

**Fisheries (Maritime)
(Sarawak) Regulations
1976**

(P.U. (A) 401 of 1976 dated 16-12-76)

FISHERIES ACT 1963

FISHERIES (MARITIME) (SARAWAK) REGULATIONS 1976

In exercise of the powers conferred by section 2 of the Fisheries Act 8/63, 1963, the Minister makes the following regulations:

1 (1) These regulations may be cited as the Fisheries (Maritime) (Sarawak) Regulations 1976 and shall have application only in respect of fishing and fisheries in maritime waters adjacent to the coast of Sarawak and estuarine waters in Sarawak. Citation, application and commencement.

(2) These Regulations shall—

- (a) in respect of fishing and fisheries in maritime waters, come into force on the date immediately following the date of publication of these Regulations; and
- (b) in respect of fishing and fisheries in estuarine waters, come into force on a date or dates as the Minister may, with the concurrence of the State Government, appoint by notification in the Gazette and different dates may be appointed for different areas of Sarawak.

PRELIMINARY

2. In these Regulations, unless the context otherwise requires—

“Fishery Officer” has the same meaning assigned to it in the Fisheries Act 1963 and shall for the purpose of these Regulations include the licensing officer;

“fishing appliances” or “appliances” means any equipment, gear or instrument for catching of fish but does not include appliances specified in the First Schedule.

Interpretation.

LICENCES

3. (1) No person shall within territorial waters adjacent to coast of Sarawak—

- (a) operate or permit or cause to be operated any fishing stakes or appliance;
- (b) have in his possession on board a vessel any fishing appliance or any part thereof; or
- (c) set up any fishing stake;

unless he is domiciled in Sarawak and there is in force in respect of such stakes or appliances a licence or permit as the case may be granted under these Regulations.

(2) No person shall outside territorial waters adjacent to the coast of Sarawak—

- (a) operate or permit or cause to be operated any fishing stakes or appliance;
- (b) have in his possession on board a vessel any fishing appliance; or
- (c) set up any fishing stake;

unless there is in force in respect of such stakes or appliances a licence or permit as the case may be granted under these Regulations.

Licence to operate fishing stakes and fishing appliances.

Application for fishing stakes and fishing appliances licences.

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

(2) An applicant for a licence in respect of any of the fishing appliances specified in the first column of the Third Schedule thereto shall—

(a) deposit with the Fishery Officer the amount specified in the corresponding second column of the said Schedule either in one lump sum or if the Director-General considers it just so to allow in cases of genuine hardships, in not more than five monthly instalments commencing on the date on which a licence is issued and the Fishery Officer shall evidence the making of such deposit by the issue of a receipt; or

(b) if the Director-General so allows give the Fishery Officer a banker's guarantee for the amount specified in the corresponding second column of the said Schedule.

(3) The application and issue of a permit to set up any new fishing stakes shall be in accordance with Regulation 10.

(4) Any licence or permit issued under this regulation may be subject to such terms and conditions as the Fishery Officer deems fit and in any case where trawl, drift gill nets, and fishing stakes are used shall in addition be subject to the terms and conditions as specified in the Fourth, and Fifth and Sixth Schedule respectively.

Swk. L.N. 147/62.

(5) No fishing stakes or appliances shall be operated in such manner or at such place as to obstruct navigation or within such distance of any island as specified in the Turtles (Prevention of Disturbance) Rules 1962.

(6) Any person who contravenes any of the conditions of the aforesaid licence and permit shall be deemed to have acted contrary to the provisions of these Regulations.

Fees.

5. There shall be payable in respect of fishing appliances and fishing stakes specified in the first column in the Second Schedule hereto the fees specified in the second column of the said Schedule.

Authorisation to use other appliances and exemption from fees.

6. Where any person is licensed in respect of trawl nets, the Fishery Officer may, by endorsement on such licence, authorize such person to use other fishing appliances:

Provided that where such authorization by endorsement is made on such licence, such person shall be exempted from paying the fees specified in the corresponding second column of the Second Schedule.

Identification of fishing.

7. (1) A fishing stake licensed under these Regulations shall be identified by a number plate to be provided by the Fishery Officer; and the holder of such licence shall at all times display it in a conspicuous position on the fishing stake.

(2) A fee of seven ringgit shall be chargeable in respect of a number plate supplied as aforesaid.

(3) In the event that a number plate aforesaid is lost, mutilated or destroyed, the holder of the licence shall forthwith inform the Fishery Officer accordingly, and on payment of a fee mentioned in paragraph (2) the Fishery Officer—

(a) shall issue a new number plate which shall be displayed in the manner described in paragraph (1);

(b) shall record such fact in the licence held by the licence and any other records kept by the Fishery Officer.

8. The Director-General of Fisheries may determine the number of licences which may be issued in any year in respect of fishing stakes and fishing appliances. Number of licences to be issued.

9. Subject to the provisions of the Sixth Schedule no person shall operate or permit or cause to be operated any fishing appliances within a distance of two hundred fathoms of any fishing stakes licensed under these Regulations. Fishing appliances not to be operated within 200 fathoms of fishing stakes.

10. (1) Any person wishing to set up any fishing stakes may make an application in writing in that behalf to the Fishery Officer, specifying in such application the type and site of the fishing stakes proposed to be set up and, if so required by the Fishery Officer, furnishing the plan of the said site. Application for an issue of permit to set up fishing stakes.

(2) On an application being made as aforesaid the Fishery Officer may survey the site specified in the application or in the plan furnished, if any, and may, if he is satisfied that the setting up of the fishing stakes aforesaid will not contravene any of the provisions of these Regulations, issue a permit, and, in any other case reject the application.

(3) Before a permit under this regulation is issued in respect of the fishing stakes specified in the first column in the Third Schedule hereto the applicant shall be required to make with the Fishery Officer the deposits specified in the corresponding second column in the said Schedule which shall be paid to the Treasury.

Provided that the Director-General may in any case where it would be fair or just so to do allow an applicant to make only part of the amount prescribed; and in every such case the applicant may in lieu of making the full deposit furnish a bank guarantee or execute a bond with or without sureties as may be approved by the Director-General.

(4) The making of deposits shall be evidenced by a receipt issued by the Treasury.

REMOVAL OF FISHING STAKES AND FISHING APPLIANCES

11. (1) ~~Any person~~ who ceases to operate any fishing stakes or appliances shall notify the Fishery Officer immediately. Removal of fishing stakes and appliances.

(2) ~~Such person aforesaid shall remove such stakes or appliances and any poles, anchors, floats and any other ancillary apparatus used in the operation of such stakes or appliances forthwith or within such time as a Fishery Officer may direct.~~

(3) No person shall remove any fishing stakes or appliances under paragraphs (1) and (2) except under the supervision of a Fishery Officer.

(4) On the failure of any person addressed to comply with the direction of the Fishery Officer or with the provisions of this regulation, the Fishery Officer may remove and destroy the fishing stakes or fishing appliances or poles, anchors, floats or other ancillary apparatus used in the operation of such appliances; and any deposit paid under Regulation 10 in respect of a fishing stake or appliances shall be forfeited:

Provided that where the expenses so incurred exceed the amount of such deposit the balance shall be recoverable from the person in whose name the deposit was made.

12. Where, by the operation of any fishing appliance licensed under these Regulations, any fishing stakes or other fishing appliances are damaged, the licensee of the fishing appliance first mentioned shall forfeit so much of the deposit (if any) made in respect of that appliance as equals the claim made in respect of the fishing stakes or appliances damaged as aforesaid:

Compensation for damage caused by fishing appliances.

Provided that where the claim made in respect of the fishing stakes or appliances damaged exceeds the amount of such deposits the balance shall be recoverable from the person or persons in whose name the deposit was made.

FORFEITURE

13. Where the holder of any licence or permit issued under these Regulations contravenes or fails to comply with any conditions imposed thereon by virtue of these Regulations—

Cancellation of licence and permit and forfeiture of deposits.

(a) such licence or permit may be cancelled, and if such licence or permit is cancelled any deposit made under these Regulations shall be forfeited; or

(b) if the licence or permit is not cancelled the whole or any part of the deposit made under these Regulations may be forfeited.

Renewal of existing licences of fishing stakes.

14. All fishing stakes which immediately before the commencement of these Regulations were licensed under the repealed Regulations shall be deemed to have been set up in accordance with the provisions of these Regulations provided that there shall be made to the State Treasury in respect of such fishing stakes, within three months of the commencement of these Regulations, the deposits required to be made under the Third Schedule hereto or so much thereof as has not already been made; and the making of such deposits shall be evidenced by a receipt issued by the said Treasury.

Repeal G.N.S. 37/58. G.N.S. 38/52.

15. The Kilongs (Continental Shelf) Regulations 1958 and the Kilongs (Sarawak Waters) Regulation 1958 are repealed.

FIRST SCHEDULE
(Regulation 2)
EXEMPTED APPLIANCES

- (a) Tontang
- (b) Taut
- (c) Saledok
- (d) Sedok
- (e) Eubu Sungei
- (f) Lukah
- (g) Jala
- (h) Bolats set in waters less than one fathom
- (i) Hook and line not exceeding three hooks.

SECOND SCHEDULE
(Regulation 5)

LICENCE FEES

(1)	(2)
<i>Appliances/Stakes</i>	<i>Fees</i>
(1) Trawl Nets	
Trawl nets used with engined boats of:	
(a) 75 tons gross tonnage and above	\$100.00 per gear per annum
(b) 40 tons gross tonnage but less than 75 tons gross tonnage ...	50.00 ..
(c) 15 tons gross tonnage but less than 40 tons gross tonnage ...	10.00 ..
(d) Less than 15 tons gross tonnage	5.00 ..
(2) Gill-Drift Nets	
(i) Drift nets	1.00 ..
(ii) Encircling nets	1.00 ..
(iii) Bottom nets	1.00 ..
(3) Beach Seine Nets	1.00 ..
(4) Purse Seine Nets	1.00 ..
(5) Lift, Scoop and Push Nets ...	1.00 ..
(6) Bag Nets	
Pengerch	1.00 Per set of 4 gears or part thereof per annum
Paka	1.00 ..
Tugu	1.00 ..
Juluk	1.00 ..
(7) Barrier Nets	1.00 per gear per annum

(1)				(2)	
<i>Appliances/Stakes</i>				<i>Fees</i>	
(8) Hooks and Lines	...	...	...	\$ 1.00	per gear per annum
(9) Traps					
(a) Bubu Laut	...	...	...	1.00	..
(b) Bintoh	...	...	...	1.00	per set of 10 gears or part thereof per annum
(10) Shellfish	...	...	...		Free of charge
(11) Miscellaneous	...	...	...	1.00	per gear per annum
(12) Fishing Stakes					
Kelong	...	...	...	10.00	per fishing stake per annum
Jermal	...	...	...	5.00	..
Jungkat	...	...	...	2.00	..
Ngian	...	...	...	1.00	..
Lendong	...	...	...	1.00	..
Belat (in waters of not less than one fathom)	...	...	...	1.00	..

THIRD SCHEDULE
(Regulation 4 (2))

DEPOSITS FOR FISHING APPLIANCES

(1)		(2)
<i>Appliances/Stakes</i>		<i>Deposits</i>
1. Trawl Nets		
Trawl nets used with engined boats of—		
(a) 75 tons gross tonnage and above		\$400.00
(b) 40 tons gross tonnage and less than 75 tons gross tonnage	...	200.00
(c) 15 tons gross tonnage but less than 40 tons gross tonnage	...	50.00
(d) less than 15 tons gross tonnage	...	10.00
2. Fishing Stakes		
(a) Kelong, Jermal, Jungkat, Ngian, Lendong:		
(i) Set up in waters 5 fathoms or more in depth (during low water spring tide)	...	500.00
(ii) Set up in water 3 fathoms or more but less than 5 fathoms (during low water spring tide)		300.00

(1)	(2)
<i>Appliances/Stakes</i>	<i>Deposits</i>
(iii) Set up in waters less than 3 fathoms (during low water spring tide)	100.00
(b) Belat (other than fishing stakes specified above):	
Set up in waters 1 fathom or more in depth (during low water spring tide)	50.00

FOURTH SCHEDULE
(Regulation 4 (4))

TERMS AND CONDITIONS OF LICENCE FOR TRAWL FISHING
OTTER TRAWL NET

1. The mesh size of any otter trawl net shall be not less than one inch extension measure at the cod end.

2. Except as may be restricted to any area by the Fishery Officer in the terms and conditions of licence, otter trawl nets used with engined boats of:

- (a) 75 tons gross tonnage and above with 200 horse power and above shall be used only in waters beyond 10 miles; or
- (b) 40 tons gross tonnage but less than 75 tons gross tonnage with 100 horse power and above shall be used only in waters beyond 7 miles; or
- (c) 15 tons gross tonnage but less than 40 tons gross tonnage with 60 horse power and above shall be used only in waters beyond 5 miles; or
- (d) less than 15 tons gross tonnage with less than 60 horse power shall be used only in waters beyond 3 miles unless otherwise authorised by the Fishery Officer;

off the coast of the State:

Provided that the Fishery Officer may by endorsement of the licence, permit fishing in the waters off the coast from Tanjung Datu to Tanjung Sirik with trawl nets beyond 1 mile from the coast during the months of November to February.

3. Fishing with otter trawl nets used with engined boats of not more than 15 tons gross tonnage and with less than 60 horse power shall be carried out within the hours of 6.00 a.m. to 6.00 p.m.

4. Fishing with otter trawl nets used with engined boats of 15 tons gross tonnage and above with engines of 60 horse power and above may be carried out throughout the day and night except off the area from Tanjung Datu to Tanjung Sirik where the Fishery Officer may restrict the hours of fishing by endorsement on the licence.

5. Licensees shall only use the boat or boats and employ person or persons approved by the Fishery Officer.

FIFTH SCHEDULE
(Regulation 4 (4))

TERMS AND CONDITIONS OF LICENCE FOR DRIFT-GILL NETS
FISHING

1. Fishing with drift-gill nets may be permitted only during the hours between 5.00 p.m. and 6.00 a.m. unless otherwise authorised by the Fishery Officer.
2. The operator of a drift-gill net shall display:
 - (a) one white light visible at least 2 nautical miles all round on his boat;
 - (b) one white light visible at least 2 nautical miles all round at the distal end of his drift-gill net at a height of 4 to 6 feet above the surface of the sea; and
 - (c) one brightly coloured flag visible at least 2 nautical miles all round at the distal end of his drift-gill net at a height of 5 to 6 feet above the surface of the sea.

SIXTH SCHEDULE
(Regulation 4 (4))

TERMS AND CONDITIONS OF FISHING STAKES PERMIT AND
LICENCE

1. The following conditions shall be attached to a permit issued in respect of the setting up of fishing stakes:
 - (a) the fishing stakes shall be set up within a period of three months from the date of issue of the permit or within such longer period as the Fishery Officer may authorise;
 - (b) as soon as the stakes have been set up, and in any case not later than twenty-one days thereof the holder of the permit shall apply for a licence to operate the said fishing stakes;
 - (c) except with the approval of the Fishery Officer, no fishing stakes which are set up in water less than three fathoms in depth (during low water spring tide), shall be within a distance of ~~two hundred~~ **two hundred** fathoms from any part of any other fishing stakes or ~~exceed two~~ **exceed two** hundred fathoms in length;
 - (d) ~~except with the approval of the Fishery Officer, no fishing stakes which are set up in waters three fathoms or more in depth (during low water spring tide), shall be within four hundred fathoms from any part of any other fishing stakes or exceed three hundred fathoms in length.~~

2. When required by a Fishery Officer so to do, the holder of licence shall display on any fishing stakes set up, from sunset to sunrise, a light or lights of such colour and visibility as may be specified in the licence.

Made this 26th day of November 1976.

DATUK ALI BIN HAJI AHMAD,
Ministry of Agriculture

NOTE: For the purpose of these Regulations, the breadth of the territorial waters adjacent to the coast of Sarawak, construed in accordance with the provisions of the Emergency (Essential Powers) Ordinance, No. 7 1969, is twelve nautical miles.