



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**NATIONAL AQUACULTURE DEVELOPMENT
AUTHORITY OF SRI LANKA (AMENDMENT)
ACT, No. 23 OF 2006**

[Certified on 16th August, 2006]

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*National Aquaculture Development Authority of
Sri Lanka (Amendment) Act, No. 23 of 2006*

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L.D. — O. 34/2005.

AN ACT TO AMEND THE NATIONAL AQUACULTURE DEVELOPMENT
AUTHORITY OF SRI LANKA ACT, NO. 53 OF 1998

BE it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :—

1. This Act may be cited as the National Aquaculture
Development Authority of Sri Lanka (Amendment) Act,
No. 23 of 2006.

Short title

2. The Long Title to the National Aquaculture
Development Authority of Sri Lanka Act, No. 53 of 1998
(hereinafter referred to as the “principal enactment”) is hereby
amended by the substitution for the words “TO DEVELOP
AQUATIC RESOURCES AND THE AQUACULTURE
INDUSTRY ;”, of the Words “TO DEVELOP AND MANAGE
AQUACULTURE, AQUATIC RESOURCES AND
AQUACULTURE OPERATIONS ;”.

Amendment to
the long title of
Act, No. 53 of
1998.

3. Section 3 of the principal enactment is hereby repealed
and the following section is substituted therefor :-

Replacement to
section 3 of the
principal
enactment.

“Board of
Directors.

3. The administration, management and
control of the affairs of the Authority shall be
vested in a Board of Directors (hereinafter
referred to as the “Board”) consisting of :—

- (a) five Directors appointed by the
Minister (hereinafter referred to as
an “appointed Director”) from
among persons of integrity, who
have had wide experience and
proven ability in the field of
inland fisheries and aquaculture,
science and technology, industry,
commerce, finance, administration
or law ; and

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(b) the following *ex-officio* Directors :-

- (i) the Director-General of Fisheries and Aquatic Resources ;
- (ii) the Chairman of the Ceylon Fisheries Corporation, established under the State Industrial Corporations, Act, No. 49 of 1957 ;
- (iii) the Chairman of the Governing Board of the National Aquatic Resources Research and Development Agency, established by the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981 ;
- (iv) an officer of the Ministry of the Minister in charge of the subject of Finance, nominated by that Minister ;
- (v) an officer of the Ministry of the Minister in charge of the subject of Irrigation, nominated by that Minister ;
- (vi) an officer of the Ministry of the Minister in charge of the subject of Mahaweli Development, nominated by that Minister ;

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(vii) an officer of the Ministry of the Minister in charge of the subject of Agriculture, nominated by that Minister ; and

(viii) an officer of the Ministry of the Minister in charge of the subject of Environment and Natural Resources, nominated by that Minister .”.

4. Section 6 of the principal enactment is hereby amended by the addition at the end of that section, of the following new subsection :-

Amendment of section 6 of the principal enactment.

“(4) The Director-General shall be entitled to be present and to speak at meetings of the Board, but shall not be entitled to vote at such meetings.”.

5. Section 11 of the principal enactment is hereby amended as follows :-

Amendment of section 11 of the principal enactment.

(1) by the substitution for paragraph (a) of that section, of the following paragraph :-

“(a) to develop aquaculture, aquaculture operations and culture based fisheries in perennial reservoirs and seasonal reservoirs, with a view to increasing fish production and fish consumption in the country ;”;

(2) in paragraph (b) of that section, by the substitution for the words “coastal aquaculture.and sea farming ;”, of the words “ brackish water aquaculture, coastal aquaculture and mariculture ;” ;

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(3) in paragraph (e) of that section, by the substitution for the words “promote and develop”, of the words “promote, facilitate and develop” ;

(4) by the substitution for paragraphs (f), (g) and (h) of that section, of the following paragraphs :-

“(f) to manage, conserve and develop, having regard to the need to conserve biodiversity, aquaculture, aquatic resources used for aquaculture and the aquaculture operations and culture based fisheries in perennial reservoirs and seasonal reservoirs ;

(g) to assist persons carrying on business as an importer, exporter, seller, distributor and supplier of aquatic resources and engaged in aquaculture and the development of aquatic resources as an importer, exporter, supplier, distributor and seller of aquatic resources ;

(h) to prepare and implement plans and programmes for the management, conservation and development of aquaculture and aquaculture operations and culture based fisheries in perennial reservoirs and seasonal reservoirs ;” ; and

(5) by the repeal of paragraph (i) of that section.

Amendment of
section 12 of the
principal
enactment.

6. Section 12 of the principal enactment is hereby amended as follows :-

(1) in paragraph (a) of that section, by the substitution for the words “surveys to ascertain the development”, of the words “surveys and assist in the conduct of research to ascertain the development” ; and

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- (2) by the substitution for paragraph (c) of that section, of the following paragraph :-

“(c) establish , maintain and manage aquaculture centers for the promotion and development of aquaculture.”.

7. Section 13 of the principal enactment is hereby repealed and the following section is substituted therefor :-

Replacement of section 13 of the principal enactment.

“Director-General of the Authority.

13. (1) The Board shall appoint a person with wide experience and proven ability in inland fisheries and aquaculture mangement as the Director-General of the Authority (in this Act referred to as the “Director-General”), who shall be the Chief Executive Officer of the Authority.

(2) The Director-General shall, subject to the general direction and control of the Board, be responsible for the due administration of the affairs of the Authority and for the exercise and discharge of the powers and functions of the Authority under this Act.

(3) The Director-General may, subject to the approval of the Board, delegate in writing to any other employee of the Authority, such of his powers or functions as he may consider necessary. Any employee to whom any such powers or functions are delegated, shall exercise and discharge them subject to the directions of the Director-General.”.

8. The following new sections are hereby inserted immediately after section 14 of the principal enactment, and shall have effect as sections 14A and 14B of that enactment :—

Insertion of new sections 14A and 14B in the principal enactment.

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“Nomination
of Licensing
Officers.

14A. (1) The Director-General may with the approval of the Board, nominate such officers of the Authority not below the rank of an Aquaculture Extension Officer, to be appointed as Licensing Officers by the Director-General of Fisheries and Aquatic Resources.

(2) Any officer appointed as a Licensing Officer shall, in addition to exercising the powers referred to in section 14B, be required to perform and discharge any duties or functions that may be assigned to such Officers by the Director-General of Fisheries and Aquatic Resources.

Powers and
functions of
Licensing
Officers.

14B. (1) A Licensing Officer shall have the power to—

- (a) call for and examine at any time a licence issued to any person for the purpose of operating or engaging in an aquaculture operation;
- (b) inspect and examine any place or premises in respect of which a licence has been issued ;
- (c) take copies of any documents required to be kept and maintained by a licence holder as specified in the terms and conditions of a licence issued or any regulations made under this Act or the Fisheries and Aquatic Resources Act, No. 2 of 1996, pertaining to the same ;

- (d) enter and search any place or premises at all reasonable hours of the day in which the Licensing Officer has reasonable cause to believe that any activity inconsistent with the provisions of this Act or the Fisheries and Aquatic Resources Act, No. 2 of 1996 is being carried on ;
- (e) take samples of any fish or other aquatic resource found in any place or premises searched under paragraph (d) ;
- (f) seize any poisonous, stupefying substance, including dynamite or other noxious or harmful material, which he has reason to believe has been used or may be used to capture or collect any aquatic resource or ornamental fish ;
- (g) to seize any boat, fishing net or other fishing gear or equipment, vehicle or thing which he has reason to believe, has been used in or in connection with the commission of an offence under this Act or the Fisheries and Aquatic Resources Act, No. 2 of 1996 or any regulations made thereunder ; and
- (h) perform and discharge any duty or function assigned to him by the Director-General or the Board, as the case may be.

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(2) A Licensing Officer may seek the assistance of the Police in the performance, discharge and exercise of his powers, duties and functions under this Act and it shall be the duty of the Police to render all such assistance as is requested.”.

Amendment of
section 20 of the
principal
enactment.

9. Section 20 of the principal enactment is hereby amended in subsection (1) of that section, by the addition at immediately after paragraph (e) thereat, of the following new paragraph :—

“(f) all such sums of money received by the Authority under section 43F and section 57A of the Fisheries and Aquatic Resources Act, No. 2 of 1996.”.

Insertion of
new sections
32A and 32B
in the
principal
enactment.

10. The following new sections are hereby inserted immediately after section 32 of the principal enactment, and shall have effect as sections 32A and 32B of that enactment :—

“Authority to
submit
annual
reports.

32A. The Authority shall be required to submit annually a report to the Director-General of Fisheries and Aquatic Resources, relating to the work performed by the Licensing Officers during the preceding year.

Demolition
of
unauthorized
buildings or
structures.

32B.(1) Where any building or other structure is being used for any activity contrary to the provisions of this Act or the provisions of Part VI of the Fisheries and Aquatic Resources Act, No. 2 of 1996, the Director-General or any Licensing Officer authorized in writing by the Director-General in that behalf, may by a written notice, require the person or persons engaged in such activity to cease from carrying on the same, by or before the date specified in the notice, which date however shall not be less than seven days from the date of issue of such notice.

(2) Where the person or persons on whom a notice is issued under subsection (1) fails to comply with its requirement within the time specified or within such extended time as may have been granted by the Director-General or the Licensing Officer who issued such notice, the Director-General or such Licensing Officer may make an application to the Magistrate's Court within whose jurisdiction such building or other structure is situated, to obtain an order for the demolition of such building or other structure.

(3) The Magistrate may, after such inquiry as shall be deemed appropriate in the circumstances of the case, make an order for the demolition of the building or other structure in respect of which the application was made.

(4) An order under subsection (3) shall be issued to the Fiscal of such Court, who shall forthwith take all necessary steps to execute such order and shall report in writing to the Court the manner in which such order was executed.”.

11. Section 37 of the principal enactment is hereby repealed and the following section is substituted therefor :—

“Regulations. 37. (1) The Minister may make regulations in respect of any matter required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :—

Replacement of
Section 37 of the
principal
enactment.

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- (a) the manner of affording protection to aquatic-medium ;
- (b) the manner in which aquaculture operations in inland water are to be conducted ;
- (c) the measures to be taken and the procedures to be adopted in the management, regulation, conservation and development of aquaculture ;
- (d) the collection of statistics and the manner in which persons who are engaged in fishing, marketing or processing of aquaculture operations may forward their information ; and
- (e) the prohibition of the use of any specific equipment, device, method or substance for the purpose of or connected with the taking of fish and other aquatic resources for aquaculture and the regulation of the time and manner of taking of fish and other aquatic resources in inland waters.

(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 such 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

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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.

(5) Notification of the date on which any regulation made by the Minister is deemed to be rescinded, shall be published in the *Gazette*.

12. Section 41 of the principal enactment is hereby amended as follows :—

Amendment of
section 41 of the
principal
enactment.

- (1) by the insertion immediately after the definition of “aquaculture”, “aquaculture enterprise”, “aquatic resources”, “fish”, “fishing boat”, of the following new definitions :—

“Director-General of Fisheries and Aquatic Resources” means the Director-General of Fisheries and Aquatic Resources appointed under section 2 of the Fisheries and Aquatic Resources Act, No. 2 of 1996 as amended by Act, No. 4 of 2000 ;

“Licensing Officers” means the officers appointed by the Director-General of Fisheries and Aquatic Resources under section 40 of the Fisheries and Aquatic Resources Act, No. 2 of 1996 ;”;

- (2) by the addition immediately after the definition of the expression “Provincial Council”, of the following new definitions :—

“perennial reservoir” means a man made reservoir, retaining water throughout the year ; and

“seasonal reservoir” means a man made reservoir, which goes dry completely during certain periods of the year.”.

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Sinhala text to
prevail in case of
inconsistency.

13. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Saving clause.

14. (1) The members of the Board of Directors holding office immediately prior to the date of commencement of this Act shall, notwithstanding the amendment made to section 3 of the principal enactment by this Act, continue to hold such office until the new Board of Directors is constituted under section 3 of the principal enactment, as amended by this Act.

(2) Notwithstanding the amendment made to section 13 of the principal enactment by this Act, the person holding office as the Director-General of the Authority on the date of commencement of this Act, shall, subject to the provisions of section 13 of the principal enactment as amended by this Act, continue to hold such office from the date of commencement of this Act.

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