

THE FISHERIES AND AQUATIC RESOURCES ACT, No. 2 OF 1996

REGULATIONS made by the Minister of Fisheries and Aquatic Resources Development under section 61 read with section 40 of the Fisheries and Aquatic Resources Act, No. 2 of 1996.

INDIKA RUPASINGHE GUNAWARDENA,
Minister of Fisheries and Aquatic
Resources Development.

Colombo.
31st October, 1996.

Regulations

1. These regulations may be cited as the Aquaculture Management Regulations of 1996 and shall come in to operation on the first day of December, 1996.
2. These regulations shall apply to and in relation to aquaculture enterprises set out in Part I of the Schedule hereto.
3. No person shall set up or operate an aquaculture enterprise except under the authority of a licence issued to him by the Director or any officer authorized by him.
4. An application for a licence under regulation 3 shall be in form A set out in Part II of the Schedule hereto, and shall be accompanied with -
 - (a) the licensing fee specified in Part I of the Schedule hereto;
 - (b) copies of permits/approval obtained under any other applicable law; and
 - (c) such particulars of the proposed enterprise as may be requested by the Director or the Licensing Officer.
5. Upon receipt of an application under these regulations, the Director or the Licensing Officer may after making such inquiry as he may deem necessary, issue to the applicant a receipt in form General 172. A receipt issued under this regulation shall not be regarded as a licence, but as proof of acceptance of the licensing fee.
6. The Director may appoint any officer -
 - (a) not below the rank of Fisheries Inspector as Licensing Officer in respect of aquaculture enterprises in Category "A" in Part I of the Schedule hereto; and
 - (b) not below the rank of District Fisheries Extension Officer as Licensing Officer in respect of aquaculture enterprises in Category "B" in Part I of the Schedule hereto.In respect of aquaculture enterprises in Category "C" and "D", the Director shall be the Licensing authority.
7. Any licence granted under regulation 3 shall -
 - (i) not be transferable;
 - (ii) be valid for a period of 12 months from the date of issue unless cancelled earlier by the Director or the Licensing Officer on his behalf;
 - (iii) be in form "B" set out in Part II of the Schedule hereto and subject to the conditions specified therein; and
 - (iv) be renewable.
8. The Director may having regard to interests of national economy and environment, limit the number of licences that may be issued in any area.
9. On receipt of an application for a licence the Director or the Licensing Officer may after such inquiry as he may deem necessary, grant a licence for aquaculture enterprises in Category "A" set out in Part I of the Schedule hereto within 30 days if he is satisfied that -
 - (a) the licence will not be used to contravene the provisions of the Act or these regulations;

(b) no irreversible damage or hazard to man or environment or any nuisance will result from the aquaculture enterprise for which the licence is sought; and
(c) the applicant has taken adequate steps for the protection of the environment in accordance with the requirements of the law,
or refuse to grant a licence and inform the applicant the reasons for refusal within 14 days.

10. On receipt of an application for a licence to set up or operate an aquatic enterprise of Category “B” in Part I of the Schedule hereto, the Director or the Licensing Officer may where necessary consult the Technical Committee within 30 days, and if the advice of the Technical Committee is not in favour of the applicant, the advice should be conveyed to the applicant for his response. The Director may after considering the recommendations of the Technical Committee and the response of the applicant, either grant a licence within 60 days, if he is satisfied on the matter referred to in paragraphs (a), (b) and (c) of regulation 9 or, refuse to grant a licence and inform the applicant the reasons for refusal within 14 days of the receipt of the applicant's response.

11. On receipt of an application for a licence to set up or operate an aquaculture enterprise in Category “C” set out in Part I of the Schedule hereto the Director may if he is satisfied on the matters referred to in paragraphs (a), (b) and (c) of regulation 9 refer the application to a Technical Committee appointed by the Director for evaluation and recommendation. The Technical Committee shall take not more than 30 days for the evaluation and report. If the report of the Technical Committee is not in favour of the applicant, the report shall be referred to the applicant for his response. The Director shall, after considering the report and the response of the applicant where necessary either grant a licence within 60 days. or, refuse to grant a licence and inform the applicant, with the reasons for refusal within 14 days of the receipt of the report or the applicant's response.

12. On receipt of an application for a licence to set up or operate an aquatic enterprise of Category “D” set out in Part I of the Schedule hereto, the Director may, if he is satisfied on the matter referred to in paragraphs (a), (b) and (c) of regulation 9, call for approval under the provisions of the National Environment Act, if applicable or, Environmental Impact Assessment Report, on terms of reference given by the Director. The Director may refer the said documents to a Technical Committee appointed by him for its report. The said Technical Committee shall make its report to the Director within 30 days of the reference.

13. If the report of the Technical Committee is not in favour of the applicant, the report should be referred to the applicant for his response. The Director may, after considering the recommendations of the Technical Committee and the response of the applicant, either grant a licence within 60 days, if he is satisfied on the matters referred to in paragraphs (a), (b) and (c) of regulation 9 or, refuse to grant a licence and inform the applicant with the reasons for refusal within 14 days of the receipt of the report or the applicant's response. The Director or the Licensing Officer shall communicate his decision to grant or refuse to grant a licence, by registered post.

14. In the event of a change of the ownership of an enterprise, the new owner may apply for a renewal of the licence in his name. Such application shall be in Form “C” of Part II of the Schedule hereto and be accompanied with the relevant fee specified in Part I of the Schedule hereto.

15. Any application for renewal of the licence may be made to the Director or the Licensing Officer as the case may be, not less than 30 days prior to the expiry of the licence, in the manner referred to in regulation 14.

16. On receipt of an application for renewal of licence under regulation 14 or 15, the Director or the Licensing Officer may either-

- (a) renew the licence; or
- (b) refuse the renewal of licence if he has reason to believe that-
 - (i) the licensee has not observed the terms and conditions of the licence; or
 - (ii) the continuation of the aquaculture enterprise could harm the environment; or
 - (iii) the ownership of the enterprise is not sufficiently proved.

Such decision shall be communicated to the applicant by registered post before the expiry of the current licence.

17. Any licence issued to any person may be cancelled by the Director where -

- (a) the licensee has contravened any of the provisions of the Fisheries and Aquatic Resources Act or the regulations or any conditions of the licence;
- (b) that the continuation of the enterprise would be harmful to the industry or, may cause any health hazard to the public;
- (c) that the continuation of the enterprise would harm the environment.

Notice of such cancellation shall be sent by registered post to the licence holder.

18. Before issuing an Order for the suspension of the licence or cancellation to the holder of the licence, the licensee may be given an opportunity, except in the case of 17b and c above, to show cause why such order should not be issued.

19. The Director may issue specific directions to licence holders where he considers it necessary to do so under epizootic conditions. It shall be the duty of the licensee to give effect to such directions.

20. An applicant shall not be entitled to a refund or transfer of the licence fee for any reason whatsoever.

21. Any person who is aggrieved by any decision of the Director or a Licensing Officer under these regulations may appeal to the Secretary of the Ministry of the Minister in charge of the subject of Fisheries and Aquatic Resources, within 30 days from the date of receiving such decision. The Secretary after making such inquiries as he may deem necessary either-

- (a) allow the appeal and direct the Director or the Licensing Officer as the case may be, to grant, renew or revoke the suspension or cancellation of the licence; or
- (b) disallow the appeal and confirm such decision.

The decision of the Secretary on such an appeal is final and conclusive.

SCHEDULE

(Regulation 4)

Part I

Aquaculture Enterprise *Annual Licensing Fee or Renewal Fee*

Category "A":

- | | |
|---|--------|
| (i) Fin Fish Culture in Seasonal Tanks | Rs.250 |
| (ii) Freshwater and Brackish water pond culture of Fish, crabs and freshwater prawns of extent not exceeding 1 hectare. | Rs.100 |
| (iii) Small scale ornamental fish production (up to 10,000 per annum) | Rs.100 |

Category "B":

- | | |
|--|--------|
| (i) Cage Culture of extent not exceeding 0.1 hectare. | Rs.150 |
| (ii) Pen Culture of extent not exceeding 0.1 hectare | Rs.150 |
| (iii) Sea weed culture of extent not exceeding 0.1 hectare | Rs.150 |
| (iv) Raft Culture not exceeding 0.1 hectare | Rs.150 |
| (v) Medium scale ornamental fish production (up to 10,000–100,000 per annum) | Rs.150 |

Category "C":

- | | |
|--|----------------|
| (i) Freshwater pond culture of extent 0.1 hectare up to 4 hectares | Rs.100 per ha. |
| (ii) Brackish water pond culture of fin fish, shrimp and crabs up to 1 hectare | Rs.500 per ha. |
| (iii) Shrimp hatcheries annual post larva production 5 million | Rs.2000 |
| (a) Annual production 10 million | Rs.5000 |
| (b) Annual production above 10 million | Rs.10,000 |
| (iv) Fresh water fish and prawn hatchery | Rs.250 |
| (v) Cage culture of extent 0.1 hectare up to 4 hectares | Rs.250 |
| (vi) Pen culture of extent 0.1 up to 4 hectares | Rs.250 |

(vii)	Sea weed culture of extent 0.1 hectare up to 4 hectares	Rs.250
(viii)	Raft culture of extent 0.1 hectare up to 4 hectares	Rs.250
(ix)	Ornamental fish production 0.1 million up to 1 million	Rs.500

Category "D":

(i)	Brackish water pond culture of fin fish, shrimp and crabs 1 hectare and above	Rs.500 per ha.
(ii)	Fresh water pond culture of extent exceeding 4 hectares	Rs.100 per ha.
(iii)	Cage culture of extent 4 hectares and above	Rs.500
(iv)	Pen culture of extent 4 hectares and above	Rs.500
(v)	Sea weed culture of extent 4 hectares and above	Rs.500
(vi)	Ornamental fish production above 1 million fish per annum	Rs.1000
(vii)	Raft culture 4 hectares and above	Rs.500
(viii)	Other aquaculture systems	Rs.1000

Part II

FORM "A"

(Regulation 4)

(Office use only):_____.

Application No.:_____.

Date received:_____.

APPLICATION FOR AQUACULTURE MANAGEMENT LICENCE
(TO BE SUBMITTED IN TRIPLICATE)

1. Name of Enterprise:_____.
2. Type of aquaculture system:_____.
3. Full name and address of applicant:_____.
- (a) Permanent address:_____.
- (b) Temporary address:_____.
- (c) Postal address:_____.
- Telephone No:_____.
- Fax No:_____.
4. Location of the enterprise (Location map/route sketch):
- 4.1 Address:_____.
- 4.2 Name of the local authority:_____.
5. Type of investment:
- (i) individual/joint venture/any other:_____.
- (ii) Amount of Capital investment:_____.
- Local:_____.
- Foreign:_____.
6. Date of commencement of operation:_____.
7. Number of employees at the site (Permanent/casual/skilled/unskilled/semi-skilled):_____.
8. General description of the enterprise:
- 8.1. Land:
- (i) Owned (Give deed No.:_____.
- (ii) Leased (Permit No.):_____.
- (iii) Land use within 0.5 km radius:_____.
- (iv) List of existing industries within 1 km radius: _____.
- 8.2. Water:
- (i) Source of water: (Ground/stream/Lagoon/river/sea):_____.

- (ii) Water requirement:_____.
- (iii) Final discharge point of water:_____.
- 8.3 Species cultured, and targeted total annual production:_____.
- 8.4 Details of holding facilities:_____.
- 8.5 Culture methodology:_____.
- 9. Environment Protection Licence No. (Under Part 4 (a) of the National Environment Act):_____.
- 10. Environment Impact Assessment (EIA) initial Environment Examination (IEE) approval if applicable (under part 4 (c) of the National Environment Act):_____.
- 11. Approval, of the Coast Conservation Department if applicable:_____.
- 12. Approval from relevant local authority:_____.
- 13. Plan for monitoring the project:_____.
- 14. Expansion of the enterprise:_____.

I hereby certify that the particulars furnished by me in this application are true and correct. I am aware that if any particulars herein are found to be false or incorrect, my application will be refused and the licence if issued will be cancelled.

_____,
Signature.

Date:

For office use only

Licence application No.:_____.

Date:_____.

- 1. Reference plans, reports and other documents received:_____.
- 2. Details of any additional information requested:_____.
- 3. If licence is granted:
 - (i) No. of licence:_____.
 - (ii) Date of licence:_____.
 - (iii) Validity period From_____To:_____.
- 4. Conditions attached (if any)
 - (i) _____.
 - (ii) _____.
 - (iii) _____.
- 5. If the licence is refused reasons for refusal to grant licence:_____.

_____,
Signature and designation of the Licensing Officer.

Date:_____.

FORM "B"

(REGULATION 7)

AQUACULTURE MANAGEMENT LICENCE

- 1. M/s_____of (address) is hereby authorised to set up and operate a_____of extent_____capacity_____situated at_____within the area of authority of the Municipal Council/Urban Council/Paradeshiya Sabha/_____in accordance with the conditions of this licence.
- 2. This licence is issued under the Aquaculture Management Regulations of 1996.
- 3. This licence shall be valid from_____to_____unless it is earlier cancelled or suspended.
- 4. This licence is subject to the general terms and conditions stated hereunder and to the additional terms and conditions stated herein.

Conditions:

- (i) _____.
- (ii) _____.
- (iii) _____.

GENERAL TERMS AND CONDITIONS

1. The licence shall be valid for a period of 1 year from the date of issue. An application for renewal of the licence may be made at one month prior to the date of expiry of the licence.
2. The holder of the licence shall permit the Director or any other officer authorised in writing by him at any reasonable hour to enter premises in respect of which the licence is issued to examine, and inspect any equipment or the facility, or to take samples of fish, etc., take photographs.
3. The holder of the licence shall comply with any requirement communicated from time to time by the Director in regard to the issuance of quarterly reports.
4. The licence is valid only for the type and nature of the aquaculture enterprise as stated in the application for the grant or renewal licence.
5. No alteration or extension of the enterprise shall be made without prior approval of the licensing officer.
6. Contravention of any condition of the licence is an offence punishable under the Fisheries and Aquatic Resources Act.

_____,
Director/Licensing Officer.
Date:_____.

FORM "C"

(Regulations 14 and 15)

APPLICATION FOR RENEWAL OF LICENCE

1. Name and location of the farm:_____.
2. Name and address of the applicant:_____.
3. Previous licence:
 - (i) Issued on:_____.
 - (ii) Valid until:_____.
4. Declaration of previous licensee in the case of change of ownership: Proposed changes/alterations/expansion of the enterprise:_____.
5. Details of monitoring reports submitted to the Director:_____.
6. Any other additional information:_____.

_____,
Signature of the Applicant.
Date:_____.

(For office use only)

1. Was licence renewed:_____.
2. If renewed:
 - (i) No. of licence:_____.
 - (ii) Date of licence:_____.
 - (iii) Validity period:_____.
 - (iv) Date of expiry:_____.
 - (v) Conditions attached if any:_____.
3. If renewal of licence is refused reasons for refusal:_____.

_____,
Date:_____.

Director of Fisheries and Aquatic Resources.