

FISHERIES ACT 1985
PERAK FISHERIES (RIVERINE) RULES, 1992

Act 317. IN exercise of the powers conferred by Section 38 of the Fisheries Act, 1985 the State Authority hereby makes the following rules:

Name and application. 1. These rules may be cited as the **Perak Fisheries (Riverine) Rules, 1992** and shall apply only in respect of fishing and fisheries in riverine waters in the State of Perak Darul Ridzuan.

Interpretation. 2. In these rules, unless the context otherwise requires—

Act 317. “Act” means the Fisheries Act 1985;

“aquaculture” has the same meaning assigned to it in section 2 of the Act;

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

“fishing appliance” has the same meaning assigned to it in Section 2 of the Act;

“fishing stake” means any device used for capturing fish, fixed permanently or impermanently in riverine waters which is made up of poles or other supports fixed permanently and enclosed by ramie, rattan, nets, wire or other screening materials and so designed as to lead fish into such device;

“Inland Fisheries Officer” means an inland fisheries officer or deputy inland fisheries officer appointed under Section 5 of the Act;

“jigging” means fishing 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 Act but shall exclude any privately owned ex-mining pool or man-made pond;

“stow net” means any device made of netting materials in the shape of a bag attached to poles fixed permanently or impermanently in the riverbed and set against the flow of the current for the purpose of catching fish.

Prohibition. 3. (1) No person shall—

(a) operate or allow to be operated fishing stakes, fishing appliance or net.

(b) set up, or cause to be set up any fishing stakes, fishing appliance or stow net.

(c) have under his control or his possession 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) using fishing appliance that is pushed or towed by a powered vessel and include using trawl nets, seine nets and troll lines.
- (iii) using of poison, explosive, or mechanical or electrical appliances.

(3) Any person who carries, has in possession or under his control any fish which has been captured with the aid of any explosive or poison and who fails to 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 stakes, fishing appliance and stow net 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.

Licensing of fishing stakes, fishing appliance and stow net.

(2) Before issuing a licence to operate any fishing stakes or stow net, the Inland Fisheries Officer may first satisfy himself by a survey that the fishing stakes or stow 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 under rule 9 (2) of these Rules.

(3)(a) Any licence or permit issued under these Rules shall be subjected 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 stakes, fishing appliance or stow net 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 a licence shall be deemed to have acted contrary to the provisions of these Rules.

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.

Licence fees.

Identification of fishing stake and stow net.	6. Fishing stakes or stow net licensed under these Rules shall be identified by such a number as may be allowed by an Inland Fisheries Officer and the licensee shall at all times display, in a conspicuous position on the fishing stakes or net, a number plate (bearing the said number, the lettering of which must not be less than fifteen centimetres high).
Number of licences to be issued.	7. The Inland Fisheries Officer may determine the number of licences which may be issued in any one year in respect of fishing stakes, fishing appliances or stow net.
Restriction in operating fishing stakes or stow net.	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 stow net in a river within a distance of fifty meters in front of or behind another fishing stakes or stow net licensed under these Rules.
Application to set up fishing stakes or stow net.	9. (1) Any person wishing to set up any fishing stakes or stow 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 stow net proposed to be set up and, if so required by the Inland Fisheries Officer, furnishing the plan of the said title. (2) On an application being made under paragraph (1), the Inland Fisheries Officer shall survey the site specified in the application and shall, if he is satisfied that setting up of such fishing stakes or stow net will not contravene any of the provisions of these Rules, or any other written law, issue a permit subject to such terms and conditions he may deem fit, or in any other case reject the application.
Refusal to licence, suspension or cancellation of licence.	10. (1) The Inland Fisheries Officer may refuse to issue or renew any licence under these Rules or may cancel 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 provision of these Rules or any of the conditions of the licence. (2) Any person aggrieved by the refusal of the Inland Fisheries Officer to issue or renew any licence under these Rules or by the suspension or cancellation of any licence issued under these Rules may appeal in writing to the Menteri Besar against such refusal, suspension or cancellation within a period of fourteen days after the date of such refusal, suspension or cancellation. (3) The Menteri Besar may, after hearing the appeal, make such order thereon as he deems fit and that order shall be final.
Validity of licence.	11. (1) Any licence issued under these Rules shall, unless suspended or cancelled 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.

(2) Any licence issued under these Rules in respect of fishing stakes, fishing appliance or stow net shall be valid for that particular fishing stakes, fishing appliance or stow net and shall not be used for any other fishing stakes, fishing appliance or stow net.

(3) Any licence or permit in respect of fishing stakes, fishing appliance or stow net shall be issued under these Rules 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 issued in the name of any other person under these Rules shall be guilty of an offence.

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

Removal of fishing stakes, fishing appliance or stow net.

(2) The failure of any person to comply with the directive of the Inland Fisheries Officer under paragraph (1) shall be an offence.

(3) The owner of any fishing stakes or stow net who ceases to operate such fishing stakes or stow 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 stow net under paragraph (1) except under the supervision or instructions of an Inland Fisheries Officer.

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

Illegal fishing stakes, appliances and compensation.

14. The Inland Fisheries Officer may without compensation revoke any licence issued under these Rules on breach by the licensee of any condition or restriction to which the licence is subject.

Revocation of licence.

15. (1) The Inland Fisheries Officer may prescribe by public notice closed season for fishing of certain species of fish, for the purpose of management or conservation.

Close season for fishing for certain species.

(2) Any person who during the closed season for fishing of any species of fish is found fishing for or in possession of such species of fish without the permission of the Inland Fisheries Officer shall be guilty of an offence.

16. (1) The Inland Fisheries Officer may prescribe by public notice closed season for fishing in any designated area.

Close season for fishing in designated area.

- (2) Any person who in a designated area during the closed season for fishing is found fishing or in possession of any species of fish without the permission of the Inland Fisheries Officer in writing shall be guilty of an offence.
- Limitation of size. 17. (1) The Inland Fisheries Officer may prescribe by public notice the minimum size of any species of fish which may be caught.
- (2) Any person found fishing or in possession of any such species of fish of a size smaller than that prescribed under paragraph (1) shall be guilty of an offence.
- Fisheries statistics. 18. (1) The Inland Fisheries Officer may request any person engaged in an occupation relating to riverine fisheries to furnish him with information, data and statistics in respect of such occupation.
- (2) Failure to comply with any request under paragraph (1) or the supply of false data, information or statistics shall be an offence.
- Offences. 19. (1) Any person who contravenes or fails to comply with any provision of these Rules shall be guilty of an offence.
- (2) Any person who commits an offence under these Rules shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a period not exceeding six months or both.
- Compounding of offences. 20. (1) Any Inland Fisheries Officer may compound any offence under these Rules for a sum of money not exceeding five hundred ringgit except for offences under rule 3.
- (2) Where a fishing stakes, fishing appliance or stow net was the subject matter of or was used in the commission of any offence compounded under paragraph (1) such stakes, appliance or stow net may be confiscated and disposed of as directed by the Inland Fisheries Officer.

FIRST SCHEDULE

(Rule 5)

LICENCE FEES

<u>Type of appliance</u>	<u>\$ per gear per annum</u>
(1)	(2)
1. Fishing Stakes	\$50.00
2. Seine Net	\$10.00
3. Gill Net	\$10.00
4. Stow Net	\$25.00
5. Barrier Net	\$25.00
6. Others	\$10.00

SECOND SCHEDULE

Rule 3 (4)

PROHIBITED SPECIES OF FISH

<u>Scientific Names</u>	<u>Local Names</u>
1. <u>Tor tambroides</u> (Bleeker)	Kelah

Made the 25th day of March 1992.
[PRK. Pk. 016/10; Pu. Pk. 4/88.]

MUHAMMAD PADZIL BIN KHALID,
Secretary,
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Perak