

FISHERIES ORDINANCE, 1937

AN ORDINANCE TO REGULATE FISHERIES.

Short Name

1. This Ordinance shall hereinafter be called the Fisheries Ordinance, 1937.

Interpretation (amendment of 1946)

2. In this Ordinance, unless the context otherwise requires -

"Catch" includes fish taken or destroyed in contravention of section 5;

"Fish" means any aquatic animal, whether piscine or not, and includes sponges, shell fish, crustaceans, turtles and aquatic mammals;

"Taking fish" includes any lawful method of catching fish;

"Israel" includes that part of the sea adjacent to the coast thereof which is within six nautical miles measured from low water mark;

"Licensing authority" means any authority which has power to grant licences or permits under this Ordinance

"Fishery officer" means any officer of the Fisheries Service of Israel.

Licences to take fish (amendment of 5741)

- 3.- (1) The Minister of Agriculture, or any officer duly authorized by him may grant licences to take fish, or any named species of fish, in Israel, if in his opinion, there is no bar to the grant of a licence for reasons of public security, or for reasons connected with the past, qualities or conduct of the applicant :

Provided that

(a) subject to the provisions of sub-section (2) hereof, the Minister of Agriculture or any officer duly authorized by him, shall not grant a licence to take fish in Israel to any person operating or manning any fishing vessel registered in any port or place not being a Israeli port or place;

(b) The Minister of Agriculture may, at his discretion and subject to such conditions as he may think fit, grant to suitable persons licences to take fish, or any named species of fish, exclusively in such part of Israel as may be specified in any such licence.

(2) The Minister of Agriculture may, if in his opinion the particular circumstances of the case make it expedient so to do, grant at his discretion and subject to such conditions as he may think fit, a special licence of any of the kinds indicated in sub-section (1) hereof, to any

person operating or manning any fishing vessel registered in any port or place not being a port or place in Israel.

(3) A licence to take fish in Israel granted under this Ordinance other than a licence to take fish exclusively in any part of Israel or a special licence granted under sub-section (2) hereof, shall not be valid for a term exceeding one year. It shall, subject as provided in proviso (a) to sub-section (4) hereof, be personal to the person to whom it is issued and it shall not be transferable.

(4) No person shall take fish in Israel, unless he is the holder of a licence to take fish in Israel granted under this Ordinance:
Provided that

(a) any person who takes fish with a line from the shore, and any person whose name is endorsed on a licence granted to a company or co-operative society or on a licence to take fish exclusively in any part of Israel or on a special licence granted under sub-section (2) hereof shall not be required to obtain such licence;

(b) nothing herein contained shall be deemed to enable either any person to whom a licence to take fish in Israel has been granted under this Ordinance, or any person who takes fish with a line from the shore, to take fish in any area in respect of which an exclusive licence has been granted to some other person by the Minister of Agriculture

Grant of licences to vessels (amendments of 1939, 5741)

3A- (1) No person shall employ any vessel for the purpose of taking fish save under a licence in respect thereof granted under this section, and subject to the conditions, if any, attached to such licence. For the purpose of this section, a vessel shall be deemed to be employed for the purpose of taking fish when being navigated under its own power or by sail or oar and equipped with fishing gear in working order.

(2) The Minister of Agriculture, or any person duly authorized by him, may, in his discretion, grant to the registered owner or owners of any vessel registered in Israel, a licence, in the prescribed manner and upon payment of the prescribed fees, permitting such vessel to be employed for the purpose of taking fish, and may attach to such licence conditions as to the area within which and the manner in which the vessel may be so employed, and such other conditions as he may consider necessary.

Permit to land fish on the coastline

4. (1) The Minister of Agriculture, or any officer duly authorized by him, may grant to suitable persons operating or manning any fishing vessel registered in a port or place not being an Israeli port or place, a permit to land fish in Israel:

Provided that the Minister of Agriculture or any officer duly authorized by him shall not grant to any person being the master of any such vessel a permit to land fish in Israel, before such person, on behalf of the owner, shall have agreed in writing to conform to the rules in force for Israeli vessels in respect of minimum length of mesh for the nets in use and of minimum size of fish permitted to be landed.

(2) A permit to land fish in Israel shall not be valid for a term exceeding one year. It shall be personal to the person to whom it is issued and shall not be transferable.

Prohibition on use of dynamite

5. No person shall take or destroy or attempt to take or destroy any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter.

Powers of fishery officers, police officers, customs officers etc. (amendment of 1946)

6.- Any fishery officer, police officer, customs officer or any other officer of the Israeli Government empowered in that behalf by the Minister of Agriculture, may for the purpose of complying with the provisions of this Ordinance: -

(a) require any person engaged in fishing to produce his licence, permit, apparatus or catch;

(b) go on board any vessel reasonably believed to be engaged in fishing and search and examine any fish or fishing apparatus therein;

(c) arrest without a warrant any person whom he may have reason to suspect to have committed or to be committing an offence against this Ordinance or any Rules thereunder:

Provided that if the arrest is effected by a person other than a police officer, the person arrested shall be handed over as soon as reasonably possible to the custody of a police officer at a police station.

(d) demand, from any person in possession of any fish, information regarding the source of his supply;

(e) seize and impound any boat, apparatus or catch which he may have reason to suspect to have been employed in or to have- resulted from, as the case may be, the commission of an offence against this Ordinance or any Rules thereunder; and may confiscate forthwith any fish, forming part of the catch, which are below the minimum size prescribed in respect of the taking of fish of the species concerned and dispose of the same in such manner as may be generally or specifically authorized by or on behalf of the Chief Fisheries Officer; and may sell any other fish forming part of the catch and impound the proceeds of sale.

Cancellation and suspension of licences and permits (amendment of 1944)

Upon the conviction of the holder of any licence or permit granted under this Ordinance of any contravention of such licence or permit or of any breach of this Ordinance or any Rules made thereunder, a licensing authority may cancel such licence or permit or suspend the validity thereof for such period as the licensing authority may think fit.

Additional provisions with respect to confiscation (amendment of 1946)

8.- (1) Any boat or apparatus proved to have been employed in the commission of an offence against this Ordinance or any Rules thereunder, and the whole or any part of any catch proved to have resulted from the commission of any such offence which has not been confiscated pursuant to paragraph (e) of section 6 and the whole or any part of the proceeds of sale of any fish sold in accordance with the said paragraph and proved to have resulted from the commission of any such offence, may be- confiscated -

by order of the court before which a person is convicted of the offence;
by order of a magistrates' court judge having jurisdiction in the area in which the offence is alleged to have been committed, made on the application of the Director of Fisheries.

(2) Any boat, apparatus or catch seized in accordance with paragraph (c) of section 6 and not sold or confiscated under that paragraph or confiscated under subsection (1) of this section, and any proceeds of sale impounded under that paragraph, shall be automatically confiscated if not claimed by the owner thereof within three months from the date of seizure; but if claim is made as aforesaid, the Director of Fisheries shall apply with all convenient speed for an order either under paragraph (a) or paragraph (b) of subsection (1); and where an order for confiscation is refused, the court or the magistrates' court judge refusing to make the order may direct the release (unless previously released) of the boat, apparatus or catch or proceeds of sale to any person establishing title thereto to the satisfaction of the court or the magistrates' court judge.

(3) Subject to the provisions of sub-section (e) of section 6, any boat, apparatus or catch confiscated shall be sold and the proceeds shall be credited to the general revenues of the Government. Any proceeds of sale confiscated shall be likewise credited.

Rules (amendments of 1944 and 5741)

9.- (1) The Minister of Agriculture may make, and when made, may vary or revoke Rules:-

(a) Prohibiting any practices or methods, or employment of equipment or devices or materials which are likely to be injurious to the maintenance and development of a stock of fish.

(b) Prescribing areas and seasons within which the taking or landing of fish is prohibited or restricted, either entirely or with reference to any named species;

(c) Prescribing limits to the size of fish of named species which may be taken;

(d) Prescribing limits to the size of nets or mesh of nets which may be employed, in taking fish in Israel or in any specified part thereof.

(e) Regulating the persons by whom licences and permits are to be granted and the procedure relating to the issue of and the cancellation and suspension of licences and permits and prescribing the forms of applications and licences and permits and the conditions to be attached to licences and permits;

(f) Prescribing the fees to be charged upon the issue of licences and permits;

Regulating any other matter on conservation, protection and maintenance of a stock of fish which may be deemed requisite.

Ensuring that Israeli fishing vessels comply with international conventions to which Israel is a party.

As to any other matter relating to the implementation of this Ordinance.

(2) Rules under paragraphs (h) and (i) of subsection (1) above shall require approval by the Economic Committee of the Knesset.

Offences and penalties (amendment of 5748)

10.- (1) Any person:

(a) required to be a holder of a licence and taking or attempting to take fish, or being in possession of fishing apparatus in such circumstances as to satisfy the court before which he is tried that he intended to use the apparatus for the purpose of taking fish without being licensed under this Ordinance; or

(b) who is the holder of a licence and takes or attempts to take fish or is in possession of fishing apparatus in such circumstances as to satisfy the Court before which he is tried that he intended to use the apparatus for the purpose of taking fish in any area in respect of which an exclusive licence has been granted to some other person by the Minister of Agriculture; or

(c) who operates or mans any vessel registered in a port or place not being an Israeli port or place and lands fish in Israel otherwise than under authority of a permit so to do granted under this Ordinance, or otherwise than in accordance with the terms of such permit

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such penalties.

(2) Where any fishing vessel, not being a fishing vessel registered in an Israeli port or place, is found fishing within the territorial waters of Israel otherwise than under a special licence granted by the Minister of Agriculture under section 3(2) of this Ordinance, the master, and if proved to have been an accomplice to the offence, the owner of such vessel, shall be guilty of an offence and shall on conviction be liable to:-

(a) a fine not exceeding five hundred pounds, jointly and severally in cases where the master and owner are both liable; or

(b) imprisonment for a period not exceeding six months, or

both. such penalties,

and in addition the fishing apparatus employed by such vessel may be confiscated or destroyed. by order of the court.

(3) Any person who:

(a) takes or destroys or collects, or attempts to take or destroy any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter, or

(b) is found, in possession of dynamite or other explosive substance or of noxious or poisonous matter in such circumstances as to satisfy the Court before which he is tried that he intended to use the dynamite or other explosive substance or the noxious or poisonous matter for the purpose of taking or destroying fish, or

(c) possesses, transports, displays for sale or sells a commercial quantity of fish which has been collected or taken by the use of dynamite or any other explosive substance, or by the use of any noxious or poisonous matter, unless he proved that he did not and could not have known that the fish in his possession contain any noxious or poisonous matter; in this regard, "commercial quantity" means an amount exceeding 5 Kilogram in weight,

shall be guilty of an offence and shall be liable

(I) for a first offence, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such penalties;

(II) for a second offence -

to imprisonment for a term of one year;

provided that the Court shall not be bound to impose such minimum penalty where the Court finds in the circumstances special reasons in any particular case that such penalty should not be imposed, and

(b) In addition, unless the Court for special reasons in any particular case orders not to do so, if such person is the holder of a licence or permit granted under this Ordinance, his licence or permit shall be cancelled and such person shall not be granted a new licence or permit for a period of three years from the date of such second conviction or for such lesser period as the Court shall order, and if he is a person whose name is endorsed on any licence granted to a company or a co-operative society or on a licence to take fish exclusively in any part of Israel or on a special licence granted under section 3(2) of this Ordinance, his name shall be deleted and shall not be re-endorsed for the aforesaid period;

(III) for a third or subsequent offence -

(a) to imprisonment for a term of two years; Provided that the Court shall not be bound to impose such minimum penalty if the Court finds, in the particular circumstances of a specific case that such penalty should not be imposed; and

(b) in addition, unless the Court for special reasons in any particular case otherwise

orders, if such person is the holder of a licence or permit granted under this Ordinance his licence or permit shall be cancelled and such person shall not be granted a new licence or permit for a period of six years from the date of such third or subsequent conviction or for such less period as the Court shall order, and if he is a person whose name is endorsed on any licence granted to a company or to a co-operative society or on a licence to take fish exclusively in any part of Israel or on a special licence granted under section 3(2) of this Ordinance, his name shall be deleted and shall not be re-endorsed for the aforesaid period.

(4) Any person in possession of any fish who fails to supply any information regarding the source of his supply to any of the officers mentioned in section 6 of this Ordinance acting under paragraph (d) thereof, shall, on conviction, be liable to a fine not exceeding ten pounds.

(5) Any person who commits any breach of this Ordinance or of any Rules made thereunder, for which no penalty is specifically provided, or who, being the holder of a licence under this Ordinance, fails in any matter to comply with any of the conditions of his licence, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding twenty pounds.

11.- Where imposing any fine for an offence under this Ordinance or under any Rules made thereunder, the court may order the grant of a reward, as the court considers fit, for any person or persons providing information leading to the conviction of any offender as well as to any officer or officers in the government service who were active in the detection and arrest of any person or persons convicted, provided that in no event shall the reward exceed half the fine imposed.

12.- The Fisheries Ordinance is hereby repealed.

13.- The district commissioner and the Director of Fisheries jointly may, by notice published at any time, restrict the fishing activities of any licenced fisherman or fishermen (notwithstanding anything contained in his or their licences or any conditions attached thereto) to specified times or specified places and/or to specified methods, by means of fishing rotas or by any other manner.

End of Ordinance