

FISHERIES ACT 1985
(Act 317)

FISHERIES (RIVERINE) RULES, 1990

Act 317. In exercise of the powers conferred by section 38 of the Fisheries Act, 1985 (Act 317) the State Authority hereby makes the following rules:

Short
rule and
comment.

1. These rules may be cited as the Fisheries (Riverine) Rules, 1990 and shall have application only in respect of fishing and fisheries in riverine waters and shall be deemed to have come into force on the 22nd August 1991.

Interpre-
tation.

2. In these Rules, unless the context otherwise requires:

Act 317.

"aquaculture" has the same meaning assigned to it in section 2 of the Fisheries Act 1985 (Act 317);

"electrical appliance" means any appliance in which an electric current is used to stun, stupify or kill fish in riverine waters;

Act 317.

"fishing" has the same meaning assigned to it in section 2 of the Fisheries Act 1985 (Act 317);

Act 317.

"fishing appliance" has the same meaning assigned to it in section 2 of the Fisheries Act 1985 (Act 317);

"fishing stakes" means any device, used for the capture of fish, that is fixed permanently or impermanently in riverine waters which is made of poles and enclosed by ramie, rattan, nets, wire or other screening materials, so designed as to lead fish into such enclosure.

"fish trap net" means a fishing appliance made of whatever netting materials in the shape of a bag or cylindrical container attached to poles fixed permanently or impermanently in the riverbed set against the flow of the current for the purpose of catching fish;

Act 317.

"Inland Fisheries Officer" means an inland fisheries officer or a deputy fisheries officer appointed under section 5 of the Fisheries Act, 1985 (Act 317);

"jigging" means catching or killing fish with a hook or hooks manipulated in such a manner as to pierce and hook a fish in any part of the body other than the mouth;

"mechanical appliance" means any mechanical pump or other appliance used to pump water out of riverine waters;

"riverine waters" has the same meaning assigned to it in section 2 of the Fisheries Act 1985 (Act 317) but shall exclude any man-made privately owned waters for the purposes of these Regulations.

3. (1) No person shall—

- (a) catch, collect or cause to be caught or be collected any fish;
- (b) set up, operated or permit or cause to be operated any fishing appliance;
- (c) have in his possession or on board a vessel any fishing appliance or part thereof;

without a licence or permit issued under these rules by an Inland Fisheries Officer.

(2) The following methods of fishing are prohibited—

- (i) Jigging;
- (ii) any fishing appliance that is pushed or towed by a powered vessel and shall include trawl nets, seine nets and trawl lines;
- (iii) use of poisons, explosive, and mechanical or electrical appliances.

(3) Any person who is found in possession of fish which has been captured with the aid of any explosive or poisonous substance and who does not give a satisfactory account as to how he came to be in possession thereof, shall be guilty of an offence.

(4) No person shall catch, kill or have in his possession the species of fish prescribed in the Second Schedule hereto unless permitted in writing by an Inland Fisheries Officer.

4. (1) Application for a licence in respect of fishing appliance shall be made in writing to the Inland Fisheries Officer who may issue the licence aforesaid or reject the application and every application shall contain such particulars as the Inland Fisheries Officer may require.

(2) Before issuing a licence to operate any fishing stakes or fish trap net, the Inland Fisheries Officer may first satisfy himself by a survey that the fishing stakes or fish trap net, in respect of which the said licence was applied for, has been set up in accordance with the terms and conditions of the permit issued under Rule 9(2) of these Rules.

(3) (a) Any licence or permit issued under these rules shall be subject to such terms and conditions as the Inland Fisheries Officer may deem fit.

(b) An Inland Fisheries Officer may vary the terms and conditions specified in a licence or permit.

(4) No fishing appliance shall be operated at such a place or in such a manner as to obstruct or cause danger to navigation or to cause erosion or flooding.

(5) Any person who contravenes any of the conditions of the aforesaid licence shall be deemed to have acted contrary to the provisions of these Rules.

Licensing
fee.

5. There shall be payable in respect of the fishing appliance specified in the first column of the First Schedule hereto, the fees specified in the second column of the said Schedule.

Display of
licence
number.

6. A fishing stakes or fish trap net licensed under these Rules shall be identified by such a number to be allowed by an Inland Fisheries Officer and the licensee shall at all times display his licence number in a conspicuous position on the fishing stakes or fish trap net (the lettering of which must not be less than six inches high).

Inland
Fisheries
Officer to
determine
the number
of licence
issued.

7. The Inland Fisheries Officer may determine the number of licences which may be issued in any one year in respect of fishing appliances.

Distance
for opera-
tion.

8. Subject to the terms and conditions as specified by the Inland Fisheries Officer, no person shall operate or permit or cause to be operated any fishing stakes or fish trap net in a river within a distance of fifty metres in front of or behind another fishing stakes or fish trap net licensed under these Rules.

Written
application,
type and site
of fishing
stakes.

9. (1) Any person wishing to set up any fishing stakes or fish trap net shall make an application in writing in that behalf to an Inland Fisheries Officer, specifying in such application the type and site of the fishing stakes or fish trap net proposed to be set up and, if so required by the Inland Fisheries Officer, furnishing the plan of the said site.

(2) On an application being made as aforesaid, the Inland Fisheries Officer shall survey the site specified in the application or in the plan furnished, if any, and shall, if he is satisfied that setting up of the fishing stakes or fish trap net aforesaid will not contravene any of the provisions of these rules, issue a permit subject to such terms and conditions he may deem fit, or in any other case reject the application.

Refusal to
licence or
suspension or
revocation
of licence.

10. The Inland Fisheries Officer may refuse to issue or renew any licence under these rules or may revoke or suspend for such period as he thinks fit, any licence issued under these rules where he is satisfied that it is necessary to do so for the proper management of any particular fishery or where there has been a breach of any provisions of these rules or any of the conditions of the licence.

Appeal.

11. (1) When the Inland Fisheries Officer refuses to grant or renew any licence under these Rules or suspends or revokes any licence under these Rules he shall inform the applicant to that effect by notice in writing and shall, in each case, specify in such notice the grounds on which such refusal, suspension or revocation has been made and shall notify the

applicant that may appeal against such refusal, suspension or revocation to the State Authority.

(2) Any applicant whose application for a licence is refused or whose application for renewal is refused or whose licence is suspended or revoked may, within one month of the notice being served on him in accordance with subrule (1), appeal in writing to the State Authority stating the grounds of appeal relied upon concisely.

(3) The decision of the State Authority upon any appeal under this rule shall be final and conclusive. Such decision shall be conveyed in writing to the aggrieved party.

12. (1) Any licence issued under these rules shall, unless suspended or revoked or unless otherwise specified in such licence, be valid for a period of not more than one year and shall expire on the 31st December of the year in which it is issued.

DURATION
of licence.

(2) Any licence issued under these rules in respect of a fishing appliance shall be valid for that particular type of fishing appliance and shall not be used for any other type of fishing appliance.

(3) Any licence or permit in respect of a fishing appliance shall be issued in the name of the applicant for such licence or permit and shall not be transferable.

(4) Any person who uses any licence or permit in the name of any other person under these rules shall be guilty of an offence.

13. (1) Any person who ceases to operate any fishing appliance shall remove such appliance and any poles, anchors, floats and any other ancillary apparatus used in the operation of such appliance forthwith or within such time as an Inland Fisheries Officer may direct.

Offences and
Removal of
Fishing
Appliance.

(2) The failure of any person aforesaid to comply with the direction of the Inland Fisheries Officer or with the provisions of these rules, shall be an offence.

(3) The owner of any fishing stakes or fish trap net who ceases to operate the fishing stakes or fish trap net shall, within one week of the date of expiry of the licence, notify the Inland Fisheries Officer in writing.

(4) No person shall remove any fishing stakes or fish trap net under subrule (1) except under the supervision of an Inland Fisheries Officer.

14. The Inland Fisheries Officer may remove or destroy or cause to be removed or destroyed any fishing appliance placed or erected contrary to the provision of these rules, and no person shall have any claim to compensation in respect of any fishing appliance so removed or destroyed.

No compensa-
tion for
removal or
destruction
of any fishing
appliance.

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- Revocation of licence.** 15. The Inland Fisheries Officer may without compensation revoke any licence issued under these rules on breach by the licensee of any conditions or restrictions to which the licence is subject to.
- Closed seasons.** 16. (1) The Inland Fisheries Officer may prescribe by public notice closed seasons for fishing for certain species of fish, for the purpose of management or conservation.
- (2) Any person found catching, killing or possessing any species of fish prescribed in subrule (1) during the closed season shall be guilty of an offence.
- Area of fishing.** 17. (1) The Inland Fisheries Officer may prescribe by public notice closed seasons for fishing in any designated area.
- (2) Any person found catching, killing or possessing any species of fish in the designated area prescribed in subrule (1) shall be guilty of an offence.
- Limitation of size.** 18. (1) The Inland Fisheries Officer may prescribe by public notice the minimum size of any particular species of fish to be caught.
- (2) Any person found catching, killing or possessing any fish of a size smaller than that prescribed under subrule (1) shall be guilty of an offence.
- Fisheries Statistics.** 19. (1) The Inland Fisheries Officer may request any person engaged in an occupation relating to riverine fisheries to furnish data, statistics and information.
- (2) Failure to comply, or the supply of false data, information or statistics shall be an offence.
- Fish landing area.** 20. Fishes shall be landed at any place as specified in the licence.
- Penalty.** 21. Any person who commits an offence under these rules shall on conviction be liable to a fine not exceeding five thousand ringgit.
- Power to compound.** 22. (1) Any Inland Fisheries Officer can compound any offence under these rules for a sum of money not below one hundred ringgit except for offences under rules 3(2) and 3(3) where the compound rates shall not be less than five hundred ringgit.
- (2) Where a fishing appliance is the subject matter of any offence compounded under subrule (1) such appliance may be forfeited and disposed of as directed by the Inland Fisheries Officer.

FIRST SCHEDULE
(Rule 5)

LICENCE FEES

	(1)				(2)
1. Fishing Stakes	\$20.00	per gear	per annum
2. Seine Net	\$ 5.00	per gear	per annum
3. Gill Net	\$ 5.00	per gear	per annum
4. Fishtrap Net	\$ 5.00	per gear	per annum
5. Barrier Net	\$ 5.00	per gear	per annum
6. Others	\$ 5.00	per gear	per annum

SECOND SCHEDULE
(Rule 3(4))

PROHIBITED SPECIES OF FISH

	Scientific Names			Local Names
1.	Sclerophages formosus	Kelisa
2.	Probarbus jullieni	Temoleh

Bertarikh pada 9 Mei 1991 bersamaan dengan 24 Syawal 1411.
[PSU(K) 2455/1947 Jld. 2 Pendua; PUN(K) 32/90.]

MIHAT BEN SHAARI,
Setiausaha, Majlis Mesyuarat Kerajaan,
Negeri Kedah Darulaman