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 Foreign Fishing Boats Regulations 1981.

REGULATIONS

Article 1. - These regulations may be cited as the Foreign Fishing Boat Regulations 1981.

Article 2. - Every foreign fishing boat prohibited from fishing in Sri Lanka Waters under Section 4 of the Act shall, while within such waters stow its fishing gear in accordance with the following provisions:

- (a) all such gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;
- (b) all nets and trawl boards and weights shall be disconnected from their towing or hauling wires or ropes or rigid frames;
- (c) all fishing gear carried on deck shall be secured to some part of the super-structure of the boat.

Article 3. - Every application for a permit under section 6 of the Act shall be in writing, signed by the owner, charterer or master of the foreign fishing boat in respect of which the permit is sought, and countersigned by the authorized local representative name in the application, and shall contain the following particulars:

- (a) the name, description and tonnage of the boat, its equipment and crew complement;
- (b) the flag state and home port of the boat;
- (c) the name of the owner, charterer, if any, and master of the boat;
- (d) the side number of the boat, its radio frequencies and call sign;
- (e) a description of the proposed fishing operations or related activities including. -
 - (i) the species to be fished;
 - (ii) the method of fishing, the type and size of gear to be used;
 - (iii) the area or areas to be fished;
 - (iv) the quantity of fish to be caught;
 - (v) the period of time for which a permit is sought;
 - (vi) the place in which the fish is to be landed or processed and a description of the ultimate destination and use of the fish;
 - (vii) where a permit is sought to engage in related activities a description of the support operations, and the name and permit number if any, of fishing boats in support of which the related activities are to be carried out;

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- (f) a description of any joint venture or other contractual arrangements with Sri Lanka business interests in connection with the fishing operations;
- (g) a brief description of any related fishing operations sought to be undertaken in Sri Lanka waters by other boats belonging to or under the control of the foreign fishing boat owner or charterer if any;
- (h) the name and address of the local representative authorized by the owner or charterer to represent him in all dealing with officials of the Government of the Republic of Sri Lanka, and evidence of the extent to which the local representative is legally authorized to undertake legal and financial obligations on behalf of the owner or charterer;

Article 4. - Every permit issued under Section 6 of the Act with the approval of the Minister, shall be in the form set out in the First Schedule to these regulations.

Article 5. - The fee payable for a permit under Section 6 of the Act in respect of a fishing boat described in Column I of the Second Schedule to these regulations shall be at such rate as is specified in the corresponding entry in Column II of that Schedule.

Article 6. - (1) No permit issued under Section 6 of the Act, except of permit issued in respect of a foreign policy bond covered by an approved joint venture arrangement, shall be valid for fishing operations by any foreign fishing boat in Sri Lanka Waters within thirty five miles of the baseline from which the territorial sea is measured.

(2) A permit issued in respect of a foreign policy bond covered by an approved joint venture arrangement shall be valid for fishing operations by such boat in Sri Lanka Waters beyond twenty four miles of the baseline from which the territorial sea is measured.

(3) In this regulation, "an approved joint venture arrangement" means any joint venture arrangement between the owner or charterer of the foreign fishing boat and the Government of Sri Lanka or a State Corporation or a Registered Co-operative Society or a citizen or citizens of Sri Lanka or a company incorporated in Sri Lanka, in which the majority of the shares are held by Sri Lanka citizens.

- (a) which established a locally registered company to undertake the fishing operations, which is controlled by, and in which a majority of the shares are held by, the local party or parties;
- (b) which has received any necessary approval as a foreign investment from the appropriate authorities responsible for approving foreign investment; and
- (c) which has been approved for the purpose of these regulations by the Director.

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Article 7. - No joint venture arrangement shall be approved for fishing operations which is of a type and in an area already adequately developed or exploited by Sri Lanka fishermen or where, in the opinion of the Director, such fishing operations would conflict with existing or projected operations by Sri Lanka fishermen.

Article 8. - Every permit issued in respect of a foreign fishing boat under Section 6 of the Act shall be subject to the following general conditions:

- (a) The owner or charterer, if any, of the boat shall appoint and maintain a local representative or representatives in Sri Lanka, who shall be authorized to accept legal and financial responsibility on behalf of the owner or charterer in respect of the operations undertaken by the boat, and to accept service of any notice, summons or other document on behalf of the owner or charterer in any legal proceedings arising out of the conduct of the fishing operations or related activities by the boat. The local representative shall be a person resident in Sri Lanka and having a permanent office or establishment in Sri Lanka.
- (b) the owner or charterer, if any, of the boat shall, if required by the Director, execute and maintain a bond or other form of security in an amount and form satisfactory to the Director, to guarantee the fulfilment of the conditions attached to the permit;
- (c) the master of the boat, or the authorized local representative shall notify the Director of the estimated time and locations of entry of the boat into Sri Lanka waters not less than twenty four hours prior to such entry, and shall at the same time notify the Director of the following:
 - (i) the approximate fishing plan or schedule of activities to be carried out under the permit;
 - (ii) the port to which the boat will proceed for initial inspection unless exempted from such inspection; and
 - (iii) the species of fish on board the boat, and the quantity and condition of each species;
- (d) after entry into Sri Lanka Waters, the boat shall proceed directly and immediately to an inspection port for initial inspection by an authorized officer unless exempted from inspection by the Director, and shall not be used for fishing or related activities in Sri Lanka Waters until such time as such inspection has been carried out or such exemption has been given;
- (e) where fishing is authorized by the permit:
 - (i) only such species of fish shall be fished for, in such quantities, using such methods of fishing and such fishing gear as are authorized by the permit;

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- (ii) all relevant laws and regulations regarding the conservation and management of fisheries resources in Sri Lanka Waters and the conduct of fishing operations shall be complied with;
 - (iii) the master of the boat shall cause written records to be maintained on a daily basis of the fishing effort and catch of the boat, and of any transshipment or other dispositions of the catch, in such form as the Director may require;
- (f) where the transshipment, transporting or processing of fish is authorized by the permit:
- (i) only fish of the species, in the quantities and from the boats specified in the permit may be transhipped, transported or processed;
 - (ii) the master of the boat shall cause to be maintained in such form as the Director may require, written records on a daily basis of the transshipping, transporting and processing operations carried out, and of the species and quantities transhipped, transported or processed.
- (g) the written records required to be maintained under paragraph (f) and (g) shall be transmitted by the master of the boat to the Director:
- (i) at any time during the term of the permit at the request of the Director, or of any fisheries officer on his behalf or by any authorized officer, and
 - (ii) not later than thirty days after the expiry of the permit;
- (h) the master of the boat shall cause reports to be made of the position of the boat and of its activities including where applicable, catch statistics, at such times, in such form and by such means as may be specified in the permit or otherwise required by the Director;
- (i) the master of the boat, or the authorised local representative shall notify the Director of the estimated time of entry of the boat into any Sri Lanka port, at least twenty-four hours prior to such entry;
- (j) the master of the boat shall bring the boat into a Sri Lanka port for inspection at any time when required to do so by the Director or any authorized officer;
- (k) where the boat is in any area of Sri Lanka Waters where it is not authorized by its permit to engage in fishing all fishing gear shall be stowed in accordance with the methods prescribed in these regulations;

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- (l) the boat shall at all times while in Sri Lanka Waters:
 - (i) fly the flag of its flag state, and
 - (ii) display in a place clearly visible both from the sea and from the air the letters and numbers identifying the boat and assigned to it in the permit, in white markings of at least three feet in height, in the case of a boat, the overall length of which exceed sixty feet or eighteen inches in height in any other case, on a black background;
- (m) the master of the boat shall permit an observer or observers designated in writing by the Director, to go on board and remain on board the boat for the whole or part of the period of validity of the permit issued under section 6 in respect of the boat and shall:
 - (i) provide the observer or observers with suitable food and accommodation while on board;
 - (ii) co-operate fully with each observer in the performance of his duties;
 - (iii) arrange for the observer or observers to send or receive messages by way of the Radio-Telegraph or Radio-Telephone facilities on board the boat;
- (n) the master of the boat shall, at all times while in Sri Lanka Waters comply with any directions or instructions given to him by any authorized officer or naval enforcement vessel, and in particular, shall bring the boat to when requested to do so and permit any authorized officer to board the boat and co-operate with such officer in any inspection carried out by him;
- (o) the boat shall have on board at all times while in Sri Lanka Waters such communications and position fixing equipment as may be specified in these regulations or in the permit as required equipment;
- (p) the master of the boat, or the authorized local representative shall notify the Director of the estimated time and location of the departure of the boat from Sri Lanka Waters not less than forty eight hours prior to such departure, and shall at the same time notify the Director of the following:
 - (i) the port to which the boat will proceed for final inspection, unless exempted from such inspection, and
 - (ii) the species of fish on board the boat, and the quantity and condition of each species;

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- (q) before leaving Sri Lanka Waters, the boat shall proceed to an inspection port for final inspection by an authorized officer unless exempted from such final inspection by the Director;
- (r) after final inspection, the boat shall depart directly from Sri Lanka Waters and shall not be used for fishing or related activities before such departure;
- (s) any records, reports or notifications required to be maintained or made under this regulation shall be maintained or made in the English Language.

Article 9. - (1) For the purpose of section 13 of the Act or regulation 8 of these regulations:

- (a) the signal to be used for requiring a foreign fishing boat to be brought to a Sri Lanka port for inspection in the International Code of Signals signals "L";
- (b) the signal to be used for requiring a foreign fishing boat to bring to be boarded is the International Code of Signals signal "SQ3".

(2) Signals may be given by flag, signal lamp, loudspeaker, horn, siren, message block, whistle or radio.

Article 10. - In these regulations:

"Director" shall have the same meaning as in the Act;

"Inspection port" means a port in Sri Lanka approved by the Director for the purposes of inspection of foreign fishing boats;

"Authorized Officer" shall have the same meaning as in the Act; and

"Act" means the Fisheries (Regulation of Foreign Fishing Boats) Act N° 59 of 1979.

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FIRST SCHEDULE

Regulation 4.

THE REPUBLIC OF SRI LANKA

Foreign Fishing Boat Permit

No:.....

Issued to:

Address:

Name and address of owner of boat if different from above:

Name and address of agent or other legal representative in Sri Lanka:

Name and address of master of boat:

Name of boat:

Type of boat:

Port and country of registry:

Registration number:

Fishing boat identification mark:

Length: Registered net tonnage:

Engine horse power:

Name of port to be used as base:

Name and permit number of fishing boat in support of which the boat is to be used:

Special conditions (if any):

Period of validity from:

Until:

Date of issue:

Fees paid:

Part I :
Part II :
Total :

Director of Fisheries.

Approved:

Minister of Fisheries.

This permit is granted subject to the following conditions:

- 1. The holder shall comply with and ensure that the vessel is used in conformity with the provisions of the Fisheries (Regulation of Foreign Fishing Boats) Act, N° 59 of 1979 and any regulations made thereunder.

SECOND SCHEDULE

Regulation 5.

Fees payable in respect of Foreign Fishing Boat permits

Tonnage of vessel	Fees payable per month per Gross Registered Tonnage (GRT) in U.S. dollars
0 and less than 100	5
100 and less than 500	4
500 and over	3