

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Ministry of Fisheries, Marine Resources and Agriculture  
Malé, Republic of Maldives

## Regulation on Administration of Penalties for Fisheries related Offences

**Regulation No: 2020/R-74**

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### UNOFFICIAL TRANSLATION

The Government of Maldives shall not accept any liability or responsibility arising out of any reliance on the translation contained herein. In the event of conflict between the translations contained herein and the *Dhivehi* text, the latter shall prevail for all purposes.

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Ministry of Fisheries, Marine Resources and Agriculture,  
Male',  
Republic of Maldives.

## **Regulation on Administration of Penalties for Fisheries related Offences**

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|-------------------------------------|----|-----|---|
| <b>Introduction and Name</b>        | 1. | (a) | This regulation is made by the Ministry, pursuant to Section 79 and 80 of the Act No. 14/2019 (Fisheries Act of the Maldives).  |
|                                     |    | (b) | This regulation shall be cited as "Regulation on Administration of Penalties for Fisheries Related Offences".   |
| <b>Purpose of the Regulation</b>    | 2. |     | The purpose of this regulation is to set down a just, accountable, transparent and expeditious punitive mechanism in order to take timely and appropriate action against fisheries related offences, and, thereby reducing the occurrence of fisheries related offences and protecting the rights of parties undertaking fisheries related activities.                    |
| <b>Applicable parties</b>           | 3. |     | This regulation shall apply to the following persons and activities.  |
|                                     |    | (a) | All activities that fall under the scope of the Fisheries Act of the Maldives;  |
|                                     |    | (b) | Maldivians and foreigners, who engage in fisheries and fisheries related activities; and  |
|                                     |    | (c) | All vessels registered to engage in fisheries in the Maldives and their crew.   |
| <b>Taking Administrative Action</b> | 4. | (a) | If any party to which this regulation applies, acts in breach of, Act No. 14/2019 (Fisheries Act of the Maldives), or any regulations made pursuant to the aforementioned Act, or any Fisheries Management Plans formulated pursuant to Section 18 of the aforementioned Act, administrative action shall be taken against such party in accordance with this Regulation. |
|                                     |    | (b) | In determining the appropriate penalty for the offences mentioned in subsection (a), the Ministry shall give due regard to the type of offence, circumstances surrounding the commission of the offence, the extent of the crime, the gravity and magnitude of the crime, and the extent to which the accused party is responsible.                                       |

- (c) The Ministry shall issue a - "Notice of Administrative Action" to any party against whom administrative action is taken under this regulation.
  - (d) The following shall be stipulated on the Notice of Administrative Action issued pursuant to this section.
    - (1) Details of the offence or unlawful act;
    - (2) Time, place and date of the offence;
    - (3) Name and address of the recipient of the Notice;
    - (4) If the administrative action is a fine, the deadline for payment, the place at which the payment is to be made and the payment procedure;
    - (5) The specific section of the Fisheries Act of the Maldives and regulations made thereunder, pursuant to which the administrative action is taken; and
    - (6) The name, designation and signature of the person issuing the Notice.
  - (e) Any party designated as an Enforcement Officer or a Ranger, pursuant to Section 57 and Section 58 (a) of Act No. 14/2019 (Fisheries Act of the Maldives), may issue a Notice of Administrative Action taken by the Ministry under this regulation.
  - (f) The Ministry shall establish a mechanism to report, maintain and store records of the Notices issued pursuant to Subsection (a) hereto.
- Administrative Action Taken Against Multiple Parties**
5. If, due to the nature of the offence, there are parties involved in the offence other than the party that was directly involved in its commission, the Ministry shall have the discretion to take administrative action against those other parties. For instance, if a fisheries related offence was committed on a vessel, the Ministry has the discretion to take administrative action against the party directly involved in the commission of the offence, the Master of the vessel, the owner of the vessel and the operator of the vessel.
- Review/Revisal of the Notice of Administrative Action**
6. (a) In the event that the recipient of a Notice of Administrative Action has any objections against the Notice, they shall, within 5 (five) working days from the date of receiving the notice, submit a written request to the Ministry, to review/revise the notice.

- (b) The Ministry shall inform the applicant of their decision with regards to a submission made under this Section to review or revise a Notice of Administrative Action, within 7 (Seven) working days from the date of receipt of the submission for review.
- (c) If a notice is issued pursuant to this section, and an action to quash the notice is not filed in court within 30 (thirty) days from the date of issuance of the notice, or if the Notice is upheld upon a submission for review made under this Regulation, the fine stipulated on the notice shall be paid within 30 (thirty) days from the date of the Notice. If the fine is not paid within the aforementioned period, the unpaid fine shall be deemed a debt owed to the Government and the Ministry shall notify the competent/relevant court of the Republic of Maldives.

**Committee for the Review/Revisal of Notices of Administrative Action**

7. The Ministry shall establish a committee titled "Committee to Review/Revisal of Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act of the Maldives" for the purpose of determining whether Administrative Action taken under Section 4 of this Regulation is carried out in accordance with the procedures set forth in this Regulation, and to investigate any submissions for review made within the prescribed period, in relation to a Notice of Administrative Action.

**Appointment and Removal of Members of the Committee**

8. (a) Members of the "Committee to Review/Revise Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act" shall be appointed or removed by the Minister.
- (b) Members of the Committee to Review/Revise Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act shall be appointed as follows.
- (1) 1 (one) employee from the Legal Section of the Ministry;
  - (2) 1 (one) employee from the Fisheries Department of the Ministry; and
  - (3) 5 (five) employees from other Departments of the Ministry.

**Eligibility Criteria for the Members of the Committee**

9. Members of the Committee to Review Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act of the Maldives shall meet the following eligibility criteria: -
- (a) The person must not be a political appointee; and

**Appointment of  
the Chair and the  
Deputy Chair of  
the Committee  
and their Duties  
and  
Responsibilities**

- (b) The person must be a permanent employee of the Ministry.
10. (a) Upon the formation of the Committee to Review Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act, the Chair and Deputy Chair of the Committee shall be elected from among its Members by a vote taken among its Members.
- (b) The duly appointed Chair of the committee shall undertake the following duties in relation to the conduct of Committee Meetings.
- (1) Sending Notice of Meetings to the parties that are required to attend the meetings;
- (2) Coordinating the task of recording the Minutes of the Meetings; and
- (3) Publishing decisions taken by the Committee in relation to Notices of Administrative Action referred to the Committee for review;
- (c) If, for any reason, the Chair of the committee is unable to attend a hearing scheduled by the Committee, the duties of the Chair mentioned in Subsection (b) hereto, shall be assumed by the Deputy Chair of the committee.

**Code of Conduct  
of Committee  
Members**

11. Members appointed to the Committee to Review Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act of the Maldives shall comply with the following code of conduct in the discharge of their duties and responsibilities.
- (a) If a Committee Member has a conflict of interest in the subject matter of a complaint referred to the Committee, the Member having such a conflict shall not take part in taking a decision about the matter;
- (b) Committee Members shall not disclose any information related to the works of the committee to a third party;
- (c) Members shall not use their powers to secure an undue benefit for any party.

**Procedure for  
Dealing with  
Complaints**

12. (a) The Committee to Review Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act of the Maldives shall conduct a hearing for every complaint submitted to the Committee.
- (b) The following information shall be shared with the complainant and the Fisheries Compliance Section, at least 1 (one) day prior to, the date of the hearing for a complaint submitted to the committee.
- (1) The venue for the meeting;
  - (2) The time of the meeting;
  - (3) Any additional information required by the committee relating to the complaint.
- (c) The hearing pursuant to subsection (a) may be conducted virtually via audio/video conferencing.
- (d) If the complainant wishes to appoint a proxy to attend the meeting on their behalf, this shall be informed to the committee by writing, at least 1 (one) hour prior to the commencement of the hearing.
- (e) An attorney may accompany the complainant in the hearing conducted in relation to the complaint submitted to the committee.
- (f) A hearing of the committee may be postponed only once, upon request of the complainant. If the complainant wishes to postpone a hearing, this shall be informed in writing, to the Ministry, at least 2 (two) hours prior to the commencement of the hearing.
- (g) Should the complainant fail to attend a hearing, without a valid reason, the Ministry shall consider that the complainant has chosen to forego the opportunity to present their case at the hearing, and proceed to reach a decision in relation to the complaint.

**Quorum of the  
Committee**

13. The quorum required to proceed with a meeting of Committee to Review Notices of Administrative Action Taken Against Parties in Breach of the Fisheries Act of the Maldives shall be at least 3 (three) members of the Committee, including the Chair.

**Decisions in relation a complaint**

14. The following shall constitute grounds for the Committee to quash a Notice of Administrative Action or order it to be amended and reissued.
- (a) The Notice does not meet a requirement prescribed by this Regulation.
  - (b) The Notice related to the administration of a penalty, is issued to a party unrelated to the matter, or not to the correct recipient.
  - (c) The administrative action was taken without sufficient evidence to support it. In reviewing a Notice with reference to this Subsection, the Committee shall give due regard to the stipulations in Section 82 of the Act No. 14/2019 (Fisheries Act of the Maldives).

**Procedure for determining the length of a period**

15. Days of delay due to events beyond the control of a party shall not be counted in determining the expiry of a deadline provided to carry out any act under this Regulation.

**Definitions**

16. Unless otherwise expressly provided herein, the following terms and phrases shall have the following meanings.
- (a) “Master” means any person holding the position of highest responsibility at any given time on-board a fishing vessel. This may include the captain or the skipper of the vessel.
  - (b) “Ministry” means the government ministry with the portfolio or mandate for all fishery related activities, including aquaculture.
  - (c) “Fish” means all organisms living in fresh or salt water, or the sea, whether having or not, the characteristics of an animal, plant, or fish, and includes vertebrates, invertebrates, shellfish, turtles, lobsters and crabs; as well as the young, larvae and eggs of such organisms.
  - (d) Fishing means:
    - (1) searching for the purpose of catching, taking, killing and harvesting of fish;
    - (2) attempting to search for, catch, take, kill or harvest fish;
    - (3) engaging in any other activity that results in the searching, catching, taking, killing or harvesting of fish;
    - (4) placing or searching or retaking of any fish aggregating device or equipment including “radio beacons”;

- (5) undertaking any operation at sea or on an island in preparation for any activity mentioned in subsections (1), (2), (3) or (4)
- (e) “Related activity” in respect of fishing means:
  - (1) transshipment of fish or fisheries products to a vessel or from a vessel to another place;
  - (2) preserving or transporting of fish from one place to another from the time of catching or taking of fish;
  - (3) storing, purchasing and processing of fish and fishery products from when they are taken from the maritime zones of the Maldives and until the time, they are landed ashore;
  - (4) exporting fish and fishery products;
  - (5) refueling or supplying fuel to fishing vessels or providing any activity or service in support of fishing operations; and
  - (6) attempting to or preparing to carry out any of the activities set out from subsections (1) to (5).
- (f) “Vessel” means any type of vessel, ship or any other thing which is used for fishing, which has been prepared for fishing, or which is usually used for fishing or related activities.

**Commencement** 17. This regulation shall come into effect from the date of its publication on the Maldivian Government’s Gazette.

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