence:
Telephone (where applicable)
Resident or non-resident
Particular of previous licence (if any) Licence No.
In force from to

I certify that to the best of my knowledge and belief the above particulars are true.

Signature of Applicant
Date

Part Two

[To be filled by village authority if applicable]

Recommendation:
.....
Signature Date
Official Stamp:

Part Three

[To be filled by a District/Fisheries Officer for those licences issued in Districts or those to be sent to Regional Officers/HQ]

Recommendation:
.....
Signature Date
Official Stamp:

TAN 31

Part Four

[To be filled by a Regional Fisheries Officer in respect of licence issued at Regional office or at Fisheries Headquarters]

Recommendation:
.....
Signature Date
Official Stamp:

Part Five

[Concerns the Director of Fisheries]

* May be granted/may not be granted
Further explanation
.....
Signature Date
Official Stamp:

* Delete what is not applicable.

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

[The Fisheries (General) Regulations, 1973]

APPLICATION FOR AN EXPORT LICENCE FOR FISH AND FISH PRODUCTS
REGULATION 13

Form 5(B)

PART ONE:

[To be filled by Applicant]

Licence for exporting
.....
Give examples e.g. Crustacea, seaweed, seashells etc.
Country to which is to be exported
Place of collection or name of Agent where)
it is collected by Agent)
.....
Where the fish is being collected by *Agent/Agents, name of Agent/Agents.
.....
Number of licence of *Agent/Agents
.....of (Date)

TAN 32

Full name of Applicant
 Address
 Place of Residence
 Telephone No.
 Resident/Non-Resident
 Number of the expired licence (if any)
 In force from to

I certify that to the best of my knowledge what is stated above is true.

Signature
 Date

PART TWO:

[To be filled by District/Regional Committee]:

Recommendation:
 Signature Date
 Official Stamp:

PART THREE:

[To be filled by a Regional or District Fisheries Officer]:

1. Recommendation of the Region/District where the applicant resides

2. Recommendation by other *Regions/Districts where the place of Fishing is
 other than the place of residence
 (Made in Consultation with Region/District where Applicant Resides).
 Signature Date
 Official Stamp:

PART FOUR

[Applies to the Director of Fisheries]

*Application should be granted/not granted
 Additional information
 Signature Date
 Official Stamp:

*Delete whatever is not applicable.

TAN 33

THE UNITED REPUBLIC OF TANZANIA

THE FISHERIES ACT, 1970

[The Fisheries (General) Regulations, 1973]

LICENCE FOR FISHING OR DEALING IN FISH OR FISH PRODUCT
[Regulation 13 (5)]

Form 6

Licence is hereby granted to

.....

of

This licence is valid for the period from

to, and for fishing or otherwise dealing

in the type of fish or fish product hereunder described:

.....

.....

Fee paid: Shs.

Issued at this day of

This licence is issued subject to the following conditions:

.....

.....

.....

.....

Licensing Authority

.....

Signature of Licensee

SECOND SCHEDULE

PROVISIONS AS TO IDENTIFICATION MARKS

The places mentioned below in the column one shall be represented by the sets letters mentioned in column two and where more than one set of letters occurs in respect of any place such place shall be represented by any of such sets of letters:

COLUMN ONE District

COLUMN TWO Mark

1. ARUSHA
- Arumeru
- Arusha
- Masai
- Monduli

- /Ā/
- RU
- AR
- MI
- MD

COLUMN ONE	COLUMN TWO
District	Mark
Loliondo	LL
Mbulu	ML
Hanang	BB
Ngorongoro	NG
Kiteto	ET
Karatu	RT
2. COAST	/C/
Bagamoyo	BG
Mafia	MF
Rufiji	RJ
Kisarawo	KS
Kibaha	KH
3. DAR ES SALAAM	X
Hala	IL
Temeke	TK
Kinondoni	KI
4. DODOMA	/D/
Dodoma Urban	DM
Kondoa	KD
Mpwapwa	MP
Dodoma Rural	DV
Kongwa	DO
5. IRINGA	/N/
Iringa	IR
Munndi	FD
Njombe	ND
Rudewa	RW
Makete	MK
6. KIGOMA	/X/
Kasulu	KU
Kibondo	KB
Kigoma	KG
7. KILIMANJARO	/J/
Moshi	MH
Pare	SE
Rombo	RB
Hai	HI
Mwanga	MN

	COLUMN ONE	COLUMN TWO
	District	Mark
8.	LINDI	<u>/L/</u>
	Kilwa	KW
	Lindi	LD
	Nachingwea	HA
	Liwale	LE
9.	MARA	<u>/R/</u>
	Bunda	BD
	Musoma	MU
	North Mara (Tarime)	TE
	Serengeti	ST
10.	MBEYA	<u>/E/</u>
	Chunya	CH
	Kyela	KY
	Mbeya	MB
	Mbozi	BZ
	Ileje	IJ
	Usangu	US
	Rungwe	RG
11.	MOROGORO	<u>/G/</u>
	Kilosa	KL
	Ulanga	UL
	Morogoro	MG
	Kilombero	KO
12.	MTWARA	<u>/W/</u>
	Masasi	MA
	Mtwara	MT
	Newala	NE
	Tandabimba	TH
13.	MWANZA	<u>/M/</u>
	Geita	GA
	Malya	KM
	Mwanza	MW
	Ukerewo	UK
	Magu	UM
	Sengerema	SR
	Misungwi	SU

	COLUMN ONE	COLUMN TWO
	District	Mark
14.	RUKWA	<u>/Q/</u>
	Mpanda	PD
	Sumbawanga	SB
	Nkasi	NK
15.	RUVUMA	<u>IV</u>
	Mbinga	MN
	Songea	SG
	Tunduru	TU
	Songea W/N	SO
16.	SHINYANGA	<u>/Y/</u>
	Kahama	KA
	Maswa	MS
	Shinyanga	SY
	Bariadi	BA
	Shinyanga W/N	SG
	Meatu W/N	MA
17.	SINGIDA	<u>/S/</u>
	Iraba	KT
	Manyoni	MY
	Singida (M)	SA
	Singida (V)	SW
18.	TABORA	<u>/Q/</u>
	Tabora	TB
	Nzega	NZ
	Urambo	UR
	Igunga	IG
19.	TANGA	<u>/T/</u>
	Handeni	HD
	Korogwe	KR
	Lushoto	LT
	Pangani	PA
	Muheza	MZ
	Tanga	TA
20.	KAGERA	<u>/B/</u>
	Biharamula	HB
	Bukoba	BK
	Karagwe	KE
	Ngara	MR
	Muleba	ME

THIRD SCHEDULE

Regulation 11 and 13

Part (a):

Any foreign fishing vessel, whether owned by a resident or non-resident shall be registered and shall have other licences under non-resident conditions until time that the Director of Fisheries declares it otherwise.

Exemption:

The above regulation will not be applicable to vessels owned by public corporations or government.

Classes of fishing vessels and applicable fee for each kind of vessel:

	Citizen Shs.	Non-Citizen Shs.
1. Non-powered vessel of up to 10 metres in length	5/-	200/-
2. Powered vessel up to 10 metres in length	30/-	1,000/-
3. Powered or non-powered vessel over 10 metres up to 15 metres in length	50/-	2,000/-
4. Powered or non-powered vessel over 15 metres up to 20 metres in length	100/-	6,000/-
5. Powered or non-powered vessel over 20 metres in length	500/-	10,000/-
6. Powered or non-powered vessel of any length in respect of which the licensing authority is satisfied, upon proof in that behalf, that it is used predominantly for pleasure or recreational purposes	40/-	1,200/-

Part (b):

Type of fish and fish products and fees for licences for fishing or dealing in fish or fish products:

(i) Fees for fishing/collecting:

	Resident	Non-resident
Aquarium Fish	500/-	1,500/-
Rech-de-mer	100/-	300/-
Sea Shells	200/-	400/-
Sea turtle	500/-	300/-
Dugone	500/-	2,000/-

Fees for Prawn fishery:

Fishermen without vessels or with unpowered up to 10 metres in length	100	400/-
Fishermen with powered vessels up to 10m. in length	150	600/-
Fishermen with powered or unpowered vessel over 10 m. in length and up to 15 m. in length	300	700/-
Fishermen with powered or unpowered vessel over 20 m. in length	800	1,500/-

Fees for Marine Sport Fishing and Trought Fishing:

1. For two weeks	50/-	100/-
2. For a month	100/-	200/-
3. For a year	300/-	500/-

(ii) Fees for ordinary fishing for any fish not specified will be charged according to (a) fishermen not owning vessels or gear and (b) according to the nature of the fishing vessels.

The fees will be charged for individuals, body of individuals company or parastatal organization or village.

	Resident	Non-resident
1. Fishermen not owning fishing vessels or gear	20	150
2. Fishermen with non powered vessels up to 10 metres length or with gears only	30	250
3. Fishermen with powered vessels over 10m. length	100	500

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4.	Powered or non-powered vessels over 10m. up to 20m. in length	200	800
5.	Powered or non-powered vessels over 15m. up to 20m. in length	300	1,000
6.	Powered or non-powered vessel over 20m. in length	600	1,200
(iii)	Fees for Export licence and for dealing (or trading) in fish or fish products:		

Type of Fish	Licence Fee	Tax where applicant is a parastatal Organization	Tax where applicant is an individual, or Private Company
Aquarium Fish	2,000/-	-/50 per fish	-/50 per fish
Bech-de-mer	1,000/-	-/75 per Kg.	1/50 per Kg.
Sea Shells	1,800/-	5% ad valorem	7,1/2 ad valorem
Crustacea	1,800/-	-/75 per Kg.	1/50 per Kg.
Turtle Shells	2,000/-	5% ad valorem	7,1/2 ad valorem
Sea Weeds	1,000/-	-/75 per Kg.	1/50 per Kg.
Shark Fins and Shark Jaws	1,000/-	-/75 per Kg.	1/50 per Kg.
Fish other than Specified above	1,800/-	2% ad valorem	5% ad valorem

CERTIFICATE OF OWNERSHIP

Part (c):

Types of fish and fish products and fees for ownership.

(i) Fees for ownership:

A single sea shell	1/-
Number of sea shells making a set or unit	2/-
Sea turtle shell	5/-
Shark Jaw	5/-
Aquarium fish tank	10/-

(ii) Third Schedule:

THE UNITED REPUBLIC OF TANZANIA

The Fisheries Act of 1970

The Fisheries (General) Regulations, 1973 Regulation 13(9)

CERTIFICATE OF OWNERSHIP

Cert. No.
Place
Date:

Name of Ownership
Place and address
.....
being the holder of (type of fish or fish products)
.....
Quantity
.....
Fees
.....

.....
Signature of ownership
Date:
.....
Signature of licensing authority,
Rubber stamp
Date:

FOURTH SCHEDULE

(Regulation 41)

FISHING METHODS EXEMPTED FROM TAKING OUT A LICENCE

1. Fishing for Prawns using cloth - KUTANDA UDUVI.
2. Using road and line or handline from the beach without using a fishing vessel whether for sport fishing, domestic consumption or sale except in a declared trout stream.
3. Small cast nets, seine nets - for amusement, sport, domestic consumption or commercial purposes.
4. Cast nets, baskets, traps, gill nets when used without using a fishing vessel - for domestic consumption or sale.

/ THAILAND /

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* Title only

** Text not available

1. LIMITS OF NATIONAL JURISDICTION

- (a) Royal Proclamation of 6 October 1966 Establishing
the Breadth of Territorial Waters

Whereas Thailand always maintains that the sovereignty of Thailand extends, beyond its land territory and its internal waters, to a belt of sea adjacent to the coast, described as the territorial sea, including the air space over the territorial sea as well as its bed and subsoil;

Whereas it is deemed appropriate to establish the breadth of the coastal territorial waters;

It is hereby proclaimed that the breadth of the territorial waters of Thailand is established at twelve nautical miles measured from a baseline used for measuring the breadth of the territorial sea.

THA 2

- (b) Royal Proclamation Establishing the Exclusive Economic Zone of February 21, 1980 (unofficial translation)

By Royal Command of His Majesty the King, it is hereby proclaimed that:

For the purpose of exercising the sovereign rights of the Kingdom of Thailand with regard to the exploitation and conservation of the natural resources, whether living or non-living, of the sea,

It is deemed appropriate to establish the exclusive economic zone of the Kingdom of Thailand as follows:

Article 1. - The exclusive economic zone of the Kingdom of Thailand is an area beyond and adjacent to the territorial sea whose breadth extends to two hundred nautical miles measured from the baselines used for measuring the breadth of the territorial sea.

Article 2. - In the exclusive economic zone, the Kingdom of Thailand has:

- (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;
- (b) jurisdiction with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the preservation of the marine environment.
- (c) other rights as may exist under international law.

Article 3. - In the exclusive economic zone, the freedoms of navigation and overflight and the laying of submarine cables and pipelines shall be governed by international law.

Article 4. - In any case where the exclusive economic zone of the Kingdom of Thailand is adjacent or opposite to the exclusive economic zone of another coastal State, the Government of the Kingdom of Thailand is prepared to enter into negotiation with the coastal State concerned with a view to delimiting their respective exclusive economic zones.

Proclaimed on the 23rd day of February, B.E. (the Buddhist Era) 2524, 1981, being the thirty sixth year of the present Reign.

2. BASIC FISHERIES LEGISLATION

(a) Fisheries Act, B.E. 2490 (1947) (as amended) *

Section 1. - This Act is called the "Fisheries Act, B.E. 2490".

Section 2. - This Act shall come into force after the expiration of ninety days from the date of its publication in the Government Gazette 1.

Section 3. - The following shall be repealed:

- (1) The Fisheries Law, R.S. 120;
- (2) The Act amending the Fisheries Law, R.S. 120;
- (3) The Royal Proclamation amending the Fisheries Law, R.S. 120;
- (4) The Act amending the Fisheries Law, R.S. 120;
- (5) The Fisheries Law Amendment Act, B.E. 2472;
- (6) The Fisheries Law R.S. 120 Amendment Act, B.E. 2477;
- (7) The Fisheries Act (N° 6), B.E. 2479;
- (8) The Fisheries Act (N° 7), B.E. 2481;
- (9) The Ministerial Regulation on the collection and the fixation of Fishery tax under the Fisheries Law, R.S. 120; and

All other Law, Rules and Regulations in so far as they are already provided by this Act or are contrary to or inconsistent with the provisions of this Act.

Section 4. - In this Act:

(1) "Aquatic animals" means animals that inhabit or have one part of their life cycles in water or inhabit in inundated area such as fish, shrimps, crabs, horseshoe crabs, mollusks, tortoises, turtles, snapping turtles, crocodiles, including their eggs, mammals, sea-cucumbers, sponges, coral, coralline and marine algae, as well as their carcasses or any part of them and includes water plants as specified by a Royal Decree."

(1 bis) "Aquatic animal products" means the products produced with the aquatic animals as specified by a Royal Decree to be raw materials."

(2) "To fish" means to catch, to trap, to injure, to kill, or to take aquatic animals in fishery waters with any fishing implement or by any method;

(3) "Fishing implement" means machinery, instrument, accessories, component parts, arms, stakes, or vessels which are used in fishing operation;

* Unofficial Consolidation

1/ Published in the Government Gazette Vol. 64 N° 3 dated January 14, B.E. 2490.

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- (4) "Vessel" means a water craft of every description;
- (5) "Fisheries" means land with still or running water such as sea, river, canal, swamp, marsh, pond and beach, which are domaine public of State, including forest and ground which are inundated during flood season, notwithstanding that it be domaine public of State or the land owned by any person, and being within territorial waters, or any other waters in which Thailand exercises or may be entitled to exercise its fishery rights, as such waters publicly appear to be delimited by local or international law or usage, by treaty or in any other way;
- (6) "Trapping pond" means such pond which is used to trap aquatic animals for the purpose of fishing as prescribed in the Ministerial Regulation;
- (7) "Cultivation pond" means such pond which is used to culture aquatic animals as prescribed in the Ministerial Regulation;
- (8) "Concession" means license granted by provincial governor to a person to obtain by means of tendering the right to fish in the leasable fisheries;
- (9) "Permit" means license issued by competent official to a person to fish and to cultivate aquatic animals in the reserved fisheries;
- (10) "License" means license issued by competent official to a licensee to use fishing implement;
- (11) "Licensee" means a person who holds concession, permit or license, or a person who obtains permission to do any thing according to this Act;
- (12) "Stationary gear" means fishing implement which is used in the manner of pegging down, tying, stretching, pulling, sinking or by any other means which will make the fishing implement stationary during the time of fishing;
- (13) "License fishing implement" means fishing implement the name, description and method of operation of which are specified in the Ministerial Regulation;
- (14) "Non-licensed fishing implement" means fishing implement which is not specified in the Ministerial Regulation;
- (15) "Fishery stations" means figures or information relating to the aquatic animal products, trade in aquatic animals, fishing, and fish cultivation;
- (16) "Competent official" means provincial governor, district officer, fishery officer or person who is appointed by the Minister to carry out this Act;

(17) "Director General" means the Director-General of the Department of Fisheries;

(18) "Minister" means the Minister taking charge and control of the execution of this Act.

Section 5. - The Minister of Agriculture shall take charge and control of the execution of this Act, and shall have the power to appoint competent official and to issue Ministerial Regulation fixing the rates of fishery taxes and fees not exceeding the rates in the Schedule annexed to this Act and determining other activities for carrying out this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER 1 - FISHERIES

Section 6. - Fisheries are of four categories:

- (1) Preservation fisheries;
- (2) Leasable fisheries;
- (3) Reserved fisheries;
- (4) Public fisheries.

Section 7. - The Provincial Council with the approval of the Minister, is empowered to make notification determining fisheries within their province to be in the category of preservation fisheries, leasable fisheries, or reserved fisheries.

Fisheries which are not included in the notification under paragraph one shall be regarded as public fisheries.

Section 8. - Preservation fisheries are fisheries lying within or adjoining to the compound of a monastery or place of worship, zones of the navigation lock, regulator, weir or dam, or places which are suitable for the conservation of aquatic animals.

Section 9. - No person can fish or cultivate aquatic animals in the preservation fisheries, unless permission has been obtained from the Director-General.

Section 10. - Leasable fisheries are fisheries in which exclusive right to fish and to cultivate aquatic animals should be granted to a person by means of tendering.

Any fisheries which are to be determined as leasable fisheries shall not be within the State Irrigation area nor impair the rice cultivation or water communication.

Section 11. - No person other than licensee shall fish or cultivate aquatic animals in leasable fisheries.

The licensee must comply with the conditions imposed by the Director-General.

Fishing in leasable fisheries for the purpose of family consumption is permissible, provided that the fishing implements used must be in accordance with those determined in the notification by the Provincial Council with the approval of the Minister.

Section 12. - Reserved fisheries are fisheries in which a person has been permitted to fish or to cultivate aquatic animals, and include trapping ponds.

Section 13. - No person other than the licensee shall fish aquatic animals in reserved fisheries.

The licensee must comply with the conditions imposed by the Director-General.

Section 14. - No person shall dig or build trapping ponds in the land which is domaine public of State, unless permission has been obtained from the competent official.

In the land owned by a person, the digging or building of trapping pond is permissible, provided that the aquatic animals in preservation fisheries are not injured.

Section 15. - The licensee has the duty to put up such lamps and signs for the safety of water communication as prescribed in the Ministerial Regulation.

Section 16. - Public fisheries are fisheries in which every person has the right to fish and to cultivate aquatic animals.

Any person fishing and cultivating aquatic animals in public fisheries must comply with the conditions imposed by the Minister and published in the Government Gazette.

Section 17. - No person shall erect anything in preservation fisheries, leasable fisheries, reserved fisheries which are not owned by a person, and in public waters, or grow therein lotus, rice, jute, sugh other crops or water plants as named in the Royal Decree, unless permission has been obtained from the competent official.

The licensee must comply with the conditions imposed by the Minister.

Section 18. - No person shall drain the water out of preservation fisheries, leasable fisheries, reserved fisheries which are not owned by a person, and out of public waters or trapping ponds or dry up or diminish water in the said fisheries for the purpose of fishing, unless permission has been obtained from the competent official.

The licensee must comply with the conditions imposed by the competent official.

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Section 19. - No person shall pour, throw away, drain or lay in the fisheries such poisonous substance as determined by the notification of the Minister in the Government Gazette, or do any act that stupefies the aquatic animals, or pour, throw away, drain or lay in the fisheries any substance in the manner that is dangerous to aquatic animals or causes pollution therein, except for the experiments for scientific benefit which have already been permitted by competent official.

Section 20. - No person shall use explosives in fisheries except for the scientific purposes and permission has been obtained from the Minister.

The licensee must comply with the conditions imposed by the Minister.

Section 20 bis. - No person shall keep in his possession for commercial purpose aquatic animals which he knows to have been acquired through the commission of an offence under Section 20.

Section 21. - No person shall make any alternation to the fisheries not lying within the land owned by a person affecting its former condition, unless permission has been obtained from the competent official.

The licensee must comply with the conditions imposed by the competent official.

Section 22. - No person shall erect, set up or build dike, dam, screen fence, fishing nets or other fishing implement in fisheries obstructing the passage of aquatic animals, unless permission has been obtained from the competent official or it is for the agricultural purposes in the land owned by a person.

The licensee must comply with the conditions imposed by the competent official such as those relating to the fish-ladders or other implements enabling aquatic animals to swim up and down.

CHAPTER 2 - CULTIVATION POND

Section 23. - No person shall dig or build cultivation pond in the land which is domain public of State, unless permission has been obtained from the competent official.

The licensee must comply with the conditions prescribed in the permit.

Section 24. - Fishing in cultivation pond requires no permission and is exempted from fishery tax under this Act.

CHAPTER 3 - REGISTRATION AND APPLICATION FOR PERMISSION

Section 25. - The Minister shall have the power to make a notification requiring person in any localities who engage in fishing, trading in aquatic animals, fishery products or fishery industry as may be specified in the Royal Decree to be registered, and requiring them to apply to the competent official for permission before engaging in such occupation with or without the license fee being charged under this Act.

Section 26. - The Minister shall have the power to make a notification requiring owners or possessors of any kind of fishing implement in any locality to have the fishing implement in their possession registered with the competent official.

Section 27. - In case of necessity for official service or for public interest, the provincial governor may, subject to the approval of the Minister, order the revocation of any permit or condession. In such case, the licensee is entitled to refund of the portion of fishery tax only for the revoked period.

Section 28. - Any person is entitled to use licensed fishing implement only when the license specifying his name has been issued and the fishery tax under Act has been paid.

The Minister is empowered to make a notification exempting the requirement of license of any kind of fishing implement in any locality.

Section 28 bis. - Any person who owns the vessel, using it for fishing or permits it to be used in fishery which results in the violation of waters of foreign states, and thereby causes the crew or passengers aboard to be left abroad, has the duty to comply with the decision of the Committee on Considering Compensation and Other Expenses Resulting from the Violation of Waters of Foreign States which is appointed by the Minister in the amount of not exceeding 7 persons, within thirty days as from the date that the notice informing such decision is obtained.

In case that the decision cannot be informed to the person under paragraph one as the said person cannot be found or no one accept it in lieu, it is deemed that the said person has already been informed of the decision of the Committee when the competent official has sent the decision by registered mail or has posted the same at noticeable place at the domicile office or place or residence of the said person with the administrative official or police as witness therein.

Section 29. - Any person who is desirous of using licensed fishing implement, or which license has been issued in one province, in another province where higher fishery tax for same is leviable, is required to pay an additional fishery tax cover the cover the full rate leviable therein before using such implement.

Section 30. - Any person who is desirous of fishing in reserved fisheries must apply for permission and pay fishery tax under this Act. The money in respect of tendering payable by the licensee shall be deemed to be fishery tax under this Act.

The Minister is empowered to make a notification exempting any particular person from fishery tax in the reserved fisheries, in which case it shall be deemed that permission has been obtained.

Section 31. - No person shall erect, peg down or build a stationary gear in public fisheries, nor shall he do so in other fisheries without permission from the competent official.

Section 32. - The Minister or provincial governor in his jurisdiction and with the approval of the Minister, is empowered to make notification determining:

- (1) The size of mesh and dimension of every kind of fishing implement, and size, kind, number and parts of fishing implement, which is permitted in fisheries;
- (2) any kind of fishing implement which is absolutely forbidden to be used in fisheries.
- (3) the distance between each stationary gear;
- (4) the methods of using every kind of fishing implement;
- (5) the spawning and breeding seasons, fishing implement and methods of fishing in any fisheries during the said seasons;
- (6) the kind, size and maximum number of aquatic animals the fishing of which is permissible;
- (7) certain kinds of aquatic animals the fishing of which is absolutely forbidden.

Section 33. - The transfer of concession, permit or license, the issue of substitute thereof and the endorsement of the license in order to alter or insert name of the person entitled to use the fishing implement shall be subject to the fees chargeable under this Act.

Where any permit or license has expired but an application for renewal has been made before the date of its expiration, any fishing or using of fishing implement thereunder shall be considered to have been permitted under this Act until the fact of not granting permission shall be notified by the competent official.

Section 34. - No person shall fish or do any act inside a stationary gear of the licensee or within such location limit of the said gear as determined by notification of the provincial governor with the approval of the Minister.

Section 35. - The licensee must carry with him the concession, permit or license during the time of fishing and must produce it for inspection upon request of the competent official.

Section 36. - In case the licensee violates this Act or the conditions imposed in the concession, permit or license, or fails to pay fishery tax in respect of the concession, permit or license, the competent official may order the revocation of same.

Section 37. - Whenever or wherever the levy of fishery tax is inappropriate, exemption shall be made by a Royal Decree.

Section 38. - The provincial governor shall have the power, subject to the approval of the Minister, to exempt, suspend or refund the whole or a part of fishery tax in respect of any concession, permit and license as he thinks fit.

Section 39. - The provincial governor shall have the power, subject to the approval of the Minister, to order the extension of the period for payment of fishery tax as he thinks fit.

As for the fishery tax due, the licensee is bound to pay an interest there on at 10 percent per annum, and such interest shall be deemed to be in arrear.

Section 40. - When the licensee fails to pay fishery tax, the competent official shall proceed as follows:

- (1) To make a notification or serve upon the licensee a written notice requiring the latter to pay the fishery tax due within such a period as the former thinks fit;
- (2) If, after proceeding as provided in (1), the licensee is still in failure, to order the cessation of the fishing;
- (3) To cause the property placed by the licensee as security to be sold by auction or to demand the surety to pay fishery tax in his stead. The proceeds of sale by auction shall be deducted to cover the tax and expenses incurred thereby. The remainders shall be returned to the licensee or surety, as the case may be

Section 41. - The competent official is empowered to seize and cause to be sold by auction so much of the property of the licensee as may be required to cover the fishery tax due as well as expenses incurred by the seizure and auction sale.

Section 42. - In case the concession, permit or license is revoked in accordance with Section 36, the fishery tax paid in respect thereof shall not be returned.

Section A3. - The period of validity of a license shall, for the purpose of applying for permission and paying fishery tax, commence from the 1st April to the 31st March.

Section 44. - Subject to Section 43, the Provincial Council shall, for the purpose of collecting fishery tax, have the power, subject to the approval of the Minister, to make a notification determining fishing seasons as may be suitable to the local condition; each season shall cover a period of twelve months, and shall be regarded as the annual period for applying for permission and paying fishery tax.

Section 45. - When the competent official has to go out to inspect or to locate a stationary gear for any person applying therefor, such person shall, at his option, provide the competent official with transportation or such necessary expenses as have actually been paid.

Section 46. - In case the competent official having the power to grant concession, permit and license refuses to grant the documents, any interested person is entitled to lodge an appeal with the Minister through the competent official within thirty days as from the day when the order comes to his knowledge. The competent official shall, without delay, submit the appeal to the Minister, whose decision shall be final.

CHAPTER 4 - FISHERIES STATISTICS

Section 47. - The Minister shall have the power to make a notification requiring the collection of fishery statistics be made in any such localities as he thinks fit.

Section 48. - When the notification under Section 47 has been made, the Director-General may request any person engaging in occupation relating to aquatic animals to furnish particulars, information and figures in connection with the fishery statistics.

Section 49. - The request of the Director-General must be made in writing, naming the proprietor of the business, its manager or representative, and specifying the time, place or manner of filing the return.

Section 50. - Any person who receives the request under Section 48, must fill in the form answers showing such particulars, information and figures so far as he knows, sign his name, and then file the same within the time, at the place and in the manner prescribed in the request.

Section 51. - In case of necessity for official interest, the competent official appointed by the Minister for this purpose shall have the power to enter the premises of the request receiver during the time between sunrise and sunset for examining and recording any information and figures concerning the fishery statistics. It shall be the duty of the request receiver and his representative to answer the questions and render facilities and assistances to the competent official.

CHAPTER 5 - CONTROL

Section 52. - The provincial governor has the power, subject to the approval of the Minister, to make a notification forbidding any person other than the licensee to enter any fisheries unless permission has been obtained from the licensee or the competent official.

Section 53. - No person shall have in his possession such kind of aquatic animals or aquatic animal products as prescribed in a Royal Decree, or have in his possession any kind of the aquatic animals or aquatic animal products in excessive amount or quantity or of smaller size than specified by a Royal Decree unless permission has been obtained from the competent official.

In case of the aquatic animals which are prohibited to have in the possession of any person are of the species that may cause danger to the body or property of person or public, the character of the aquatic animals that may be dangerous shall be specified and the term for the person who has such aquatic animals in his possession to deliver them to competent official shall be prescribed in a Royal Decree under paragraph one.;

The application for and the grant of permission under paragraph one shall be in accordance with such rules, procedures and conditions as prescribed in the Ministerial Regulations.

Any person who has in his possession the aquatic animals or aquatic animal products on the day that the Royal Decree issued in pursuance of paragraph one comes into force, if is desirous to have in his possession such aquatic animals or aquatic animal products, shall apply for permission under paragraph three within thirty days as from the day that the said Royal Decree comes into force, except in the case that the aquatic animals under paragraph two cannot be applied for permission or be permitted. During the prescribed time for the application for permission until the day that the application is denied by the competent official, Section 67 bis shall not be applied.

In the case that the person under paragraph four has already applied for permission but has been denied, the Director-General has the authority to order the said person to deliver such aquatic animals or aquatic animal products to the competent official within seven days after receiving the instruction.

In case of the delivery of aquatic animals or aquatic animal products under paragraph two or five, the Department of Fisheries shall appraise the due price of such aquatic animals or aquatic animal products to the deliverer.

The provision in paragraph one, two, three, four, five and six shall not apply to the governmental departments, state enterprises or other activities that the Minister particularly specifies by the announcement in the Government Gazette.

Section 54. - No person shall, without permission from the competent official, bring into the kingdom such kind of aquatic animals as specified by a Royal Decree.

Section 55. - No person shall introduce in any fisheries any kind of aquatic animals as specified by a Royal Decree, unless permission has been obtained from the competent official.

Section 56. - The competent official shall have the power to enter at any time any fisheries or board any fishing vessel of any person for the purpose of inspecting the fishing, fishing implements, aquatic animals, accounts and documents of the licensee. The licensee must give facilities and explanations to the competent official.

Section 57. - When any person is found committing an offence under this Act or there is a reasonable ground to suspect that he has committed such offence, the competent official shall have the power to arrest that a person and seize the fishing implements, aquatic animals and other things which are used in committing the offence for legal proceedings.

Section 58. - The provincial governor shall have the power to order the licensee to remove all his fishing implements, structures or things placed in any fisheries in violation of this Act, or when his concession or permit has expired. The expenses of the removal shall be borne by the licensee.

Section 59. - The competent official shall have the power to remove, demolish or seize implements placed in any fisheries in violation of this Act, and other things specified in Section 58 in case the order receiver fails to remove them within a reasonable time. The expenses of the removal shall be borne by the licensee or by the violator.

Section 60. - Notifications under this Act shall, if not specially provided in this Act, be made in writing and posted at the District Office or Provincial Office of the locality concerned for a period of not less than thirty days.

CHAPTER 6 - PENALTIES

Section 61. - Whoever violates Section 11, 14, 15, 16 paragraph two, 23, 31, 34, 52 or 53 shall be punished with fine not exceeding two thousand baht or with imprisonment not exceeding one month, or both.

Section 62. -Whoever violates Section 9, 13, 17 to 19, 21, 22, 30, 54 or 55 shall be punished with fine not exceeding ten thousand baht or with imprisonment not exceeding six months, or both.

Section 62 bis. - Whoever violates Section 20 shall be punished with imprisonment from six months to five years and with fine from ten thousand to one hundred thousand baht.

Section 62 ter. - Whoever violates Section 20 bis shall be punished with imprisonment not exceeding three years and with fine not exceeding five thousand baht.

Section 63. - Whoever does not comply with the notification of the Minister made under Section 25 or 26 shall be punished with fine not exceeding one hundred baht or with imprisonment not exceeding one month, or both.

Section 64. - Whoever uses fishing implement without license required by this Act under Section 28, or does not pay additional tax under Section 29 shall be punished with fine three times the amount of the tax and the Director-General or the competent official assigned by the Director General shall have the authority to impose fine.

When the offender has already paid the imposed fine within fifteen days, the case shall be final.

Section 64 bis. - Whoever does not comply with the judgement of the Committee according to Section 28 shall be punished with fine not exceeding two hundred thousand baht, or imprisonment not exceeding five years, or both.

Section 65. - Whoever violates the notification of the Minister of the provincial governor issued in pursuance of Section 32 shall be punished with fine from five thousand to one hundred thousand baht, or imprisonment not exceeding one year, or both.

Section 66. - Any licensee who does not comply with Section 35 shall be punished with fine not exceeding fifty baht.

Section 67. - Any person who has the duty to comply with Section 50, 51 or 56 fails to do so, shall be punished with fine not exceeding one thousand baht.

Section 67 bis. - Whoever violates Section 53 paragraph one or five shall be punished with fine not exceeding twenty thousand baht, or imprisonment not exceeding one year, or both.

In case that such aquatic animals may cause danger under Section 53 paragraph two, whoever violates shall be punished with fine not exceeding one hundred and twenty thousand baht, or imprisonment not exceeding six years, or both.

Section 68. - Any licensee who does not comply with the order of the provincial governor given under Section 58 shall be punished with fine not exceeding five hundred baht or with imprisonment not exceeding six months, or both.

Section 69. - Vessels, fishing implements, aquatic animals and other things used in or acquired through the commission of an offence under this Act may be forfeited by the Court. But, if such things were used in or acquired through the commission of an offence in any preservation fisheries or in violation of Section 20, they shall be forfeited by the Court.

Section 70. - Fishing implements which are absolutely forbidden to be used according to the notification made under Section 32, shall, if used in any fisheries, be forfeited by the Court.

Section 71. - Any person who commits an offence under: this Act must pay the informer a reward in money not exceeding two thousand baht according to the rules determined by the Minister, and must compensate for the expenses which the competent official has spent in the carrying out of Section 59. In the

case where the offender is punished by the Court, he must be adjudged to pay the said monies, failing which Section 18 of the Penal Code shall be dealt with as in the case of fine.

Section 72. - Whoever demolishes, removes, or causes damages to lamps, demarcation posts, notification, or other things which are provided by the competent official in fisheries, shall be punished with fine not exceeding one thousand baht or with imprisonment not exceeding one year, or both.

TRANSITORY PROVISIONS

Section 73. - Notifications determining the categories of fisheries, which were issued before the date of enforcement of this Act shall be regarded to be notifications issued under Section 7 of this Act as from the date of enforcement of this Act.

The concession, license and permit which were granted before the date of enforcement of this Act shall be regarded to be the concession, license and permit as the case may be, granted under this Act, and still be valid until the expiration of such concession, license and permit.

Schedule 1
Rate of Fishery Tax on Reserved Fisheries

No	Categories of reserved Fisheries	Rate of Fishery Tax		
1.	Deep water Bamboo stake trap (deep-water pound-net)	per site	baht	200.-
2.	Uan-rang	-do-	"	200.-
3.	Shallow water Bomboo stake trap (shallow-water pound-net)	-do-	"	150.-
4.	Fuak-rang	-do-	"	150.-
5.	Jib	-do-	"	150.-
6.	Lee	-do-	"	150.-
7.	Suk	-do-	"	150.-
8.	Pong-pang	per unit	"	100.-
9.	Ran-chon	per unit	"	100.-
10.	Rua-saimarn	per unit	"	50.-
11.	Kan-su-Rua-Saimarn	-do-	"	50.-
12.	Chon-peek	per site	"	50.-
13.	Yaw-peek	-do-	"	50.-
14.	Barm	-do-	"	25.-
15.	Yaw-khan-chau	-do-	"	20.-
16.	Chon-khan-chau	-do-	"	20.-
17.	Chan-tha	-do-	"	10.-
18.	Kram (brush pile)	per sq. metre	"	1.-
19.	Trapping pond	-do-	"	0.50
20.	Mollusk bed	-do-	"	0.50

Schedule 2
Rate of Fishery Tax on licensed Fishing implements

No	Names of Fishing implements	Rate of Fishery Tax		
1.	Yaw-khan-chau, Chon-khan-chau, chon-sa-nan, Chon-hang-yo, with lifting-instrument	per unit -do-	baht	20.-
2.	Bag of Pong-pang	-do-	"	20.-
3.	Bag of Barm	-do-	"	15.-
4.	Pee-lok boat or Katra boat	-do-	"	10.-
5.	Cast net, more than 4 metres in length	-do-	"	10.-
6.	Chon more than 3.5 metres in width	-do-	"	10.-
7.	Long-line, more than 40 metres in length	-do-	"	5.-
8.	Nets	per metre	"	5.-
9.	Feuk or barrage	-do-	"	1.-

Schedule 3

Rate of Fishery Tax on permit for
catch fisherman on Reserved fisheries

No	Particulars	Rate of Fishery Tax		
1.	Permit for a fisherman using non-licensed fishing implement in reserved fisheries	catch	baht	15.-
2.	Permit for collecting sea mussels	-do-	"	15.-
3.	Permit for collecting pearl shells	-do-	"	15.-

Schedule 4

Rate of Fees

No	Descriptions	Rate of fees		
1.	Permit for trading in aquatic animals fishery products and fishery industry per year		baht	150.-
2.	Transfer of concession	each	"	20.-
3.	Transfer of permit or license	-do-	"	20.-
4.	Substitute of a license, permit or concession	-do-	"	20.-
5.	Fisherman's permit	per year	"	10.-
6.	Endorsement of a license for alternaing and inserting names of person entitled to use licensed fishing implement each time		"	5.-

- (b) Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482 (1939)

Whereas the Assembly of the People's Representatives has passed a resolution that it is deemed expedient to revise the law governing the right to fish in Thai fishery waters so as to be more complete;

Be it, therefore, enacted by the King, by and with the advice and consent of the Assembly of the People's Representatives, as follow:

Section 1. - This Act shall be called the "Act governing the Right to fish in Thai Fishery Waters, B.E. 2482".

Section 2. - This Act shall come into force as from the 7th day of October, B.E. 2482.

Section 3. - On and from the date of the coming into force of this Act, the Act governing the right to fish in Thai Fishery Waters, B.E. 2477, and the Act governing the Right to fish in Thai Fishery Waters Amendment Act, B.E. 2478 shall be repealed.

Section 4. - In this Act:

"Fishing" means fishing activity by using any kind of implement or by any method carried on at any place in the Thai Fishery Waters, including the use of a vessel for fishing purpose or as means of conveyance for such purpose;

"Thai fishery waters" means the Thai territorial waters or any other waters in which Thailand exercises or may be entitled to exercise its fishing rights, as such waters publicly appear to be delimited by local law or usage, by international law, by treaty or in any other way;

"Person in charge of a vessel" means a master, sarang, taikong, coxwain, steersman or any other person who is in control of the vessel and responsible for it, but does not include a pilot;

"Alien" means an alien under the law concerning registration of aliens;

"Minister" means the Minister having charge and control of the execution of this Act;

"Competent official" means any fishery officer, provincial councillor, district councillor, harbour master, customs officer, commanding officer of a vessel or of a body of marines of the Royal Navy, and any other official appointed by the Minister for the execution of this Act.

Section 5. - No license for fishing shall be issued to:

- (a) any alien, or
- (b) any ordinary partnership, unless all its partners shall have Thai nationality, or
- (c) any limited partnership, unless all its partners jointly and unlimitedly liable shall have Thai nationality, and not less than seventy percent of its capital shall be owned by natural persons having Thai nationality, or
- (d) any limited company, unless the majority of its directors shall have Thai nationality and not less than seventy percent of its capital shall be owned by natural person having Thai nationality, and such company shall have no regulations permitting the issue of shares to bearer.

The partnership or company which is entitled to obtain such license must have been registered under the Thai law, having its principal office in the Kingdom of Thailand.

Section 6. - If the person, partnership or company who or which has already obtained license for fishing afterwards becomes disqualified to be granted license as provided in Section 5, such person, partnership or company shall notify the issuing official of same within fifteen days from the date of becoming disqualified and, at the same time, to surrender the license. In such case the issuing official shall cancel such license.

Section 7. - Unless agreements have been made otherwise with foreign countries, the following vessels can not be used for fishing purpose in the Thai fishery waters:

- (1) Vessels having foreign nationality or belonging to aliens or juristic persons having foreign nationality;
- (2) Thai vessels, the crews of which include aliens, no matter in what capacity they may be.

However, aliens who have been residents in Thailand for not less than five consecutive years before the 28th October, B.E. 2477, may become members of the crew of a Thai fishing vessel, provided that they must have been registered under and complied with the law concerning registration of aliens, and the aggregate number does not exceed twenty five per cent of the total number of crew.

For the purpose of this Section, a crew shall not be deemed to be an alien if such an alien is an instructor appointed by the Minister for imparting knowledge in fishery in Government, Public or Municipal school. In case of Public or Municipal school, the number shall not exceed five instructors to each school and permission must have been obtained from the Minister or the official appointed by the Minister for that purpose.

Section 8. - A person who engages in fishing activity by using a vessel in the Thai fishery waters is required to carry on board such vessel the license for fishing during the fishing operation.

Section 9. - The competent official is empowered to inspect and search any vessel used or reasonably suspected of being used for fishing purpose in violation of this Act, and to seize implement which may be served as evidence for the commission of an offence against this Act, as well as any catch found on board the vessel which is suspected to have been taken out from the Thai fishery waters.

Section 10. - The competent official is empowered to capture and seize a vessel in respect of which an offence against this Act has been or is reasonably suspected to have been committed, and to take it in tow or order the person in charge of such vessel to do anything with a view to bringing the vessel to the nearest port suitable for inquiry or otherwise for legal proceedings.

The competent official who effects the capture or orders the capture to be made is empowered to make an inquiry into the commission of offence against this Act.

The court shall have the power to order forfeiture of the vessel used in the commission of offence against this Act, any implements and catch found on board the vessel which have been proved to have been taken out from the Thai fishery waters.

Section 11. - Where a vessel is used for fishing, or there is an attempt to fish in the Thai fishery waters in violation of this Act, the owner of the vessel who is on board at the time of violation, or, in his absence, the person in charge of the vessel, shall be punished with fine not exceeding two thousand baht or with imprisonment not exceeding one year, or both.

If the owner or person in charge of the vessel can not be brought for trial, or the owner or person in charge of the vessel is unknown, all persons on board the vessel at the time of violation shall be liable to the punishment provided in the preceding paragraph.

Section 12. - Whoever violates the provisions of Section 6 or 8 shall be punished with fine not exceeding two hundred baht.

Section 13. - Prosecution of offence under this Act shall be instituted by the Public Prosecutor under the Department of Public Prosecution or military authority appointed by the Minister as having the power and duty to prosecute.

The appointment of military authority as having the power and duty to prosecute as provided in the preceding paragraph shall be published in the Government Gazette.

Section 14. - The Minister of Agriculture shall take charge and control of the execution of this Act, and shall have power to appoint competent officials and issue Ministerial Regulations for carrying out this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

TRANSITORY PROVISIONS

Section 15. - Any alien who has already obtained fishing license on the date of the coming into force of this Act may continue his activity as far as permitted and may apply for renewal of such license within a period of not more than five years from the date of the coming into force of this Act, provided he had never acted in violation of the provisions of this Act or of other law concerning fishing, or Ministerial Regulations issued under this Act or such other law.

The period of time provided in the preceding paragraph shall not apply to the case of license to fish in place where the water is saltish throughout the year.

An alien who enjoys the right prescribed in the two preceding paragraphs shall, subject to law, be entitled to use his vessel for fishing purpose for which license has been obtained when the crew of such vessel, in whatever capacity, are persons of Thai nationality or, if it includes aliens, such aliens must not exceed twenty five percent of the total number and must also be as those prescribed in Section 7 paragraph two, then and in such case the provision of Section 7 (1) shall not apply.

3. REGULATIONS

Announcement of the Revolutionary Party N° 45, B.E. 2502 (1959)

Whereas the Revolutionary Party deems it appropriate to promote investment in sea fishery which will contribute to the increase of Thai fishery products, it is, for this purpose, expedient to grant leniency to the holder of licenses for sea fishery to engage the services of foreign fishing instructors or trainers to give instruction or advices in the use of fishing implements and accessories which are more effective, to increase fishery products. The Leader of the Revolutionary Party, therefore, gives an order as follows:

1. - Thai vessels having aliens as their crew shall, if such aliens hold crew licenses under this Announcement, be entitled to fishing in Thai fishery waters according to the stipulations of the Ministry of Agriculture specified in the licenses, and the provision of Section 7 (2) of the Act Governing the Right to fish in Thai Fishery Waters, B.E. 2482 shall not apply.

2. - The Ministry of Agriculture shall have the power to issue crew licenses to aliens not exceeding the prescribed number who after examination possess appropriate qualifications to serve as fishing instructor or trainer in Thai vessels used in fishing in Thai fishery waters.

3. - The Ministry of Agriculture shall from time to time as it thinks fit fix the number of aliens eligible for licenses to serve als fishing instructors or trainers, the instruction or training zone and the period of instruction or training.

4. - This Announcement shall not affect the rights of aliens and Thai vessels having aliens as their crew under the Act Governing the Right to fish in Thai Fishery Waters, B.E. 2482.

This Announcement shall become effective as from now.

/ UNITED ARAB EMIRATES /

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* Title only

** Text not available

1. LIMITS OF NATIONAL JURISDICTION

- (b) Declaration of 25 August 1980 by the Ministry of Foreign Affairs concerning the Exclusive Economic Zone and its Delimitations

On the basis of the principles jointly affirmed by States in connection with economic zones in marine waters adjacent to their coasts;

As an expression of developments in the rules of international law governing the rights of coastal States in those zones; and

Believing it to be necessary for the United Arab Emirates to protect its vital interests by affirming its sovereignty over all the natural resources in the economic zone adjacent to its coasts irrespective of whether the existence of such resources is established in the superjacent waters, on the sea-bed or below the sea-bed;

The Government of the United Arab Emirates declares the following:

1. - The United Arab Emirates possesses an exclusive economic zone adjacent to its main coasts and to the coasts of its islands in the Gulf and in the Sea of Oman.
2. - The economic zone of the United Arab Emirates shall be measured from the baselines from which the territorial sea of the main coasts of the United Arab Emirates and of the coasts of its islands are measured.
3. - The outer limit of the economic zone of the United Arab Emirates shall be determined in accordance with the provisions of the agreements concluded by the Emirates members of the Union in connexion with their continental shelf. If the Emirates members of the Union have not concluded such agreements, the outer limits of the economic zone of the United Arab Emirates shall extend to the median line every point of which is equidistant from the nearest points of the baseline.
4. - The United Arab Emirates shall exercise full sovereign rights over the natural resources located within its exclusive economic zone for the purpose of the exploration, exploitation, management, development and conservation of such resources. The United Arab Emirates shall also possess full rights of jurisdiction within the said economic zone for the purpose of exercising supervision over scientific research conducted therein and taking the requisite measures for the protection of the marine environment and for the construction of the structures, installations and artificial islands needed for the purposes of the fishing zone.
5. - Foreign vessels shall not be allowed to fish in the economic zone of the United Arab Emirates unless they are duly licensed by the competent authorities. Such licence shall include, in particular, details regarding the

compensation due in return for the license, the species for which fishing is permitted, the fishing methods to be used, the area Covered by the licence and the permitted quota of catch.

6. - The rights exercised by the United Arab Emirates over the economic zone shall not prejudice international navigation rights exercised by States in general in accordance with the rules of international law.

7. - This declaration shall not affect the status quo between Emirates members of the Union in regard to their respective territorial waters.

8. - The Ministry of Agriculture and Fisheries, in collaboration with the ministries concerned, shall prepare official charts delimiting the economic zone in accordance with the provisions of this declaration. The said ministry, in collaboration with the ministries concerned, shall take the necessary action for the publication and dissemination of those charts.

3. REGULATIONS

- (a) Decree of Council of Ministers N° 24/166 of 1980 determining the Prohibition Period of Shrimp Fishing in the U.A.E. Territorial Waters

With reference to your note N° 1597 of Feb. 24, 1982 on the amendment of Decree N° 24/166 of 1980 determining the prohibition period of shrimp fishing in the UAE territorial waters.

The Council of Ministers at its tenth session on March 9, 1982, decided that the prohibition period of shrimp fishing, and taking the fresh catch from the Gulf waters to fish market in the country should be limited from 1st April to the end of June of each year starting from this year (1982).

Kindly take the necessary measures to enforce this decision.

- (b) Decree of Council of Ministers N° 11/589 of 1978 prohibiting the Export of Fish

N° A/27/872

October 7, 1978

Mr. Said Mohammad Raqbani

Minister of Agriculture and Fisheries Resources

Reference to your letter N° WZS/4141/78 dated Sept. 17, 1978 on the necessity of a decree prohibiting the export of fish abroad.

The Council of Ministers at its 34th session on Oct. 2, 1978 decided on prohibiting fish exports, and the Ministry of Interior has been charged to take the necessary measures against the offenders whether they export their catch by land or sea.

Kindly take the necessary steps to enforce this decision.

Said Al-Ghaith

Minister of State for the Council
of Ministers

(c) Ministerial Order N° 134 of 1983

Article 1. - Only fishermen who meet the following conditions may be eligible for assistance, loans and services:

- (1) The fisherman shall be a national and must himself operate on his own boat or delegate a co-citizen to work there in his place.
- (2) The fisherman shall undertake to comply with the Ministry's regulations regarding the prohibition on fishing for certain species of fish the catching of which is prohibited during the spawning period.
- (3) The fisherman shall not use nets and fishing gear which do not conform to the technical specifications established by the Ministry.
- (4) The fisherman shall undertake not to export his catch outside the country.

Article 2. - There are hereby established, under the chairmanship of the Chief of the zone concerned, committees composed as follows:

- (1) The Assistant Director of the Fishery Resources Administration;
- (2) The Officer responsible for fishery resources or the officer responsible for the marine workshop which is closest to the landing place of the fishermen.

These committees shall examine requests for assistance, loans or services presented by the fishermen.

Article 3. - The committees shall establish a list of fishermen who have been judged unworthy and whom they propose to deprive of the privileges envisaged in the preceding article. These lists are to be submitted to the Director of Fishery Resources Administration, who will give his opinion on it before transmitting it to the Undersecretary of State at the Ministry for approval.

Article 4. - Each committee shall notify by registered letter the fishermen in its zone who have been deprived of the privileges referred to above and shall specify the reasons for this action.

Any fisherman who is aggrieved by the action taken may lodge an appeal within a period of 30 days from the date of the notification.

Article 5. - This Order shall take effect as from the day on which it has been made and shall be published in the Official Gazette.

/ YEMEN (AR) /

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1. LIMITS OF NATIONAL JURISDICTION

Resolution N° 17 of the President of the Yemen Arab Republic, 30 April 1967

The President of the Yemen Arab Republic resolved, on April 30, 1967, that the territorial sea of the Yemen Arab Republic shall have a breadth of twelve miles.

2. BASIC FISHERIES LEGISLATION

Fisheries Law N° 20 of 1978

PART I - DEFINITIONS

Article 1. - In these Articles the following words and expressions shall have the meanings hereby assigned to them except where the context otherwise requires:

"Minister" - Minister of Agriculture;

"Administrative body" - As indicated under Article 2, Clause 1 of this Law;

"Fish" - All kinds of fin and shell fishes as well as animals and plants and other aquatic organisms that live and grow in the sea including the products resulting from the activities of these animals and plants; their derivatives shall bear corresponding meanings;

"Fishing boat" - Any boat operated for fishing and treatment, storage and transportation of fish excluding the boat that is part of the fleet engaged in transporting the catch and its products;

"Foreign fishing boat" - The boat which is at least 51% owned by non-Yemenite nationals;

"Fish processing" - All kinds of processing of any fish products and any other method adopted for the purpose of selling them;

"Government" - Government of the Yemen Arab Republic;

"Republic" - Yemen Arab Republic;

"Official" - Any official authorized to carry out the tasks as prescribed under Article 2, Clause 2 of this Law.

PART II - MANAGEMENT AND POWERS

Article 2. - (1) The Government may, at the proposal of the Minister, set up an administrative body to coordinate, regulate and develop fishing activities in the Republic to achieve the following objectives:

- (a) generally to coordinate, regulate and develop fishing activities in the Republic including conservation, processing and marketing of fish and fish products;
- (b) to promote the setting up of fishermen cooperative societies and provide them with all possible facilities;

YAR 3

- (c) to collect and analyse statistics on fisheries and fishery industries in the Republic;
- (d) to conduct technical studies and researches on fisheries and fisheries industries;
- (e) to organize training courses for fishermen and provide them with competent technicians and administrators in this field.

(2) The Minister or his representative in the Administrative Body, as set up under this Law, shall enforce the powers assigned to him.

Article 3. - (1) No local fishing boat may practise fishing within the fishery limits of the Republic except under a licence issued by the Administrative Body and on such conditions and regulations issued in this connection or under a fishing licence issued for this purpose and for a period specified therein.

(2) No such licence should be issued unless the boat is certified as fit for fishing under the provisions of the next following Article.

(3) Each licensed boat shall have the lettering and the number of the licence painted on it. The licence shall be produced for examinations by a person authorized under the rules in this behalf.

(4) The Administrative Body or the competent official shall maintain a register with all the particulars of licensed fishing boats.

(5) The Minister may exempt any fishing boats from the provisions of this Article.

Article 4. - (1) The Administrative Body or the competent official may issue a certificate of fitness to a local fishing boat.

(2) This certificate shall be issued after the boat has been examined by an authorized technical officer appointed for this purpose and who shall submit a report thereon.

Article 5. - (1) The Minister may issue a research fishing licence under the conditions specified by rules issued in this behalf to a local or foreign fishing boat for scientific research in the field of fisheries.

(2) The boats referred to under Clause 1 of this Article are not subject to the provisions of this Law unless so specified on the licence.

(3) Licences are granted on the condition that the result of the research shall be made available to the Ministry or the Administrative Body.

Article 6. - (1) No person shall use explosives or other noxious substances for catching, killing, injuring or paralysing the fish so as to facilitate its capture.

(2) Should any person be found in possession of any substances mentioned under Clause 1 of this Article in a fishing boat it would be presumed, unless the contrary is proved, that it is kept for the illegal purpose aforementioned.

Article 7. - (1) The Minister may declare any area within the fishing limits of the Republic to be a prohibited area or "a conservation zone".

(2) It shall be illegal to fish in a conservation zone unless and to the extent permitted by the Minister.

Article 8. - (1) No fish processing establishment, local or foreign, shall be established except under a licence issued by the Minister on such conditions as laid down either generally by rules or by specific conditions on the licence, and for such period as may similarly be laid down.

(2) The Government may establish fish processing establishments in the public sector or form cooperatives for this purpose.

Article 9. - (1) A person authorized by the Minister generally or specifically in this behalf may arrest or detain a person who on reasonable grounds is found to be committing an offence. He may likewise seize the boat, the fishing gear, other implements, poison or noxious substances involved in the offence.

(2) Such person shall not be detained for more than twenty-four hours, excluding the travel time, except under the orders of the Commercial Court which may order his further detention for a period not exceeding seven days for evidence collection and formalization of prosecution, and it may release the person on bail, as it may consider appropriate, and with or without surety.

Article 10. - (1) All offences under this Law shall be tried by the Commercial Court whose decision, subject to appeal to the Commercial Appeals Court Division at Sana'a, shall be final.

(2) No prosecution for an offence against this Law shall be instituted except on the complaint of the person authorized by the Minister either generally or specifically in this behalf.

(3) The Court of First Instance or Court of Appeal, as the case may be, may consider to release the accused on bail for the amount as it may deem appropriate, and with or without surety prior to hearing the case.

(4) Any person convicted for breaching the provisions of this Law shall be punishable with a penalty not exceeding six 10,000 riyals or to a term of imprisonment not exceeding six months or both. The Court in administering the sentence shall take into account the enormity of the offence and whether it was committed for the first time or it was repetitive. Besides, the Court may order the boat, the gear, the poisons or the noxious substances be seized under the last preceding article to be forfeited to the Government or may order to destroy the material involved.

(5) The Court may, pending the proceedings for the prosecution, order that any perishable goods of value seized to be sold and the proceeds therefrom be deposited in the Court. The money deposited shall be disposed of in accordance with the court sentence to be passed in its behalf.

Article 11. - (1) The proprietor of the boat involved in the commission of the offence as well as the person committing it shall be liable.

(2) Should the boat in question be the property of a company or cooperative society, the secretary, supervisor or directors of the company or cooperative society shall be liable.

PART III - GENERAL PROVISIONS

Article 12. - (1) The provisions of this Law shall apply to the fishing areas of the Republic which will from time to time be determined by the Government.

(2) No foreign fishing boats shall enter these areas or practise fishing there except to the extent and within the limits authorized under a licence issued by the Minister or as may be permissible under international law, agreement or covenant.

Article 13. - The Government may set up a government institution for the development, processing and marketing of fish and fish products.

Article 14. - The customs, security officers and others designated by the Government shall render assistance to the Ministry or the Administrative Body in the enforcement of the provisions of this Law.

Article 15. - The Minister may, with due consideration to other governmental directives, issue the necessary regulations for the enforcement of this Law.

Article 16. - This Law shall come into force on its publication in the official Gazette.

/ YEMEN (PDR) /

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* Title only

** Text not available

1. LIMITS OF NATIONAL JURISDICTION

Act N° 45 of 1977 concerning the Territorial Sea, Exclusive Economic Zone, Continental Shelf and other Marine Areas

SECTION I - TITLE AND DEFINITIONS

Article 1. - This Act shall be known as "The Act of 1977 concerning the territorial sea, exclusive economic zone, continental shelf and other marine areas".

Article 2. - For the purposes of the present Act, the following words and terms shall, except where otherwise indicated, have the meanings assigned to them below:

"Republic" - The People's Democratic Republic of Yemen;

"Prime Minister" - The Chairman of the Council of Ministers of the People's Democratic Republic of Yemen;

"Coast" - The continental and island coastlines of the People's Democratic Republic of Yemen facing the Gulf of Aden, the Bab El Mandab Strait, the Red Sea, the Arabian Sea and the Indian Ocean in accordance with the maps officially recognized by the Republic;

"Island" - A naturally formed area of land, surrounded on all sides by water, which is above the water level at high tide;

"Internal waters" - The waters on the side of base-lines from which the territorial sea is measured extending towards both the continental and the island land territory of the Republic;

"Continental shelf" - The sea-bed and subsoil thereof extending beyond the territorial sea throughout the natural prolongation of the Republic's land territory to the outer limit of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend to that distance;

"Contiguous zone" - An expanse of water beyond the territorial sea of the Republic and adjacent to it as defined in article 11 of the present Act;

"Bay" - Any indentation or inlet or fjord or creek in the coastline or land protrusion in the sea;

"Low tide elevation" - A naturally-formed area of land which is surrounded by and above water at low tide but submerged at high tide;

"Pollution of the marine environment" - The introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

"Nautical mile" - One thousand eight hundred and fifty-two (1,852) metres.

SECTION II - THE TERRITORIAL SEA AND CONTIGUOUS ZONE

Article 3. - The territorial sea, its bed and subsoil thereof as well as the air space above it are subject to the sovereignty of the Republic.

Article 4. - The territorial sea extends beyond the internal waters to a distance of 12 nautical miles seaward, measured from the straight baseline or from the low-water line along the coast as marked on large-scale charts officially recognized by the Republic.

Article 5. - The baselines from which the territorial sea of the Republic is measured shall be as follows:

- (a) Where the coast is wholly open to the sea: lines drawn from the low-water mark along the coast;
- (b) In the case of islands situated on atolls or of islands having fringing reefs: lines drawn seaward from the low-water line of the reef;
- (c) In the case of a bay facing the sea: lines drawn from one end of the land at the entrance of the bay to the other;
- (d) In the case of a port or harbour: lines drawn along the seaward side of the outermost harbour installations or roadsteads and lines also drawn between the tips of these installations;
- (e) Where there is a low-tide elevation at a distance not exceeding 12 nautical miles from the coast: lines drawn from the low-water line on such elevations;
- (f) In localities where the coastline is deeply indented, curved or cut into, or if there is a fringe of islands along the continental coast: straight baselines joining appropriate points.

Article 6

- (a) Foreign ships shall enjoy the right of innocent passage through the territorial sea of the Republic. Such passage is innocent so long as it is not prejudicial to the security, integrity and independence of the Republic.

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- (b) Passage of a foreign ship or submarine or underwater vehicle shall not be deemed innocent if in the territorial sea it engages in any of the following activities:
- (1) Any threat or use of force against the sovereignty, territorial integrity or independence of the State;
 - (2) Any exercise or practice of any kind;
 - (3) Any act aimed at collecting information to the prejudice of the defence or security of the Republic;
 - (4) The launching, landing or taking on board of any aircraft or military device;
 - (5) The embarking or disembarking of any currency, person or commodity contrary to the immigration, security, customs, fiscal or sanitary laws and regulations in force;
 - (6) Any act of wilful and serious pollution prejudicial to human health, living resources or the marine environment;
 - (7) Any act of exploration, exploitation, or drilling for renewable or non-renewable natural resources;
 - (8) Any survey or research activities;
 - (9) Any act aimed at interfering with any systems of communication or any other facilities, installations or equipment;
 - (10) Any activity which is not related to passage or is designed as to hamper international navigation.

Article 7

- (a) The entry of foreign warships, including submarines and other underwater vehicles into and their passage through the territorial sea shall be subject to prior authorization from the competent authorities in the Republic;
- (b) Submarines and other underwater vehicles are required to navigate on the surface and to show their flag while passing through the territorial sea.

Article 8. - Foreign nuclear-powered ships or ships carrying nuclear substances or any other radio-active substances or materials shall give the competent authorities in the Republic prior notification of their entry into and passage through the territorial sea.

Article 9. - The competent authorities shall have the right to take all necessary measures in the territorial sea to prevent passage which is not innocent as well as to suspend the admission of all or some foreign ships to specified areas of the territorial sea should the public interest so require, provided that such areas shall be specified in a prior notification.

Article 10. - Foreign ships exercising the right of innocent passage in the territorial sea shall comply with the laws and regulations in effect in the Republic, as well as with the rules of international law and, in particular, such laws and regulations relating to transport and navigation.

Article 11. - The outer limit of the contiguous zone shall be the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in article 4 above.

Article 12. - The authorities of the Republic have the right to impose, in the contiguous zone, the control necessary to:

- (a) Prevent any infringement of its security, customs, sanitary and fiscal laws and regulations within its territory or territorial sea;
- (b) Punish infringement of the above laws and regulations whether committed within its territory or within its territorial sea.

SECTION III - THE EXCLUSIVE ECONOMIC ZONE

Article 13. - The Republic shall have an exclusive economic zone the breadth of which extends 200 nautical miles from the baseline used to measure the territorial sea referred to in article 4 of this Act.

Article 14. - In the exclusive economic zone, including its sea-bed and subsoil and the superjacent water column, the Republic has:

- (a) (a) Exclusive sovereign rights for the purpose of conserving, exploring, exploiting and managing its renewable and non-renewable natural resources, including the production of energy from the waters, currents and winds;
- (b) Exclusive rights and jurisdiction with regard to the construction, repair, operation and use of artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the exclusive economic zone of the Republic;
- (c) Exclusive jurisdiction over the marine environment with regard to its preservation and protection and to the prevention control and abatement of marine pollution, as well as to the authorization, regulation and control of scientific research;
- (d) Other rights recognized in international law.

Article 15. - Without prejudice to the rights pertaining to it, the Republic guarantees the freedom of navigation, overflight and laying of submarine cables and pipelines in its exclusive economic zone.

SECTION IV - THE CONTINENTAL SHELF

Article 16. - The authorities of the Republic may, to the exclusion of others, in the continental shelf:

- (a) Explore, exploit, manage and conserve its natural resources;
- (b) Construct, maintain, operate and use artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the continental shelf of the Republic;
- (c) Regulate, authorize and control scientific research;
- (d) Preserve and protect the marine environment and control and abate marine pollution.

SECTION V - MARINE BOUNDARIES

Article 17

- (a) The demarcation of marine boundaries between the Republic and any State with adjacent or opposite coasts shall be effected, with regard to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, by agreement with that State;
- (b) Pending agreement on the demarcation of the marine boundaries, the limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf between the Republic and any State with coasts adjacent or opposite to it, the coast of the Republic shall not be extended to more than the median or equidistance line every point of which is equal in distance from the nearest points on the baselines from which the breadth of the territorial seas of both the Republic and the other State is measured.

SECTION VI - THE ISLAND TERRITORY

Article 18. - Each of the islands of the Republic shall have a territorial sea, contiguous zone, exclusive economic zone and continental shelf of its own, and all provisions of this Act shall be applicable to it.

SECTION VII - GENERAL PROVISIONS

Article 19. - In exercising its sovereign rights and jurisdiction over the territorial sea, the exclusive economic zone and the continental shelf, the Republic shall have the right to take all necessary measures aimed at ensuring the implementation of its laws and regulations.

Article 20. - Any foreign person, natural or juridical, shall be banned from exploring and exploiting the renewable and non-renewable natural resources of the territorial sea, exclusive economic zone and continental shelf of the Republic, from conducting any prospecting, drilling or search operations, undertaking any scientific research or prospecting drilling, construction or maintenance of any kind of artificial islands, stations (marine installations), devices or structures, or from conducting any operational or maintenance work for any purpose, unless he has entered into a special agreement with the Republic for this purpose or obtained a special permit from its competent authorities.

Article 21. - Without prejudice to any more severe penalty laid down in any other law, any person violating the provisions of this Act or the rules and regulations issued under it shall be subject to a penalty of not more than three years imprisonment or a fine of not more than 10,000 dinars. However, the court may also order confiscation.

Article 22. - Any person causing any pollution detrimental to human health or to the living resources of the marine environment in the internal waters, territorial sea or the exclusive economic zone of the Republic shall be punished with a prison sentence of not more than one year or with a fine of not more than 5,000 dinars.

Should such pollution result in serious harm the penalty shall be a prison sentence of not more than three years or a fine not exceeding 10,000 dinars.

Article 23. - The Prime Minister shall issue the decisions and regulations implementing and interpreting this Act.

Article 24. - For the purposes of the present Act, any text which conflicts with its regulations, especially Act No. 8 of 1970 and Act No. 2 of 1972, shall be rescinded.

Article 25. - This Act shall enter into force on 15 January 1978.

Article 26. - This Act shall be published in the Official Gazette.

2. BASIC FISHERIES LEGISLATION

Law N° 24 of 1979 concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection

In the name of the People,
People's Supreme Council,

having perused Articles 14, 16, 69, 71, 78 and 104 of the Constitution, and the Fisheries Ordinance Chapter 66 of the ADEN Laws 1955, and Law N° 13 of 1967 concerning the establishment of the National Council for environment.

And Law N° 45 of 1977 concerning the Territorial Sea, the Exclusive Economic Zone, the Continental Shelf and other Maritime Zones.

And Law N° 33 of 1978 concerning the Organization of the Ministry of Fish Wealth.

And the People's Supreme Council Resolution concerning Regulation N° 8 of 1979 of the People's Supreme Council.

And with the consent of the Ministerial Council. The People's Supreme Council resolved in their Ordinary Sessions held on the 21st of October 1979.

Promulgate the following Law

PART I - CITATION AND DEFINITIONS

Article 1. - The Law may be cited as the Law concerning the organization of the catches of Marine Resources, their exploitation and protection.

Article 2. - For the purpose of this Law the following words and expressions shall have the meanings assigned to them hereunder unless the context should indicate to the contrary thereof:

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|--------------------|--|
| "Republic" | - The People's Democratic Republic of Yemen; |
| "Ministry" | - The Ministry of Fish Wealth; |
| "Minister" | - The Minister of Fish Wealth; |
| "Marine Waters" | - The internal and regional which shall come under the absolute sovereignty of the State under Law N° 45 of 1977; |
| "Marine Resources" | - Any marine living aquatic animal whether piscine or not and includes sponges, shellfish, crustaceans, marine turtles, marine animals, marine mammals, young fishes, eggs and fish seeds. |
| "Fishing boat" | - Means any vessels, ship or other craft which runs by engines, or by sailing or otherwise, or any floating plant used for fish catch, fish processing, fish storing or fish carrier. |

"Fishing" - Means fishing any Marine Resources from marine waters or catch or kill fish by any method or for any purposes.

PART II - PROTECTION AND BREEDING OF THE MARINE RESOURCES

Article 3. - Any physical or non-physical person is prohibited to exercise the usage of the following:

1. Usage of destructive fishing methods in catching the marine resources such as poisons, explosives, noxious substances, electronic energy or other materials.
2. Usage of fishing methods and fishing materials which spoil the marine resources and young fishes. Fisheries Rules contained restrictions for the execution of this Order should be provided for such methods and materials.
3. Removal and outting of marine grasses what so kind and where they exist should not be exercised except by permission of the Ministry.
4. Throwing the gears or use any other means of fishing materials in a place specified for others who have already started to catch fishes so as to avoid unnecessary damages by such means or obstruct their work.
5. All factories, plants, laboratories, places of manufacturing and handling of chemical substances and petro-chemicals, sewages or such like disposing of the residues which contain poison substance or other materials causing deaths or damages of marine resources in marine waters are restricted and prohibiten to act, so, unless such poisons and other substances were totally removed.

Article 4. - The Ministry should undertake to breed the marine resources in the marine waters and has to establish fields, ponds for production and breeding of marine resources on economic and scientific basic for commercial and experimental purposes.

Article 5. - The Minister has the right to give on hire or specify any region of the marine waters to the Cooperative Sectors or Joint-Venture or Private Sectors for limited periods of the purpose of increasing the products or for the culture of marine resources provided that their productions are not being exploited taking into consideration the following:

1. Must abide to apply the technical instructions and others issued by the Ministry.
2. Privilege will be given to the Cooperative Sector of the Fishing Cooperative Societies who are financially and technically qualified.

Article 6. - The Ministry has the right to produce, import and culture the improved kind of marine resources and fish aquarium and their sale.

Article 7. - The Ministry undertakes to establish centres for practical researches and training of cultures of the marine resources assisted by the general sector, or cooperative sector, or joint venture, or private sector in this respect and that a resolution should be issued by the Council of Ministers.

Article 8. - The Ministry undertakes to introduce extension services in all aspects connected with the marine resources.

PART III - ORGANIZATION OF THE FISHING

Article 9. - The Ministry has the right to catch fishes in the marine waters and in the other international waters according to the International Law.

Article 10. - It is prohibited for any fishing centres to catch species in the marine waters except by permission from the Minister.

1. Any professional fisherman exercising the catches of fish in marine waters is bound to obtain necessary permission issued by the Ministry.
2. The Minister will regulate by resolution the issue of the permits and prescribe their fees.

Article 11. - The Minister will specify by resolution the timings, places, methods of catches, equipments and fishing tackles.

PART IV - METHODS OF FISHING MATERIALS

Article 12. - (1) The State sector should undertake the manufacturing of the methods of fishing materials, other accessories and their imports which should be in accordance with the specifications made out by the Ministry.

(2) The Cooperative Sector, Joint Venture and Private Sector, may manufacture the methods of fishing materials and other accessories according to the specifications laid down by the Ministry.

Article 13. - The usage of any methods of fishing materials contradicting the specifications which the Ministry had approved it to be used in marine waters is strictly prohibited.

PART V - MARKETING AND MANUFACTURING THE MARINE RESOURCES

Article 14. - The Ministry should undertake to organise the sale of the marine resources by wholesale and retail of the State's Sector, Cooperatives Sector, Joint Venture and Private Sector and it has the powers to execute the following:

1. Operation system of transaction in the wholesale and retail markets.

2. Issuing permits for the sale of marine resources by wholesale and retail purposes.
3. Examining and controlling the marine resources markets in coordination and cooperation of the related bodies concerned.

Article 15. - The Ministry may permit whole or part of its powers mentioned in Article 14 to the executive offices of the People's local Councils.

Article 16. - The Ministry may through its corporations to transact with the marine resources by wholesale and has the powers to establish markets, cold storages, ice plants, methods of transportations, etc.

Article 17. - (1) No marine resources should be sold in any market except where it abides to all hygienic and commercial conditions mentioned in the Laws, Resolutions and the executed regulations.

(2) The transaction of marine resources should be organized basically in weight, kind or unit.

(3) The fish wholesalers should abide to maintain registers for recording the quantities of canned fish sold according to their kinds, specimens and conditions laid down by the Ministry.

Article 18. - It is prohibited to export the marine resources and their products or import any kind of them for any purpose neither the cooperative sector, joint venture nor the private sector except by permission of the Ministry.

Article 19. - The Ministry may establish plants to manufacture the marine resources and their products.

Article 20. - The Ministry during its organisation of operating the wholesale of marine resources may impose marketing charges based on the sale prices at a rate defined by the seller if the Ministry is not a third party in the sale.

PART VI - OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Article 21. - For any offence involving violation in any other provision where heavier penalties are called for offence committed contradicting the orders of this provision or resolutions issued, the penalty should not exceed a fine of TEN DINARS (YD: £10) or imprisonment not exceeding THREE YEARS (3) or both such fine and imprisonment. The Court may on conviction of such offence order the forfeiture of the articles found or deemed to be possessed for the purpose or may be present for usage in the commission of such offence.

Article 22. - The Ministry by itself or by its authorized person may, where they have reasonable grounds to believe that an offence has been committed against the provisions of this Law or any resolutions issued, dispose of by sale the marine resources seized, or detained under the provisions of this Law or any regulation made, after having recorded their quantities, kinds, their prices and statement of the offence and the net proceeds of the sale should be held in the safe custody pending the outcome of any prosecution under this Law.

PART VII - CONCLUDING PROVISIONS

Article 23. - Without prejudice to the other powers of the Minister provided for elsewhere in this Law, the Minister may issue resolutions, regulations, Orders, and instructions as he may consider necessary for the achievement of the purpose of this Law and for the implementation of its provisions.

Article 24. - For the purpose of this Law, any provision inconsistent with its provisions and in particular Fisheries Law - Chapter 66 of ADEN LAWS for the year 1955, shall be revoked. All resolutions, regulations, rules and instructions issued thereof should be effective and must not be inconsistent with this provisions, regulations and resolutions issued until they are substituted.

Article 25. - The Law shall come into force forthwith.

Article 26. - This Law shall be published in the Official Gazette.