

FISHERIES (COCKLES CONSERVATION AND CULTURE) REGULATIONS 2002

PU(A) 405/2002

IN exercise of the powers conferred by section 61 of the Fisheries Act 1985 [*Act 317*], the Minister makes the following regulations.

1. Citation.

These regulations may be cited as the Fisheries(Cockles Conservation and Culture) Regulations 2002.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

"cockle spat" means a cockle which his four millimetres or less measured in a straight line across the widest part of the shell;

"cockle seed" means a cockle which is more than four millimetres but less than twenty-five millimetres measured in a straight line across the widest part of the shell;

"cockle" means an edible bivalve mollusc of the type known as *Anadara granosa*, *Anadara ovalis* and *Barbati* sp;

"adult cockle" means a cockle which is twenty-five millimetres or more measured in a straight line across the widest part of the shell;

"licensed cockle seed buyer" means a person who has been issued a licence to buy cockle seeds under regulation 10;

"licensed cockle culturist" means a person who has been issued a licence to culture cockles in a marine culture system under the Fisheries (Marine Culture System) Regulations 1990 [P.U. (A) 131/90];

"mechanical apparatus" means an appliance or mechanism used for sucking the cockles mechanically from any cockle bed;

"pole scoop" means an appliance made of any material and of any shape, which is attached to a pole made of any material, which is used for taking cockles by towing it on the surface of the sea bed;

"hand scoop" means an appliance made of any material which is used to scoop cockles by hand from the surface of the sea bed;

"cultured cockle bed" means an area where cockles have been transplanted and allowed to grow under culture;

"natural cockle bed" means an area where cockle occur naturally.

3. Prohibition against taking cockle spat.

(1) No person shall take any cockle spat from a natural cockle bed or cultured cockle bed.

(2) Any person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or both.

4. Prohibition against taking cockle seeds or adult cockles.

(1) No person shall take any cockle seed or adult cockle from a natural cockle bed or cultured cockle bed unless he has been issued a licence to take cockles by the Director-General under regulation 8.

(2) Any person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or both.

5. Time allowed for taking cockle seeds and adult cockles from the natural cockle bed.

Cockle seeds and adult cockles may be taken from a natural cockle bed during the day between six o'clock in the morning and six o'clock in the evening.

6. Application for licence to take cockle seeds or adult cockles.

(1) An application for a licence to take cockle seeds or adult cockles from a natural cockle bed using a hand scoop shall be made in Form A of the First Schedule to the Director-General and shall be accompanied with the relevant documents.

(2) An application for a licence to take cockle seeds or adult cockles from a cultured cockle bed using a hand scoop shall be made in Form B of the first Schedule to the Director-General and shall be accompanied with the relevant documents.

(3) An application for a licence to take cockle seeds or adult cockles from a natural cockle bed or a cultured cockle bed using a mechanical apparatus or a pole scoop shall be made in Form C of the First Schedule to the Director-General and shall be accompanied with the relevant documents.

7. Power of Director-General to approve or reject application.

Upon receipt of an application for licence to take cockle seeds or adult cockles under regulation 6, the Director-General shall consider the application and may approve or reject the application.

8. Issuance of licence to take cockle seeds or adult cockles.

(1) Where an application for licence under regulation 6 has been approved, the Director-General shall, upon payment of the fee prescribed in the Second Schedule, issue a licence to take cockle seeds or adult cockles to the applicant.

(2) The licence may be subjected to the following conditions:

(a) the licensee shall take the cockle seeds from the natural cockle bed or cultured cockle bed specified by the Director-General;

(b) the licensee shall land the cockle seeds at the landing area specified by the Director-General;

(c) the licensee shall sell the cockle seeds to a licensed cockle seed buyer; and

(d) any other conditions as the Director-General thinks fit to impose.

9. Selling and buying of cockle seeds.

(1) No person shall be allowed to sell any cockle seed unless he has been issued a licence to take cockle seeds under regulation 8.

(2) No person shall be allowed to buy any cockle seed unless he is a licensed cockle culturist and he has been issued a licence to buy cockle seeds under regulation 12.

10. Application for licence to buy cockle seeds.

An application for a licence to buy cockle seeds shall be made in Form D of the First Schedule to the Director-General and shall be accompanied with the relevant documents.

11. Power of Director-General to approve or reject application.

Upon receipt of an application for licence to buy cockle seeds under regulation 10, the Director-General shall consider the application and may approve or reject the application.

12. Issuance of licence to buy cockle seeds.

(1) Where an application for licence to buy cockle seeds under regulation 10 has been approved, the Director-General shall, upon payment of the fee prescribed in the Second Schedule, issue a licence to buy cockle seeds to the applicant.

(2) The licence may be subjected to the following conditions:

(a) the licensee shall buy the cockle seeds from a person who has been issued a licence to take cockle seeds under regulation 6;

(b) the licensee shall buy the cockle seeds at the place specified in the licence;

(c) the licensee shall notify the date and time he intends to transplant the cockle seeds in his cultured cockle bed;

(d) the licensee may be required to transplant the cockle seeds under the supervision of a fisheries officer;

(e) the licensee shall transplant the cockle seeds not later than the date and time stated in his licence;

(f) the licensee shall not dispose off the cockle seeds in any other manner;

(g) the licensee shall provide data, information and statistics in relation to the purchase of the cockle seeds when requested by the Director-General; and

(h) any other conditions as the Director-General thinks fit to impose.

13. Period of validity of licence.

Any licence issued under these Regulations shall, unless cancelled or suspended or specified otherwise in the licence, be valid for a period of not more than twelve calendar months from the date of issuance of the licence.

14. Cancellation or suspension of licence.

The Director-General may cancel, or suspend for such period as the Director-General thinks fit, any licence issued under these Regulations where the licensee has failed to comply with any of the conditions of the licence.

15. Renewal of licence.

An application for the renewal of any licence issued under these Regulations shall be made in writing to the Director-General and the Director-General may renew or refuse to renew the licence.

16. General penalty.

Any person who contravenes any provision of these Regulations where it is not expressly provided or fails to comply with any of the conditions in the licence issued under these Regulations, commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding six months or both.

17. Savings and revocation.

(1) The Fisheries (Cockles Conservation and Culture) Regulations 1964 [L.N. 428/1964] are revoked.

(2) All licences, registrations or actions issued, done or taken under the revoked Regulations shall continue to have effect until the licences, registrations or actions expired or are revoked.

FIRST SCHEDULE

[Regulations 6 and 10]

Form A

FISHERIES ACT 1985

FISHERIES (COCKLES CONSERVATION AND CULTURE) REGULATIONS 2002

Director-General, Fisheries Department, Malaysia.

APPLICATION FOR LICENCE TO TAKE *COCKLE SEEDS/ADULT COCKLES FROM A NATURAL COCKLE BED USING HAND SCOOP

A. PERSONAL PARTICULARS OF APPLICANT

- 1. Name:.....
- 2. Identity card number:
- 3. Address:
- 4. Fisherman registration card number:
- 5. Fisherman association membership number:

B. PARTICULARS OF FISHING VESSEL

- 1. Registration number (*vessel owner/crew of vessel):
- 2. Name of the owner of the vessel:
- 3. Fishing *vessel/appliance licence book number (a copy of licence is attached):
.....
- 4. Type of fishing appliance licensed:
- 5. Fishing vessel base:
- 6. Expiry date of licence:

C. PARTICULARS OF TAKING *COCKLE SEEDS/ADULT COCKLES

- 1. Location of cockle bed:
- 2. Cockle landing area:
.....

D. APPLICANT'S DECLARATION

I hereby declare and confirm that all the information given in this application is true.

Date:

Signature of applicant

(for office use)

Application received on:

..... File reference number:

Comments:

.....
.....
..... Application is *approved/rejected.

Date:

Director-General

* Delete whichever is not applicable.

Form B

FISHERIES ACT 1985

FISHERIES (COCKLES CONSERVATION AND CULTURE) REGULATIONS 2002

Director-General, Fisheries Department, Malaysia.

**APPLICATION FOR LICENCE TO TAKE *COCKLE SEEDS/ADULT COCKLES
FROM A CULTURED COCKLE BED USING HAND SCOOP**

A. PERSONAL PARTICULARS OF APPLICANT

1. Name:

.....

2. Identity card number:

3. Address:

.....
.....

4. Fisherman registration card number:

5. Fisherman association membership number:

.....

B. PARTICULARS OF FISHING VESSEL

1. Registration number (*vessel owner/crew of vessel):

2. Name of the owner of the vessel:

3. Fishing *vessel/appliance licence book number (a copy of licence is attached):

.....

4. Type of fishing appliance licensed:

5. Fishing vessel base:

6. Date of expiry of the licence:

C. PARTICULARS OF TAKING COCKLE SEEDS

Cockle seeds landing area:

D. PARTICULARS OF TAKING ADULT COCKLES

1. Name of cultured cockle project:

2. Registration number of marine culture system:

3. Project area:

Latitude N Longitude E Latitude N

Longitude E Latitude N Longitude E

Latitude N Longitude E

4. Extent of project (in hectare):

5. Marine culture system licence number and date of expiry:

6. Temporary occupation licence number and date of expiry:

.....

E. APPLICANT'S DECLARATION

I hereby declare and confirm that all the information given in this application is true.

Date:

Signature of applicant

(for office use)

Application received on:

..... File reference

number:

Comments:

.....

.....

.....

Application is *approved/rejected.

Date:

Director-General

* Delete whichever is not applicable.

Form C

FISHERIES ACT 1985

FISHERIES (COCKLES CONSERVATION AND CULTURE) REGULATIONS 2002

Director-General, Fisheries Department, Malaysia.

**APPLICATION FOR LICENCE TO TAKE *COCKLE SEEDS/ADULT COCKLES
FROM A *NATURAL COCKLE BED/CULTURED COCKLE BED USING
*MECHANICAL APPARATUS/POLE SCOOP**

A. PERSONAL PARTICULARS OF APPLICANT

1. Name:.....

2. Identity card number:

3. Address:
.....
.....

4. Fisherman registration card number:

5. Fisherman association membership number:

B. PARTICULARS OF FISHING VESSEL

1. Registration number (*vessel owner/crew of vessel):
.....

2. Name of the owner of the vessel:

3. Fishing *vessel/appliance licence book number (a copy of licence is attached):

4. Type of fishing appliance licensed:

5. Fishing vessel base:.....

6. Expiry date of licence:

C. PARTICULARS OF TAKING *COCKLE SEEDS/ADULT COCKLES FROM NATURAL COCKLE BED

Location of cockle bed:

D. PARTICULARS OF TAKING *COCKLE SEEDS/ADULT COCKLES FROM CULTURED COCKLE BED

1. Name of cultured cockle project:

2. Registration number of marine culture system:.....

3. Project area:

Latitude..... N Longitude..... E
Latitude..... N Longitude..... E
Latitude..... N Longitude..... E
Latitude..... N Longitude..... E

4. Extent of project (in hectare):.....

5. Marine culture system licence number and date of expiry:.....

6. Temporary occupation licence number and date of expiry:.....

E. PARTICULARS OF LANDING AREA AND APPLIANCE USED FOR TAKING COCKLES

1. Cockle landing area (for cockle seeds only):.....

2. Appliance used for taking *cockle seeds/adult cockles:.....

F. APPLICANT'S DECLARATION

I hereby declare and confirm that all the particulars given in this application is true.

Date:

Signature of applicant

(for office use)

Application received on:

..... File reference number:

..... Comments:

.....

.....

..... Application is *approved/rejected.

Date:

Director-General

* Delete whichever is not applicable.

Form D

FISHERIES ACT 1985

FISHERIES (COCKLES CONSERVATION AND CULTURE) REGULATIONS 2002

Director-General, Fisheries Department, Malaysia.

APPLICATION FOR LICENCE TO BUY COCKLE SEEDS

A. PERSONAL PARTICULARS OF APPLICANT

1. Name of applicant (*individual/company):

2. Identity card number:

3. Address of applicant (*individual/company):
.....

.....

4. Registration number of company:

5. Place for buying cockle seeds:
.....

B. PARTICULARS OF CULTURED COCKLE BED PROJECT:

<i>Name of project</i>	<i>Marine culture system licence number and date of expiry of licence</i>	<i>Extent of project (in hectare)</i>	<i>Requirement of cockle seeds (number of sacks)</i>
------------------------	---	---------------------------------------	--

- i.
- ii.
- iii.

C. APPLICANT’S DECLARATION

I hereby declare and confirm that all the information given in this application is true.

Date:

Signature of applicant

(for office use)

Application received on:

..... File reference
 number: Comments:

Application is *approved/rejected.

Comments:

.....

Date:

Director-General

+ If the space given is insufficient, please give information in another piece of paper.

* Delete whichever is not applicable.

SECOND SCHEDULE

[Regulations 8 and 12]

FEES

- | | | |
|----|--|---------|
| 1. | Licence to take adult cockles from a natural cockle bed using hand scoop | RM10.00 |
| 2. | Licence to take adult cockles from a cultured | RM20.00 |

cockle bed using
hand scoop

3. Licence to take cockle seeds from a natural
cockle bed or cultured
cockle bed using hand scoop RM20.00
4. Licence to take cockle seeds or adult cockles
using pole scoop RM50.00
5. Licence to take cockle seeds or adult cockles
using mechanical
apparatus RM100.00
6. Licence to buy cockle seeds RM200.00

Made 30 August 2002

DATUK DR. MOHD. EFFENDI BIN NORWAWI

Minister of Agriculture