



# LAWS OF SARAWAK

REPRINT

## Chapter 54

### STATE FISHERIES ORDINANCE, 2003

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**STATE FISHERIES ORDINANCE, 2003**

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Sarawak LawNet

**LAWS OF SARAWAK**  
**Chapter 54**  
**STATE FISHERIES ORDINANCE, 2003**

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ARRANGEMENT OF SECTIONS

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**PART I**  
**PRELIMINARY**

*Section*

1. Short title and commencement
2. Interpretation

**PART II**  
**ADMINISTRATION**

3. Responsibility of Minister
4. State Fisheries Officer and other staff
5. Directions of Minister to the State Fisheries Officer
6. Responsibility of the State Fisheries Officer
7. Exercise of powers, duties and functions of the State Fisheries Officer

**PART III**  
**CONTROL OF FISHING IN THE STATE**

8. Directions on State fisheries
9. Prohibition
10. Licence for fishing stake and stow net

*Section*

11. Procedure for application for licence, *etc.*
12. Restrictions on fishing appliances
13. Removal of fishing appliances on ceasing operation
14. Removal or destruction of fishing appliances by State Fisheries Officer

PART IV

PROTECTION AND CONSERVATION

15. Notice of intention to declare fisheries sanctuary
16. Determination by the Minister
17. Constitution of fisheries sanctuary
18. Display of Order, *etc.*
19. Revocation of fisheries sanctuary
20. Prohibited activities within fisheries sanctuary
21. Power to declare prohibited fishing zone
22. Power to restrict riverine fishing
23. Power to prohibit fishing of smaller size fish
24. Restricted species of fish
25. Fishing appliance, *etc.*
26. General penalties for offences under this Part
27. Formation of Consultative Committee

PART V

AQUACULTURE

28. Aquaculture
29. Permit to establish pond, *etc.*, for aquaculture
30. Usage of pond, *etc.*, for aquaculture
31. Cage culture
32. Licence for hatchery
33. Order to stop work on pond, *etc.*

PART VI

CONTROL OF FISH DISEASES

*Section*

34. Definition of fish disease
35. Designated area
36. Removal of fish from designated area
37. Control of fish disease
38. Destruction of diseased fish
39. No liability for compensation
40. Food for fish

PART VII

FISH PRODUCTS AND FISH PROCESSING

41. Licence for manufacture of fish products and processing of fish
42. Conditions of licence
43. Closure of premises
44. Obligation to disclose ingredients
45. Misrepresentation of fish products, *etc.*

PART VIII

ENFORCEMENT

46. Power of entry, seizure and arrest
47. Investigation of offences
48. Attendance before State Fisheries Officer or authorized person
49. Examination of witnesses
50. Investigations exceeding twenty-four hours
51. Claim for vessel, *etc.*, seized
52. Temporarily release of vessel, *etc.*

*Section*

53. Costs of holding vessels, *etc.*
54. Other orders of the Court
55. General obligations of holders of licences or permit and persons involved in fisheries industries
56. Sale of fish or other article of a perishable nature
57. Identification of authorized person
58. Protection of Government, *etc.*
59. Compounding of offences
60. Prosecution
61. Wilful destruction of evidence of offence
62. General penalty

PART IX

MISCELLANEOUS

63. Special Fund
64. Fees
65. Rules
66. Repeal
67. Continuance of orders, directions, *etc.*
68. Continuance and savings of any pending prosecution
69. Exclusion of Ordinance to wild life

FIRST SCHEDULE

- |        |   |  |
|--------|---|--|
| Form 1 | — | Licence for fishing appliance  |
| Form 2 | — | Licence for aquaculture  |
| Form 3 | — | Permit to commence work on pond or lake for aquaculture                      |
| Form 4 | — | Certificate for pond or lake to be used for aquaculture                      |
| Form 5 | — | Licence to construct or set up cage in river, stream, lake, reservoir or dam |

Form 6	—	Licence for hatchery
SECOND SCHEDULE	—	Fishing appliances exempted from provisions of section 10
THIRD SCHEDULE	—	Fees and deposit
FOURTH SCHEDULE	—	Restricted species of fish
FIFTH SCHEDULE	—	Licence for restricted fish
SIXTH SCHEDULE	—	Licence for manufacture of fish products/ processing of fish

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LAWS OF SARAWAK

Chapter 54

STATE FISHERIES ORDINANCE, 2003

*An Ordinance to regulate fishing and promote aquaculture and to provide for the proper and sustainable management of fisheries in the State of Sarawak, and for other connected and incidental matters.*

*\*[1st July, 2003]*

*\*(Swk. L.N. 72/2003)*

Enacted by the Legislature of Sarawak—

PART I

PRELIMINARY

**Short title and commencement**

1.—(1) This Ordinance may be cited as the State Fisheries Ordinance, 2003.

(2) This Ordinance shall come into force on such date as the Minister may, by notification in the *\*Gazette*, appoint and the Minister may appoint different dates for coming into force of different provisions of this Ordinance.

(3) The Minister may, by Order published in the *Gazette*,—

(a) suspend the operation of the whole or any provision of this Ordinance in any part of the State; and

(b) at any time thereafter, remove the suspension, with effect from such date as the Minister may appoint.

## Interpretation

### 2. In this Ordinance—

“aquaculture” means the propagation in inland waters of fish, turtle and frog seed or the raising of fish, turtle and frog seed through husbandry during the whole or any part of its life cycle, including any culture system employed in aquaculture;

“aquatic life” means any living organism or creature found in inland waters, and includes plants and other materials in such waters which are sources of food for such organism or creature;

“cage” means any net or appliance or structure used in a culture system in any river or stream for aquaculture;

“culture system” means any establishment, structure or facility employed in aquaculture, and includes on-bottom culture, cage culture, hanging-net culture, pen culture, pond culture, pole or stick culture, raceway culture, raft culture, rope culture and hatchery;

“disease” means any clinical or non-clinical infection with one or more of the aetiological agents of the diseases listed in the First Schedule to the Veterinary Public Health Ordinance, 1999 [Cap. 32];

“feed” means any organic or mineral substances or mixtures of such substances used as food for fish, and includes fishmeal;

“fish” means any aquatic animal or plant life, whether sedentary or not, and includes all species of finfish, crustacea, mollusca, aquatic mammals, or their eggs or spawn, fry, fingerling, spat or young and fish from maritime waters taken into the State, but does not include any specie of otters, turtles or their eggs;

“fish products” means any item of food or consumable substances made, manufactured, processed, or derived from fish, including feed and any other form of fish food produced in the State;

“fisheries sanctuary” means any area within and on inland waters in the State constituted under section 17;

“fishing appliance” includes a fishing net, a fishing trap, and any gear, with or without floats, buoys or sinkers, designed for capturing fish, but does not include—

- (a) any such gear of the hook-and-line type having not more than two hooks;
- (b) a cast net of the type known as “jala”; and
- (c) any fishing appliance specified in the Second Schedule;

“fishing stakes” means any device used for fishing which is made up of poles or other supports fixed into the ground and enclosed by ramie, rattan, wire or other screening material and so designed as to lead fish into such device;

“fishing vessel” means any ship, boat, craft or other vessel which is used for, equipped to be used for, or of a type used for—

- (a) fishing;
- (b) aquaculture; or
- (c) aiding or assisting any other ship, boat, craft or other vessel in the performance of any activity related to fishing, including any of the activities of preparation, processing, refrigeration, storage, supply or transportation of fish;

“Government” means the State Government of Sarawak;

“hatchery” includes any structure, tank, vessel or facility for the propagation of fish seed;

“inland fisheries” mean fisheries in riverine waters;

“inland waters” mean riverine waters and the waters of any lakes, streams, ponds, reservoirs, dams and all other waters within the boundaries of the State;

“Minister” means the Minister of the State Government of Sarawak who is for the time being charged with the responsibility for fisheries;

“national parks”, “nature reserves” and “wild life sanctuary” shall have the meanings assigned to those expressions under the National Parks and Nature Reserves Ordinance, 1998 [Cap. 27] and the Wild Life Protection Ordinance, 1998 [Cap. 26] respectively;

“prohibited fishing zone” means any area in riverine waters declared to be a prohibited fishing zone under section 21;

“river mouth” means that part of the river delineated by an imaginary line drawn contiguous with the shape of the adjoining coast, bay, inlet or islet across a river at its estuary or delta where it meets the sea;

“riverine waters” means the waters of any river, from the river mouth to its source, and the waters in any lake, stream, pond and such other waters in the State of Sarawak whether natural or man-made, privately owned or otherwise;

“State” means the State of Sarawak;

“State Fisheries Officer” means the officer appointed under section 4, and includes his Deputy or any officer acting in, or temporarily discharging the duties, of his office;

“State Veterinary Authority” means the authority appointed under section 3(1) of the Veterinary Public Health Ordinance, 1999 [Cap. 32];

“stow net” means a fishing appliance made of whatever netting materials in the shape of a bag or codend attached to poles fixed permanently or impermanently in the riverbed set against the flow of the current for the purpose of catching fish;

“veterinary surgeon” shall have the meaning assigned to that expressions by the Veterinary Public Health Ordinance, 1999 [Cap. 32].

PART II  
ADMINISTRATION

**Responsibility of Minister**

3. The Minister shall be responsible for all matters relating to fisheries and aquaculture, including the conservation, management and development of fisheries and aquaculture in the State.

**State Fisheries Officer and other staff**

4. For the purpose of this Ordinance, there shall be a State Fisheries Officer and a Deputy State Fisheries Officer who shall be appointed by the Minister by notification in the *Gazette*, and such number of Fisheries Officers as the Minister may deem fit to appoint to assist the State Fisheries Officer under this Ordinance.

**Directions of Minister to the State Fisheries Officer**

5. The Minister may give the State Fisheries Officer directions of a general character not inconsistent with this Ordinance as to the exercise of his powers, duties and functions under this Ordinance and the State Fisheries Officer shall give effect to any direction so given.

**Responsibility of the State Fisheries Officer**

6. The State Fisheries Officer shall, under the direction of the Minister given under section 5, be responsible for the general administration and supervision of all matters relating to fisheries and aquaculture under this Ordinance.

**Exercise of powers, duties and functions of the State Fisheries Officer**

7. The State Fisheries Officer shall generally be responsible for carrying into effect the provisions of this Ordinance and to exercise such powers, to perform such duties and to carry out such functions as may be conferred upon him hereunder and by any rules or orders under this Ordinance.

PART III  
CONTROL OF FISHING IN THE STATE

**Directions on State fisheries**

8.—(1) The State Fisheries Officer may, after consultation with the Minister, by notification published in the *Gazette*, issue such direction as he deems proper, to regulate fisheries in the State and any person mentioned in the direction or affected thereby, shall comply therewith unless expressly exempted therefrom in writing by the State Fisheries Officer.

(2) Any direction issued by the State Fisheries Officer shall be displayed or exhibited in such public places or published or advertised in any newspaper circulating in the State, as he deems fit.

**Prohibition**

9.—(1) Except as provided in subsection (2), no person shall use any of the following methods of fishing in riverine waters:

(a) fishing using any fishing appliances that is towed, dragged, pulled or pushed by a motorized fishing vessel; or

(b) fishing using any poisonous substances or liquid, or explosives within the meaning of the Explosives Act 1957 [Act 207]; or

(c) fishing using any apparatus utilising electric current or electricity derived or generated from any source or equipment; or

(d) fishing using any other method prohibited under this Part.

(2) Subsection (1) shall not apply to fishing within any pond or lake which is situated on land belonging to any private individual, and the fish caught therefrom, are not intended for sale and will not be sold, to the public.

- (3) Any person who—
- (a) contravenes any of the provisions of subsection (1); or
  - (b) carries or has in his possession or under his control, any fish which has been captured with the aid of any of the methods referred to in subsection (1),

shall be guilty of an offence: Penalty, a fine not exceeding five thousand ringgit or imprisonment not exceeding two years or both fine and imprisonment for the first offence; and, a fine not exceeding fifteen thousand ringgit or imprisonment not exceeding five years or both fine and imprisonment for any subsequent offence.

- (4) In the prosecution of any offence under subsection 3(b), the person charged therewith shall be presumed, until the contrary is proved, to have taken or captured the fish found in his possession or under his control with the aid of any methods mentioned in subsection (1).

**Licence for fishing stake and stow net**

**10.—(1)** No person shall—

- (a) set up, operate or cause to be operated any fishing stake or stow net;
- (b) have in his possession or on board a vessel any fishing stake or stow net; or
- (c) use such other fishing appliances or part thereof which are not exempted under the Second Schedule,

without a licence issued by the State Fisheries Officer.

- (2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding five thousand ringgit or imprisonment not exceeding two years, or both.

**Procedure for application for licence, etc.**

**11.—(1) (a)** An application for a licence in respect of any fishing appliance referred to in section 10(1) shall be made in such form as may be prescribed by the State Fisheries Officer who may issue the licence aforesaid in Form 1 of the First Schedule or reject the application.

(b) Any licence issued under paragraph (a)—

(i) shall contain such terms and conditions as the State Fisheries Officer may deem fit to impose;

(ii) shall be for such period, not exceeding twenty-four months, as he deems proper;

(iii) may be extended for such period, not exceeding twenty-four months, as he shall determine;

(iv) shall not be transferrable; and

(v) may be revoked or cancelled by the State Fisheries Officer for any breach or contravention of any of the provisions of this Ordinance or rules made thereunder or any term or condition stipulated in the licence.

(c) The revocation or cancellation of a licence under paragraph (b)(v) shall not be a bar to, prejudice or in any way affect any prosecution of the holder of the licence of any offence committed by him under this Ordinance.

(2) The State Fisheries Officer shall, before determining any application under subsection (1), afford the Sarawak Rivers Board an opportunity to make recommendations to the State Fisheries Officer as to the manner in which the application shall be determined, and the State Fisheries Officer shall take into account any such recommendations.

(3) Before issuing a licence to operate any fishing stake or stow net, the State Fisheries Officer shall first satisfy himself by a survey that the fishing stake or stow net, in respect of which the said licence was applied for, has been set up in accordance with section 12.

(4) Before a licence in respect of any fishing stake is issued, the applicant shall deposit with the State Fisheries Officer the amount specified in the Third Schedule and pay the fees stipulated in that Schedule.

### **Restrictions on fishing appliances**

**12.—**(1) No fishing appliance shall be operated at such a place or in such a manner as to cause obstruction to riverine traffic or to cause erosion in any river.

(2) Any fishing stake or stow net licensed under this Part shall be identified by such a number to be allotted by the State Fisheries Officer and the licensee shall at all times display, in a conspicuous position on the fishing stake or stow net, a number plate bearing the said number, the size of the lettering of which shall be as may be prescribed by the State Fisheries Officer.

(3) Subject to the terms and conditions as specified by the State Fisheries Officer in a licence, no person shall operate or cause to be operated any fishing stake or stow net in a river within a distance of fifty metres in front of or behind another fishing stake or stow net licensed under this Ordinance.

### **Removal of fishing appliances on ceasing operation**

**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 the appliance, shall be removed forthwith or within such period as the State Fisheries Officer may direct.

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

(3) The owner of any fishing stake or stow net who ceases to operate his fishing stake or stow net shall, within one month of the date of expiry of the licence, notify the State Fisheries Officer in writing.

(4) No person shall remove any fishing stake or stow net under subsection (1) except under the supervision or instructions of the State Fisheries Officer.

**Removal or destruction of fishing appliances by State Fisheries Officer**

14.—(1) The State Fisheries Officer may remove or destroy or cause to be removed or destroyed any fishing appliance placed or erected contrary to the provisions of this Ordinance; and any expenses so incurred shall be recoverable from the owner thereof or the deposit paid under section 11(4).

(2) No person shall have any claim to compensation in respect of any fishing appliance so removed or destroyed under this section.

PART IV

PROTECTION AND CONSERVATION

**Notice of intention to declare fisheries sanctuary**

15.—(1) The Minister may, by notification published in the *Gazette* and in at least one newspaper circulating in the State, declare his intention to seek the approval of the Majlis Mesyuarat Kerajaan Negeri, to constitute any area of riverine waters as a fisheries sanctuary for any of the following purposes or objectives:

(a) to protect, preserve and manage the natural breeding grounds and habitat of any specie of fish or aquatic life;

(b) to improve and enhance natural conditions for the natural regeneration of any specie of fish or aquatic life or to prevent or avoid the depletion thereof;

(c) to promote scientific research by any agency of the Government or any statutory body or any institution approved by the Minister, on any specie of fish or aquatic life, including their culture system, habitat, reproductive system and environment; and

(d) to prevent or mitigate against any harmful effects to the natural habitat or environment of any specie of fish or aquatic life found in that area of riverine waters.

(2) The notification shall—

(a) provide an accurate description of the area of riverine waters and the proposed limits of the proposed fisheries sanctuary;

(b) specify a period of not less than sixty days from the date of publication of the notification in the *Gazette*, for any person whose livelihood is dependent upon fishing in the riverine waters in the proposed fisheries sanctuary, to make written representations to the State Fisheries Officer on the proposal contained in the notification.

(3) (a) Where a fisheries sanctuary is to be constituted for the purpose or objective set out in paragraph (a) or (d) of subsection (1), the Minister may declare in the notification any acts or activities within the area proposed to be constituted a fisheries sanctuary, to be prohibited, or restricted or regulated in such manner as may be provided in the notification.

(b) Any prohibition or restriction imposed under paragraph (a) shall cease if the fisheries sanctuary is not constituted within six months from the date of publication of the notification in the *Gazette* unless Majlis Mesyuarat Kerajaan Negeri agrees to an extension of this period.

### **Determination by the Minister**

**16.—(1)** The Minister shall, after the expiry of the period stipulated by him in the notification for making of representations by persons referred to in section 15(2), consider such representations and upon such consideration, if he is of the opinion that for any of the purposes or objectives referred to in section 15(1), the area of riverine waters specified in the said notification, should be constituted as fisheries sanctuary, present his proposal to the Majlis Mesyuarat Kerajaan Negeri.

(2) The Minister shall, before presenting his proposal to the Majlis Mesyuarat Kerajaan Negeri, seek the views of the Controller of National Parks and Nature Reserves or the Controller of Wild Life, as the case may be, if the area of riverine waters to be constituted a fisheries sanctuary is within a national park, nature reserve or wild life sanctuary.

### **Constitution of fisheries sanctuary**

**17.—(1)** The Majlis Mesyuarat Kerajaan Negeri may, upon receipt of the proposal submitted by the Minister under section 16, by Order published in the *Gazette* declare the area of riverine waters described in the notification published under section 15(1), to be a fisheries sanctuary.

(2) The Order shall—

(a) provide a name for the fisheries sanctuary;

(b) stipulate the date on which the fisheries sanctuary shall be constituted;

(c) state the purpose or objectives for which the fisheries sanctuary is constituted;

(d) specify the conditions or period during which fishing for any specie of fish or the taking of any aquatic life may be permitted and the persons who may fish in the said area during the prescribed period and under the conditions stipulated;

(e) if the fisheries sanctuary is constituted for the purpose of scientific research, the nature of the research to be carried out, by whom and for what purposes; and

(f) if the area of riverine waters is within a national park or nature reserve or wild life sanctuary, any other conditions or restrictions which the Controller of National Parks and Nature Reserves or Controller of Wild Life may deem necessary to impose.

**Display of Order, etc.**

18.—(1) The State Fisheries Officer shall cause the said Order or an extract thereof to be appropriately displayed or exhibited or posted at the fisheries sanctuary or on the banks of any river, stream, lake, pond or reservoir where the fisheries sanctuary is located.

(2) Any person who, without authority of the State Fisheries Officer, removes, destroys, defaces, damages or alters in any manner, the contents of any Order or extract thereof displayed, exhibited or posted in accordance with subsection (1), shall be guilty of an offence: Penalty, a fine not exceeding two thousand ringgit or imprisonment not exceeding six months or both.

**Revocation of fisheries sanctuary**

19.—(1) Any Order constituting a fisheries sanctuary under section 17 may be revoked by the Majlis Mesyuarat Kerajaan Negeri upon a report from the Minister that the same is no longer required for the purposes or objectives for which the fisheries sanctuary was constituted.

(2) Any Order made under subsection (1) shall contain such terms and conditions for the revocation thereof, and shall be published in the *Gazette* and take effect on such date as may be specified in the Order.

**Prohibited activities within fisheries sanctuary**

**20.—(1)** No person shall, without a permit from the State Fisheries Officer, in any fisheries sanctuary—

- (a) set up any fish trap or cage; or
- (b) carry out fishing or attempt to fish; or
- (c) breed or attempt to breed any fish or grow, cultivate or rear any aquatic life; or
- (d) carry on any research on fish or aquatic life; or
- (e) build or cause to be built any structure, jetty or any other premises on or over the waters; or
- (f) store, deposit or assemble any timber logs or forest produce on the banks or side of any rivers, stream, lake, pond where the fisheries sanctuary is located, or throw or discharge any refuse or waste or polluting substance into the fisheries sanctuary; or
- (g) except in any case of emergency, anchor or berth any vessel; or
- (h) discharge or cause to be discharged, any poisonous or deleterious substances or liquid into the waters within the fisheries sanctuary; or
- (i) remove any fish or aquatic life from the fisheries sanctuary; or
- (j) carry out or perform any of the acts or activities listed in paragraphs (a) to (i) in contravention or breach of any term or condition imposed by the State Fisheries Officer in a permit issued to him for undertaking any of the said acts or activities.

(2) Any person who contravenes any of the provisions in subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding five thousand ringgit or imprisonment not exceeding two years or both.

**Power to declare prohibited fishing zone**

**21.** The Minister may, acting on the advice of the State Fisheries Officer, by Order published in the *Gazette*, declare any area in riverine waters to be a prohibited fishing zone in order to—

- (a) save the population of any specie of fish found in that zone from depletion or extinction; or
- (b) prevent a habitat for any specie of fish in, or the ecosystem of that area, from imminent destruction or irreparable damage; or
- (c) prevent the spread of disease found in fish in that zone.

**Power to restrict riverine fishing**

**22.—(1)** The Minister may by notification in the *Gazette* restrict in any area specified in the notification and either for a period so specified or without limitation of time—

- (a) all fishing in riverine waters; or
- (b) fishing for any description of river fish specified in the notification; or
- (c) fishing for fish, or for any description of fish specified in the notification, by any method so specified.

(2) Any person found contravening any restriction imposed by the notification shall be guilty of an offence.

### **Power to prohibit fishing of smaller size fish**

23.—(1) No person shall in any riverine or inland waters catch, take or kill any fish of any description being a fish of a smaller size than such size as may be prescribed in relation to the fish by an order made by the Minister and published in the *Gazette*.

(2) No person shall sell, expose or offer for sale or have in his possession for the purpose of sale, any fish of that description or size as may be prescribed by the Minister under subsection (1).

### **Restricted species of fish**

24.—(1) No person shall kill, take, remove, catch or have in his possession any fish of the species prescribed in the Fourth Schedule except in pursuance of a licence as set out in the Fifth Schedule granted by the State Fisheries Officer and in accordance with the terms and conditions imposed on such licence.

(2) Any person found killing, taking, removing, catching or possessing any species of fish listed in the Fourth Schedule without a licence shall be guilty of an offence.

### **Fishing appliance, etc.**

25.—(1) The Minister may make an order stipulating that the type of fishing appliances as may be prescribed and other fishing gear shall comply with such requirements as to construction, design, material or size, including, in the case of fishing gears, size of mesh, as may be prescribed by the order.

(2) An order under this section may be framed so as to apply only in relation to fishing for specified description of fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

(3) Any person who contravenes or fails to comply with any order of the Minister made under subsection (1) shall be guilty of an offence.

### **General penalties for offences under this Part**

**26.** Any person who commits an offence under this Part for which no penalty has been prescribed, shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or imprisonment not exceeding six years or to both.

### **Formation of Consultative Committee**

**27.—(1)** Where a fisheries sanctuary or a prohibited fishing zone has been constituted under section 17 or 21, or where the Minister has published a notification to restrict riverine fishing under section 22, he may, on the recommendation of the State Fisheries Officer, establish a Consultative Committee for the purpose set out in subsection (2).

(2) The Consultative Committee may submit reports or recommendations to the Minister on the management and conservation of the fish and fisheries resources, habitat and environment in the fisheries sanctuary or prohibited fishing zone or the riverine waters where fishing is restricted, and propose measures to be taken to realise the purposes or objectives for which the fisheries sanctuary or prohibited fishing zone is constituted or the imposition of restriction on riverine fishing.

(3) The Consultative Committee shall consist of—

(a) the Resident for the Division (or in his absence, his representative) where the fisheries sanctuary or prohibited fishing zone or riverine waters where fishing is restricted, is located;

(b) a representative of the State Fisheries Officer;

(c) representatives of the local communities residing in the vicinity of the fisheries sanctuary, and dependent upon fishing therein as a source of food; and

(d) persons who would be undertaking scientific research or studies on fish in the fisheries sanctuary.

(4) (a) The Resident, or in his absence, his representative, shall preside over all meetings of the Consultative Committee.

(b) The representative of the State Fisheries Officer shall act as secretary of the Consultative Committee. He shall record and keep all minutes of meetings thereof.

(c) Meetings of the Consultative Committee may be called by the Resident, and, any three members, including the Resident or his representative, shall constitute a quorum for a meeting.

## PART V AQUACULTURE

### **Aquaculture**

**28.—(1)** No person shall engage in or carry out any activities or business relating to aquaculture in riverine or inland waters or on any land unless—

(a) he is in possession of a licence in Form 2 in the First Schedule issued by the State Fisheries Officer; and

(b)(i) such activities or business are conducted in a pond or lake constructed or established in accordance with a permit issued under section 29 and he has been issued with the certificate referred to in section 30; or

(ii) in a cage or hatchery issued with a licence under section 31 or 32.

(2) Any person who contravenes subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding twenty thousand ringgit or imprisonment not exceeding five years or both and, in the case of continuing offence, a further fine of one thousand ringgit for each day during which the offence continues.

(3) Subject to the direction of the Minister, the State Fisheries Officer shall have power—

(a) to carry out research and development with respect to any matter relating to aquaculture industry;

(b) to give advice on such matters;

(c) to provide training in such matters or to assist in the provision of such training by making grants or by exercising supervisory or co-ordinating functions;

(d) to promote the marketing and consumption in, and the export from, the State of aquaculture products; and

(e) to regulate and control the use of chemicals and biological ingredients for the purposes of enhancing the water quality and conditions of ponds for aquaculture.

(4) The State Fisheries Officer may charge fees for any services which he provides in respect of any particular matter, under this section.

**Permit to establish pond, etc., for aquaculture**

29.—(1) No person shall commence any work to build, construct or establish any pond or lake for aquaculture without a permit from the State Fisheries Officer.

(2) Application for a permit shall be made in such form as may be prescribed by the State Fisheries Officer and shall—

(a) if the pond or lake is to be built, constructed or established on land, be accompanied by:

(i) a certified true copy of the document of title for that land; or

(ii) if the applicant is not the registered proprietor of the land, a written authorization from the registered proprietor thereof to use the land for aquaculture by the applicant; or

(iii) in the case of land held under native customary rights (as defined in the Land Code [*Cap. 81 (1958 Ed.)*]), by a written confirmation from a Superintendent of Lands and Surveys that the applicant is the lawful claimant of the land;

(b) a plan showing the location and size of the pond or lake; and

(c) a copy of the Environmental Impact Assessment Report approved by the Natural Resources and Environment Board as required under article 3 of the Natural Resources and Environment (Prescribed Activities) Order, 1994 [*Swk. L.N. 45/94*].

(3) A permit to commence any work to build, construct or establish any pond or lake for aquaculture shall be in Form 3 prescribed in the First Schedule, and shall—

(a) stipulate the number, size and depth of the pond or lake to be built, constructed or established;

(b) stipulate the mitigating measures to be undertaken by the permit holder against environmental pollution or degradation;

(c) stipulate the nature of undertaking to be given by the permit holder upon cessation of his aquaculture activities; and

(d) include such other terms and conditions as the State Fisheries Officer may deem fit to impose.

(4) Nothing herein shall be deemed to authorize the State Fisheries Officer to issue a permit required under this section for aquaculture on State land which is not or has not been alienated to the applicant or if the use of the land for aquaculture would constitute an infringement or breach of any condition imposed on its title or if the applicant is unable to produce the written confirmation required under subsection (2)(a) to prove he is the lawful claimant to the land to be used for aquaculture.

### **Usage of pond, etc., for aquaculture**

**30.—**(1) No person shall use any pond or lake or reservoir or dam for aquaculture until and unless the State Fisheries Officer has certified in writing that the same has been built, constructed or established in accordance with the conditions of a permit issued pursuant to section 29.

(2) A certificate under subsection (1) shall be in Form 4 prescribed in the First Schedule.

### **Cage culture**

**31.—**(1) No person shall construct, set up or establish any cage which is for use as a culture system, in any river, stream, lake, reservoir or dam without a licence issued by the State Fisheries Officer and subject to such terms and conditions as he may impose.

(2) A licence issued under this section shall be in Form 5 prescribed in the First Schedule.

### **Licence for hatchery**

**32.—**(1) No person shall construct, set up or use any hatchery for aquaculture without a licence from the State Fisheries Officer.

(2) An application for such a licence shall be made in such form as may be prescribed from time to time by the State Fisheries Officer and supported by such particulars or documents as may be required by him.

(3) Any licence issued under this section shall be in Form 6 prescribed in the First Schedule and be subject to such terms and conditions as the State Fisheries Officer may deem fit to impose.

**Order to stop work on pond, etc.**

33. Where the State Fisheries Officer is satisfied and has reasonable grounds to believe that—

(a) any pond or lake has been built, constructed or established in contravention of section 29; or

(b) any cage has been constructed, set up or established in contravention of section 31; or

(c) any hatchery has been constructed, installed or used in contravention of section 32; or

(d) any pond or lake has been used for aquaculture in contravention of section 30 or in contravention of any conditions imposed in the permit issued under section 29,

he may order:

(i) all works on the buildings or construction thereof shall cease forthwith;

(ii) all aquaculture activities in such pond, lake, cage or hatchery shall cease within such period as may be specified in the order;

(iii) the pond or lake be filled back or restored to the condition prior to the construction thereof; or

(iv) the removal of any cage from any river or stream or lake or reservoir or the destruction of any hatchery.

PART VI

CONTROL OF FISH DISEASES

**Definition of fish disease**

34.—(1) For the purposes of this Part, “fish disease” means any of the diseases listed in the First Schedule to the Veterinary Public Health Ordinance, 1999 [Cap. 32].

(2) Notwithstanding subsection (1), the Minister may, upon the recommendation of the State Veterinary Authority, by notification in the *Gazette*, designate a disease to be a fish disease within the meaning of this Part.

**Designated area**

**35.**—(1) The Minister may, upon the recommendation of the State Veterinary Authority, declare an area in riverine waters where there is an outbreak of a fish disease as a designated area for the purposes of this Part.

(2) Subject to section 36, where the Minister has declared a designated area pursuant to subsection (1), the State Veterinary Authority shall notify the fish or aquatic life likely to be infected or contaminated by the fish disease and, from the time he makes the notification, no person shall, without a permit from the State Veterinary Authority, move, remove or transport:

(a) any fish or aquatic life—

(i) into the designated area;

(ii) out of the designated area; or

(iii) from a place within the designated area except to a contiguous place in the designated area occupied by the same person; or

(b) any flesh or other parts of fish designated in the notification—

(i) out of the designated area; or

(ii) from a place in the designated area except to a contiguous place in the designated area occupied by the same person.

**Removal of fish from designated area**

**36.** Where pursuant to section 35 an area is declared as a designated area owing to an outbreak of a fish disease, no person shall transport any fish into or out of that area unless the fish—

(a) is accompanied by a permit signed by the State Veterinary Authority or such other person as the Minister may appoint for such purpose by notification in the *Gazette*; and

(b) is certified by the said Authority or other person to be free from the disease or has been properly vaccinated against the disease.

### **Control of fish disease**

**37.—**(1) No person shall—

(a) bring into the State from any place outside the State;

(b) take out of the State to any place outside the State,

any live fish unless such fish has been certified by the State Veterinary Authority to be free of any fish disease.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding twenty-five thousand ringgit or imprisonment not exceeding five years or both.

### **Destruction of diseased fish**

**38.** Where the State Veterinary Authority has certified that any fish has been infected with or is suffering from any fish disease or has a condition which shows symptoms of such disease, the State Fisheries Officer or any person authorized by him may destroy the fish and report such destruction to the owner, importer or exporter of such fish and to the Minister.

### **No liability for compensation**

**39.—**(1) No compensation shall be payable in respect of any fish infected with fish disease and destroyed pursuant to section 38.

(2) Notwithstanding subsection (1), there shall be payable as compensation to the owner, importer or exporter of any fish reasonably believed to be infected with fish disease which has been destroyed pursuant to section 38 but found to be not so infected, such sum as may be approved in writing by the Minister.

**Food for fish**

**40.—(1)** No person shall give, administer or dispense to fish in riverine waters—

(a) feed which is produced or manufactured or imported in contravention of section 48(1) of the Veterinary Public Health Ordinance, 1999 [*Cap. 32*]; or

(b) feed or feed concentrates containing any drug or substances regulated under the Poisons Act 1952 [*Act 366*] or the Sale of Drugs Act 1952 [*Act 368*] unless such drug or substances are ordered or prescribed by the State Veterinary Authority or any person authorized by him or by a veterinary surgeon; or

(c) drug for the treatment of fish disease unless under the supervision or direction of any of the persons referred to in paragraph (b).

(2) Any person who contravenes any of the provisions of subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding ten thousand ringgit or imprisonment not exceeding eighteen months or both.

PART VII

FISH PRODUCTS AND FISH PROCESSING

**Licence for manufacture of fish products and processing of fish**

**41.—(1)** Subject to subsection (3), no person shall, without a licence from the State Fisheries Officer—

(a) manufacture fish products; or

(b) process fish,

for human consumption, sale or intended sale, whether within or outside the State.

(2) Any person who contravenes subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding ten thousand ringgit or imprisonment not exceeding eighteen months or both.

(3) The Minister may by direction to the State Fisheries Officer exempt the manufacture of any type of fish products or the processing of fish by any person or class of persons or at any specified category of premises from the provisions of subsection (1).

(4) For the purpose of this section—

“manufacture” includes the production, making or any process in the production or making of, any fish product, and the preparation or packaging of such product for the purpose of sale or intended sale;

“processing” means the canning, preservation, dehydrating, chilling, cooling, freezing, storage or otherwise preserving fish for the purpose of sale or intended sale;

“sale” includes the marketing, display or export of fish.

#### **Conditions of licence**

**42.—**(1) A licence issued under section 41(1) shall be substantially in the Form prescribed in the Sixth Schedule and shall contain such conditions as the State Fisheries Officer may deem fit to impose.

(2) Any licence issued under this Part shall be for a period not exceeding twelve months and may be renewed unless the holder thereof shall have committed any breach of the conditions of the licence or of the provisions of this Ordinance or any rules made thereunder.

(3) Any person who fails or neglects to comply with any of the conditions of a licence issued to him shall be guilty of an offence: Penalty, a fine not exceeding two thousand ringgit or imprisonment not exceeding one year, or both.

(4) Wherever there is breach of or failure or neglect to comply with any of the conditions of a licence, without prejudice to any prosecution of the holder thereof, the State Fisheries Officer may suspend, withdraw or cancel the same.

#### **Closure of premises**

43. Where the State Fisheries Officer, acting on the advice of the State Veterinary Authority, is satisfied that the condition of any premises used for the manufacture or processing of fish products, is or may become dangerous to health or may hinder in any manner the control or suppression of fish disease, he may issue written directions, together with the reasons for such direction, to require the owner or any person in control of such premises, to close the premises for such period as the State Fisheries Officer, acting on the recommendation of the State Veterinary Authority, may determine.

#### **Obligation to disclose ingredients**

44.—(1) It shall be the duty of the holder of any licence issued under this Part—

(a) to furnish, if so requested by any purchaser of his fish products a written statement, signed by him, stating the ingredients used for the manufacture of the fish products or their components;

(b) to state accurately on any wrapper, package, bag or box containing the fish products, the ingredients used for the manufacture thereof and their components, and the date of the manufacture thereof.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence: Penalty, a fine not exceeding two thousand ringgit.

**Misrepresentation of fish products, etc.**

45.—(1) No person shall put on sale or intended sale—

- (a) any fish product not manufactured; or
- (b) any fish not processed,

by a person licensed under this Part.

(2) No person shall knowingly state or declare or describe in any document, package or otherwise, that any fish product or processed fish, is manufactured or processed under licence issued under this Part, when such fish or fish product is not so manufactured or processed.

(3) Any person who contravenes any of the provisions of subsection (1) or (2) shall be guilty of an offence: Penalty, a fine not exceeding twenty thousand ringgit or imprisonment not exceeding three years, or both.

**PART VIII**

**ENFORCEMENT**

**Power of entry, seizure and arrest**

46.—(1) The State Fisheries Officer or any person authorized by him (in this Part referred to as an “authorized person”) or any police officer not below the rank of Inspector may, without a warrant—

(a) enter, inspect and search any place in which he has reason to believe that an offence under this Ordinance is about to be or has been committed;

(b) seize any thing whatsoever which he has reason to believe has been caught, or has been used in the commission of an offence under this Ordinance; or

(c) arrest any person whom he has reason to believe has committed an offence under this Ordinance.

(2) The State Fisheries Officer or any authorized person or any police officer not below the rank of Inspector shall have power—

(a) to inspect any riverine or inland waters in which fish or the eggs of fish or foodstuff for fish are likely to be found, and to take therefrom samples of any fish or of any such egg or foodstuff or of water, mud, vegetation or other matter;

(b) to inspect any cage situated in riverine or inland waters and used for the purposes of a business of fish farming, and to take therefrom samples of any fish or of any eggs of fish or of foodstuff for fish or of water or other matter; and

(c) for the purpose of exercising any powers or performing any duties under this section, to enter, upon production on demand of his authority, on any land or any cage situated in riverine or inland waters,

and any person who refuses to admit or intentionally obstructs the State Fisheries Officer or any authorized person or any police officer in the exercise or performance of any of the said powers and duties under this Ordinance shall be guilty of an offence.

(3) In effecting any of the powers under paragraph (1) or (2), the State Fisheries Officer or any authorized person or any police officer may use such force as may be reasonably necessary.

(4) A written acknowledgement shall be given in respect of any thing seized under subsection (1)(b).

(5) The State Fisheries Officer or any authorized person or any police officer making an arrest under subsection (1)(c) shall without unreasonable delay hand over the person so arrested to a police station; and the provisions of the Criminal Procedure Code [Act 593] shall apply in relation to the person so arrested.

#### **Investigation of offences**

47.—(1) The State Fisheries Officer or any authorized person shall have the power to investigate the commission of any offence under this Ordinance.

(2) Every person required by the State Fisheries Officer or any authorized person to give information or produce any document or other article relating to the commission of such offence which is in the person's power to give or produce shall be legally bound to give the information or to produce the document or other article, as the case may be.

**Attendance before State Fisheries Officer or authorized person**

48.—(1) The State Fisheries Officer or any authorized person making an investigation for any offence under this Ordinance may by order in writing require the attendance before himself of any person who appears to him to be acquainted with the facts or circumstances of the case, and such person shall attend as so required.

(2) If any such person refuses to attend as so required, the State Fisheries Officer or any authorized person may report such refusal to a Magistrate who may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order aforesaid.

(3) Any person attending as required under subsection (1) shall be entitled to be paid reasonable travelling and subsistence expenses incurred by him and it shall be lawful for the State Fisheries Officer to pay such expenses.

**Examination of witnesses**

49.—(1) The State Fisheries Officer or any authorized person making an investigation under this Ordinance, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by the State Fisheries Officer or any authorized person provided that such person may refuse to answer any question which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) Any person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) Any authorized person examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall whenever possible be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any corrections he may wish.

#### **Investigations exceeding twenty-four hours**

**50.**—(1) Whenever any person is arrested and detained in custody by the State Fisheries Officer or any authorized person for an offence under this Ordinance, and it appears that the investigation cannot be completed within the period of twenty-four hours from the time the person is arrested, the State Fisheries Officer or the authorized person shall produce such person before a Magistrate for the purpose of subsection (2).

(2) The Magistrate before whom such person is produced under subsection (1) may, whether he has or has no jurisdiction to try the case, from time to time authorize the detention of such person in such custody as such Magistrate thinks fit for a term not exceeding fifteen days on the whole, and in accordance with provisions in the Criminal Procedure Code [*Act 593*].

#### **Claim for vessel, etc., seized**

**51.**—(1) Where any vessel, vehicle, fish, article or thing is seized under this Ordinance and there is no prosecution in respect thereof, such vessel, vehicle, fish, article or thing may be held for a period of sixty days from the date of seizure and at the end of which period it shall be deemed to be forfeited, unless a written claim thereto is received within the aforesaid period.

(2) Where any written claim is received under subsection (1), it shall be referred by the State Fisheries Officer or any authorized person to the Sessions Court or to a Court of a Magistrate of the First Class for its decision as to the disposal of the vessel, vehicle, fish, article or thing, which may, subject to section 47, be held pending the conclusion of such proceedings.

(3) The Court concerned shall issue a summons requiring the claimant and the person, if any, from whom the vessel, vehicle, fish, article or thing was seized to appear before the Court and upon the appearance of such claimant or person, or upon his failure so to do after reasonable notice, the Court shall proceed to examine the matter and make an order upon the facts proved.

**Temporarily release of vessel, etc.**

52.—(1) Where any vessel, vehicle, fish, article or thing is seized under this Ordinance, the State Fisheries Officer may temporarily return the vessel, vehicle, fish, article or thing to the owner thereof or to the person from whose possession, custody or control it was seized, subject to such terms and conditions (including the suspension of a licence or permit issued under this Ordinance) as the State Fisheries Officer may impose and subject, in any case, to sufficient security being furnished to the satisfaction of the State Fisheries Officer that the vessel, vehicle, fish, article or thing shall be surrendered to him on demand and that the said terms and conditions, if any, shall be complied with.

(2) Notwithstanding subsection (1), the security to be furnished thereunder shall not be less than the aggregate value of the vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, fish, article or thing which has been seized.

(3) Any person who—

(a) fails to surrender on demand to the State Fisheries Officer the vessel, vehicle, fish, article or thing temporarily returned to him under subsection (1); or

(b) fails to comply with or contravenes any of the terms or conditions imposed under subsection (1),

shall be guilty of an offence.

**Costs of holding vessels, etc.**

**53.** Where any vessel, vehicle, fish or thing is held in the custody of the Government pending completion of any proceedings in respect of an offence under this Ordinance, the costs of holding, storing or keeping the vessel, vehicle, fish, or thing in custody shall, in the event of any person being found guilty of the offence, be a debt due to the Government by the person guilty of the offence and shall be recoverable accordingly.

**Other orders of the Court**

**54.—(1)** Where any person is found guilty of an offence, the Court shall, in addition to any other penalty that may be imposed,—

(a) order that the vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, fish, article or thing used in the commission of such offence or in relation to which such offence has been committed be forfeited;

(b) order that any fish caught in the commission of such offences or the proceeds of the sale of any fish or other article of a perishable nature referred to in section 56 and any explosive, poison, pollutant, apparatus or prohibited gear used or intended to be used in the commission of such offence be forfeited; and

(c) order the person, if he is the holder of any permit or licence issued under this Ordinance, to show cause why the licence or permit should not be cancelled or revoked by the Court.

(2) Any vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, article, thing, explosive, poison, pollutant, apparatus, prohibited gear or fish ordered to be forfeited under subsection (1) or deemed or ordered to be forfeited shall be disposed of in such manner as the State Fisheries Officer may think fit.

**General obligations of holders of licences or permit and persons involved in fisheries industries**

**55.—**(1) The holder of any permit or licence issued under this Ordinance shall—

(a) produce the same for inspection by the State Fisheries Officer or any authorized person or a police officer if so required by him;

(b) furnish in such form as may be prescribed by the State Fisheries Officer, all data, information or other details pertaining to any activity or business undertaken by him under the permit or licence.

(2) (a) Any person who is involved in or undertakes any fisheries industries shall furnish to the State Fisheries Officer, in such form as may be prescribed by him, all data, statistics, information or other particulars relating to his business and incidental thereto.

(b) For the purpose of this subsection, “fisheries industries” means any business, undertaking or activity relating to the processing, marketing, transport, import or export of fish, or the manufacture of fish products, feed or drug for fish.

(3) The holder of a permit or licence who fails or neglects to comply with the provisions of subsection (1) or (2) shall be guilty of an offence. Penalty, a fine not exceeding one thousand ringgit.

**Sale of fish or other article of a perishable nature**

56. Any fish or other article of a perishable nature seized under this Ordinance may, on the direction of the State Fisheries Officer or any authorized person, be sold and the proceeds of the sale shall be held and disposed of by an order of a Magistrate.

**Identification of authorized person**

57. Any authorized person when discharging his functions or duties or exercising his powers under this Ordinance, shall on demand, produce to any person against whom he is taking action, such identification or written authority to show that he is an authorized person for the purposes of this Ordinance.

**Protection of Government, etc.**

58.—(1) No action shall be brought against the State Fisheries Officer or any authorized person in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his functions and duties or in the exercise of his powers under this Ordinance.

(2) No action shall lie against the Government or the State Fisheries Officer or any authorized person or police officer for any damage caused to any vessel (including its equipment, furniture, appurtenances, stores, cargo and fishing appliance), vehicle, fish, article or thing seized under this Ordinance unless there is *prima facie* evidence of gross negligence.

**Compounding of offences**

59. The State Fisheries Officer or any other officer authorized by him by notification in the *Gazette* may compound any offence under this Ordinance or rules made thereunder by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding one half of the fine prescribed for such offence.

### **Prosecution**

**60.** Any person authorized in writing by the Public Prosecutor pursuant to section 377 of the Criminal Procedure Code [*Act 593*] may conduct prosecutions for offences under this Ordinance or the rules made thereunder.

### **Wilful destruction of evidence of offence**

**61.** Any person who destroys or abandons any fish, turtle, fishing appliance, explosive, poison, pollutant, apparatus, prohibited gear or any other object or article, with intent to avoid its seizure or the detection of any offence under this Ordinance shall be guilty of an offence.

### **General penalty**

**62.** Any person who contravenes or fails to comply with any provision of this Ordinance shall be guilty of an offence and where no special penalty is provided in relation thereto, such person shall be liable to a fine not exceeding twenty thousand ringgit or to imprisonment not exceeding three years or both, or if a corporate body, to a fine not exceeding fifty thousand ringgit.

## **PART IX**

### **MISCELLANEOUS**

#### **Special Fund**

**63.—(1)** The Minister may, with the approval of Majlis Mesyuarat Kerajaan Negeri, establish a Special Fund for the promotion, research and conservation of inland fisheries or fish resources in the State and to accord relief and assistance to persons involved in the fisheries industries in the event of outbreak of fish diseases or the occurrence of incidents or circumstances which necessitate such relief or assistance to be given.

(2) The Special Fund established under subsection (1) shall be managed and administered by such person as the Minister may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, appoint.

(3) The Special Fund shall consist of such grant or financial assistance as the Government may provide, and any contribution, donation or gift that may be given by any other persons including persons involved in the fisheries industries or holders of any licence or permit.

#### **Fees**

**64.** The Minister may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, impose fees for the issue or renewal of any licence or permit issued or granted under this Ordinance or for such other purposes as stipulated in the Third Schedule.

#### **Rules**

**65.—(1)** The Majlis Mesyuarat Kerajaan Negeri may make rules for the purpose of carrying out into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provisions, the rules may make provisions to—

(a) amend, modify or alter any of the Schedules to this Ordinance;

(b) provide for the procedure for the application for any licence or permit required under this Ordinance;

(c) control or regulate activities of any kind within a fisheries sanctuary or a prohibited fishing zone;

(d) regulate any study or scientific research on fish, fish disease or culture species or other matters related to inland fisheries in the State;

- (e) promote and regulate aquaculture in inland waters;
- (f) prescribe measures for the prevention and control of fish diseases;
- (g) prescribe conditions and requirements for the establishment and maintenance of premises or factories for the processing of fish or manufacture of fish products;
- (h) regulate, prohibit or restrict fishing in any area within riverine waters;
- (i) provide procedures and terms for the issue of certificate by the State Veterinary Authority for live fish to be taken into or out of the State;
- (j) provide measures to be undertaken by any person carrying out activities in or on riverine waters, for the proper conservation and management of known habitats for fish;
- (k) provide for and improve the collection of data and statistics from persons engaged in the fisheries industry, aquaculture and marketing of fish in the State;
- (l) control and regulate the manufacture, import, trade and dispensation of feeds and drugs for fish;
- (m) regulate the manufacture or production of fish products, including specifying standards and quality thereof;
- (n) prescribe procedures for the keeping of accounts for the Special Fund established under section 63, the auditing thereof and submission of audit reports to the State Financial Authority and the Minister;
- (o) prescribe penalties for offences against any rules made hereunder; and
- (p) provide for procedures and conditions for the compounding of any offence under this Ordinance or rules made hereunder.

**Repeal**

**66.** On the date of coming into force of this Ordinance—

(a) the Fisheries (Adoption) Ordinance, 1994 [*Cap. 10*];  
and

(b) the Sarawak Inland Fisheries Rules, 1995 [*Swk. L.N. 19/95*],

shall be repealed and shall cease to have effect.

**Continuance of orders, directions, etc.**

**67.** Notwithstanding the repeal of the Sarawak Inland Fisheries Rules 1995 [*Swk. L.N. 19/95*], all orders, directions, licences, permits and appointments issued, granted or made thereunder and in force immediately before the date of commencement of this Ordinance shall, in so far as they are not inconsistent with the provisions of this Ordinance, be deemed to be issued, granted or made under this Ordinance, and they shall continue in force until other orders, directions, licences or permits shall be issued, granted or made under this Ordinance or upon the date on which they expire.

**Continuance and savings of any pending prosecution**

**68.** Any prosecution for any offence under the Sarawak Inland Fisheries Rules, 1995 [*Swk. L.N. 19/95*] instituted or undertaken or in progress at the date of commencement of this Ordinance, shall continue notwithstanding the repeal of the said Rules; and if found guilty, the Court may convict him for an offence under the said rules and impose the penalty prescribed thereunder, as if this Ordinance had not been enacted.

**Exclusion of Ordinance to wild life**

**69.** Nothing in this Ordinance shall apply to any fish which is protected under the Wild Life Protection Ordinance, 1998 [*Cap. 26*].

FIRST SCHEDULE

FORM 1

THE STATE FISHERIES ORDINANCE, 2003

LICENCE FOR FISHING APPLIANCE

(Section 11(1)(a))

Licence for fishing appliance, namely .....  
is issued to .....  
(W.N.K.P. No. ....) whose address is at .....

2. The licence is subject to the following terms and conditions:

- (a) .....
- (b) .....
- (c) .....

3. The licence expires on 31st December, .....

Fees paid: .....

Receipt number: .....

Date: .....

Licence number: .....

.....  
*State Fisheries Officer*

**FORM 2**

THE STATE FISHERIES ORDINANCE, 2003

**LICENCE FOR AQUACULTURE**

(Sections 28(1)(a), 29, 31 and 32)

Licence is issued to .....  
(W.N.K.P./Co. No. ....) of .....  
.....  
to carry out the business or activity of aquaculture \*at .....  
...../or  
.....  
on land described as .....  
subject to the terms and conditions stipulated in the Schedule.

2. This licence is valid for a period of twelve (12) months, with effect from .....  
.....

**SCHEDULE OF CONDITIONS**

- (a) The activities or business of aquaculture shall be carried out in ponds or lakes certified under section 29(1) or in cages or hatchery issued with a licence under section 31 or 32.
- (b) This licence may be cancelled or suspended in the event that the licensee commits a breach of any provision of the State Fisheries Ordinance, 2003, or of any of the terms and conditions of this licence.
- (c) The licensee shall at all times comply with any direction or order issued by the Fisheries Officers provided that such direction or order is not inconsistent with provisions of the State Fisheries Ordinance, 2003.
- (d) The types of fish or fish seeds that may be treated, propagated or cultured under this licence are .....
- (e) This licence shall not be transferred without the prior written approval of the State Fisheries Officer.
- (f) This licence may be renewed upon payment of the prescribed renewal fee, provided at the time of such renewal the licensee has not committed any breach of the provisions of the said Ordinance or Rules made thereunder or the terms and conditions of this licence.

Licence No.: .....

Fees paid .....

Receipt No: .....

Renewal until .....

Date: .....

.....  
*State Fisheries Officer*

**FORM 3**

THE STATE FISHERIES ORDINANCE, 2003

**PERMIT TO COMMENCE WORK  
ON POND OR LAKE FOR AQUACULTURE**

(Section 29(3))

Pursuant to section 29(1) of the State Fisheries Ordinance, 2003, permission is granted to .....

*(name)*

\*(W.N.KP./Co. No. ....) of .....

*(address)*

to commence work to build, construct or establish .....

*(number)*

\*pond/lake on the following parcel of land .....

*(land description)*

.....  
subject to the following terms and conditions:.

(a) the \*pond/lake shall be constructed in accordance with the plan(s) attached hereto which \*has/have been approved by the State Fisheries Officer;

(b) the size, depth and location of the \*pond/lake shall be as stated in the attached plan;

- (c) the \*pond/lake shall be completed not later than ..... months from the date hereof or within such extended period as the State Fisheries Officer may allow in writing;
- (d) all mitigation measures identified in the Environmental Impact Assessment Report dated ..... and approved by the Natural Resources and Environment Board shall be complied with by the permit holder;
- (e) this permit may be cancelled or withdrawn if it is transferred or assigned without the approval of the State Fisheries Officer or in the event of a breach of any terms and conditions herein contained; and
- (f) any other conditions: .....

Dated this     day of     ,     .

.....  
*State Fisheries Officer*

*\*Delete where inapplicable*

Fees paid vide .....

**FORM 4**

THE STATE FISHERIES ORDINANCE, 2003

**CERTIFICATE FOR POND OR LAKE  
TO BE USED FOR AQUACULTURE**

(Section 30(2))

This is to certify that .....of  
*(name)*

.....may use the \*pond/  
lake described in the Schedule hereunder, which has been built in accordance with a  
Permit issued under section 29(3) of the State Fisheries Ordinance, 2003, for  
aquaculture.

SCHEDULE

The \*pond/lake as shown in the plan attached to this Certificate is situated on the parcel of land described as.....

Dated this      day of      ,      .

.....  
State Fisheries Officer

\*Delete where inapplicable.

Fees paid vide .....

FORM 5

THE STATE FISHERIES ORDINANCE, 2003

LICENCE TO CONSTRUCT OR SET UP CAGE IN RIVER, STREAM, LAKE, RESERVOIR OR DAM

(Section 31(2))

Permit No:

Licence is issued to .....

(name)

(I.C. No. ....\*/Co. ....) of .....

(address)

to construct, set up or install on the .....

(name of river or stream, lake, reservoir or dam)

at the place shown in the map hereto attached .....

(number)

cages for aquaculture, subject to the following terms and conditions:

(a) Each cage shall be of the following size: .....

(b) Type of fish cultured .....

(c) This licence shall expire on .....

(d) No shifting or re-location of the cages shall take place without the prior written approval of the State Fisheries Officer.

- (e) All measures, as notified by the State Fisheries Officer, to mitigate against pollution of the aquatic environment must be implemented.
- (f) The licence shall not be transferrable.
- (g) Any other conditions specified below:

Dated this      day of      ,      .

.....  
*State Fisheries Officer*

Paid vide Receipt No. ....

*\*Delete where inapplicable.*

**FORM 6**  
**THE STATE FISHERIES ORDINANCE, 2003**  
**LICENCE FOR HATCHERY**  
 (Section 32(3))

Licence is issued to .....  
*(name)*

(\*I.C. No. .... /Co. No. ....), to construct, set up or use a hatchery for (\*fish seed/post larvae prawns/.....) at ..... subject to the following terms and conditions:

*(State conditions)*

- (a) .....
- (b) .....
- (c) .....

2. This licence is valid for

Dated this      day of      ,      .

.....  
*State Fisheries Officer*

Fees paid vide Receipt No. ....

*\*Delete where inapplicable.*

*SECOND SCHEDULE*

THE STATE FISHERIES ORDINANCE, 2003

**FISHING APPLIANCES EXEMPTED FROM PROVISIONS OF SECTION 10**

(Sections 2 and 10(1)(c))

1. Tontang
2. Taut
3. Seledok
4. Sedok
5. Bubu Sungai
6. Lukah
7. Belat (length of which does not exceed 30 metres)

*THIRD SCHEDULE*

**FEEES AND DEPOSIT  
FEEES FOR LICENCE, PERMIT AND CERTIFICATE**

(Sections 11(4) and 64)

The fees specified in the second column hereunder shall be payable for the licence or permit or certificate described in the first column:

(1)	(2)
(a) Licence for fishing stake )	RM30.00 per gear per annum
(b) Licence for stow net )	RM10.00 per gear per annum
(c) Permit to commence work on pond or lake for aquaculture or hatchery or cage	RM50.00
(d) Certificate for use of pond or lake for aquaculture )	RM10.00
(e) (i) Licence to conduct activities or business of aquaculture	RM20.00 per hectare or part thereof per annum
(ii) Licence for a hatchery	RM100 per annum
(iii) Licence for a cage	RM2 per cage per annum
(f) Licence for restricted fish	RM50.00 per annum
(g) Licence for premises used for manufacture of fish products or processing of fish )	RM100.00 per annum

(1)	(2)
(h) Renewal fee for any licence or permit )	Same as the fee chargeable for the licence or permit
(i) Duplicate or replacement copy of any licence, permit or certificate	RM5.00

**DEPOSIT**

Fishing Stakes	RM100.00 per gear
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*FOURTH SCHEDULE*

THE STATE FISHERIES ORDINANCE, 2003

**RESTRICTED SPECIES OF FISH**

(Section 24(1))

<i>Local Names</i>	<i>Scientific Names</i>
1. Kelisa	Sclerophages formosus
2. Temoleh	Probarbus jullieni

*FIFTH SCHEDULE*

THE STATE FISHERIES ORDINANCE, 2003

**LICENCE FOR RESTRICTED FISH**

(Section 24(1))

WHEREAS a licence for catching, killing or having in possession of fish .....

.....

is granted to .....

W.N.K.P. No. .... whose address is

at .....

2. This licence is subject to the following terms and conditions:

- (a) .....
- (b) .....
- (c) .....

3. This licence expires on 31st December,

Fees: RM50.00

Receipt number: .....

Permit number: .....

Date: .....

.....  
*State Fisheries Officer*

*SIXTH SCHEDULE*

THE STATE FISHERIES ORDINANCE, 2003

**LICENCE FOR MANUFACTURE OF  
FISH PRODUCTS/PROCESSING OF FISH**

(Section 41(1))

Licence is granted to .....  
*(name of licence holder)*

\*W.N.K.P./\*Company No. ....  
of .....  
*(registered or residential address)*

For the manufacture of fish product/processing of fish at .....  
.....  
*(address of premises)*

2. This licence is issued subject to the following terms and conditions:

- (a)
- (b)
- (c)

AND that the holder must comply also with the provisions of the Protection of Public Health Ordinance, 1999 [*Cap. 30*] in relation to food premises.

3. This licence expires on 31st December, .

Fees: RM100.00

Receipt No. ....

Licence No. ....

Date: .....

.....  
*State Fisheries Officer*

[List of Amendments]

STATE FISHERIES

55

**LAWS OF SARAWAK**

**Chapter 54**

**STATE FISHERIES ORDINANCE, 2003**

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Swk. L.N. 72/2003	Date of Commencement of the Ordinance	1.7.2003

Sarawak LawNet



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK  
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK