

STATE OF KUWAIT

Decree Promulgating Law N° 46 of 1980

on

Conservation of Fisheries Resources

We, Jabr Al-Ahmad, Emir of Kuwait

Having seen the Emirate Decree dated 4 Ramadhan 1396 H (29 August 1976) revising the Constitution; Article 21 of the Constitution; Emirate Decree N° 7 of 1959 promulgating Law N° 28 of 1980 on the enactment of the Law on Marine Commerce;

Having perused the proposal of the Minister of Public Works; and pursuant to the approval of the Council of Minister

Decree

Article 1

Without prejudice to any other rights under any other 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 convention these vessels shall be subject to the provisions of this 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 of Kuwaiti national. The provisions governing fishing vessels shall be applicable to any marine craft utilized for fishing.

Article 4

No Kuwait vessel shall practice fishing without a licence issued by the Fisheries Resources Department. The licence shall specify fishing techniques, gear and vessel's specifications as well as its 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 Department. The licence shall specify the location thereof, 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 licensed.

Article 7

The Fisheries Resources Department shall decide the regulations for amateur fishing and for members of clubs and bodies. This Department may ask those concerned to obtain licences if necessary.

Article 8

In cooperation with departments concerned the competent minister shall issue regulations organizing fishing specially concerning the following:

- (a) Conditions and terms of licences provided for in this Law.
- (b) Establish fees for these licences and define their categories, method of payment and cases of exemption therefrom.
- (c) Require that fishing vessels to display identification numbers and signs.
- (d) Specify the requirements of type, solidity and size of the fishing vessel, safety conditions and other specifications.
- (e) Specify the equipment and gear that could be used and others that should be prohibited.
- (f) Prohibit materials noxious to the growth, reproduction and migration of fish and other living marine resources.
- (g) Specify the minimum size allowed in the catch of fish and other living marine resources.
- (h) Determine the size of meshes of the nets used for fishing.
- (i) 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.
- (j) Prohibit causing any damage to marine weeds, plants and/or others used by fish as shelters.

11. Prohibit fishing categorically or the 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 required for the preservation of fish and other living marine resources to prevent their deterioration.
14. Regulate books and papers to be kept by fishermen and specify the information they should furnish the competent administrative department.
15. Organize services for fishermen.

Article 9

Whenever 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 regulating fishing matters, coordinating between government bodies and others operating in this field, proposing pertinent legislations and studying 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 of 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, their catch 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 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 practising 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 sentence.

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 of not more than 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 indefinitely or for a definite period until the offence is removed. Likewise, the offender may be ordered to pay double licence fee. A confiscated vessel shall not be released except after having paid the fine and fees.

Article 13

Any violations 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 catch. The offender may also have to pay double licence fee.

Article 14

The competent minister shall issue the necessary regulations to implement this Law.

Article 15

All the ministers - within their competence - shall implement this law, which shall come into force as of the date of its publication in the Official Gazette.

Jabr Al-Ahmad
Emir of Kuwait

Saad Al-Abdulla Alsabah
Prime Minister

Mohammed Y. Al-Adsani
Minister of Public Works

Issued at Aseif Palace

17 Shaban 1400 H. (30 June 1980).