

YAR 2

2. BASIC FISHERIES LEGISLATION

Fisheries Law N° 20 of 1978

PART I - DEFINITIONS

Article 1. - In these Articles the following words and expressions shall have the meanings hereby assigned to them except where the context otherwise requires:

"Minister" - Minister of Agriculture;

"Administrative body" - As indicated under Article 2, Clause 1 of this Law;

"Fish" - All kinds of fin and shell fishes as well as animals and plants and other aquatic organisms that live and grow in the sea including the products resulting from the activities of these animals and plants; their derivatives shall bear corresponding meanings;

"Fishing boat" - Any boat operated for fishing and treatment, storage and transportation of fish excluding the boat that is part of the fleet engaged in transporting the catch and its products;

"Foreign fishing boat" - The boat which is at least 51% owned by non-Yemenite nationals;

"Fish processing" - All kinds of processing of any fish products and any other method adopted for the purpose of selling them;

"Government" - Government of the Yemen Arab Republic;

"Republic" - Yemen Arab Republic;

"Official" - Any official authorized to carry out the tasks as prescribed under Article 2, Clause 2 of this Law.

PART II - MANAGEMENT AND POWERS

Article 2. - (1) The Government may, at the proposal of the Minister, set up an administrative body to coordinate, regulate and develop fishing activities in the Republic to achieve the following objectives:

- (a) generally to coordinate, regulate and develop fishing activities in the Republic including conservation, processing and marketing of fish and fish products;
- (b) to promote the setting up of fishermen cooperative societies and provide them with all possible facilities;

YAR 1

1. LIMITS OF NATIONAL JURISDICTION

Resolution N° 17 of the President of the Yemen Arab Republic,
30 April 1967

The President of the Yemen Arab Republic resolved, on April 30, 1967, that the territorial sea of the Yemen Arab Republic shall have a breadth of twelve miles.

YAR 3

- (c) to collect and analyse statistics on fisheries and fishery industries in the Republic;
- (d) to conduct technical studies and researches on fisheries and fisheries industries;
- (e) to organize training courses for fishermen and provide them with competent technicians and administrators in this field.

(2) The Minister or his representative in the Administrative Body, as set up under this Law, shall enforce the powers assigned to him.

Article 3. - (1) No local fishing boat may practise fishing within the fishery limits of the Republic except under a licence issued by the Administrative Body and on such conditions and regulations issued in this connection or under a fishing licence issued for this purpose and for a period specified therein.

(2) No such licence should be issued unless the boat is certified as fit for fishing under the provisions of the next following Article.

(3) Each licensed boat shall have the lettering and the number of the licence painted on it. The licence shall be produced for examinations by a person authorized under the rules in this behalf.

(4) The Administrative Body or the competent official shall maintain a register with all the particulars of licensed fishing boats.

(5) The Minister may exempt any fishing boats from the provisions of this Article.

Article 4. - (1) The Administrative Body or the competent official may issue a certificate of fitness to a local fishing boat.

(2) This certificate shall be issued after the boat has been examined by an authorized technical officer appointed for this purpose and who shall submit a report thereon.

Article 5. - (1) The Minister may issue a research fishing licence under the conditions specified by rules issued in this behalf to a local or foreign fishing boat for scientific research in the field of fisheries.

(2) The boats referred to under Clause 1 of this Article are not subject to the provisions of this Law unless so specified on the licence.

(3) Licences are granted on the condition that the result of the research shall be made available to the Ministry or the Administrative Body.

Article 6. - (1) No person shall use explosives or other noxious substances for catching, killing, injuring or paralyzing the fish so as to facilitate its capture.

YAR 4

(2) Should any person be found in possession of any substances mentioned under Clause 1 of this Article in a fishing boat it would be presumed, unless the contrary is proved, that it is kept for the illegal purpose aforementioned.

Article 7. - (1) The Minister may declare any area within the fishing limits of the Republic to be a prohibited area or "a conservation zone".

(2) It shall be illegal to fish in a conservation zone unless and to the extent permitted by the Minister.

Article 8. - (1) No fish processing establishment, local or foreign, shall be established except under a licence issued by the Minister on such conditions as laid down either generally by rules or by specific conditions on the licence, and for such period as may similarly be laid down.

(2) The Government may establish fish processing establishments in the public sector or form cooperatives for this purpose.

Article 9. - (1) A person authorized by the Minister generally or specifically in this behalf may arrest or detain a person who on reasonable grounds is found to be committing an offence. He may likewise seize the boat, the fishing gear, other implements, poison or noxious substances involved in the offence.

(2) Such person shall not be detained for more than twenty-four hours, excluding the travel time, except under the orders of the Commercial Court which may order his further detention for a period not exceeding seven days for evidence collection and formalization of prosecution, and it may release the person on bail, as it may consider appropriate, and with or without surety.

Article 10. - (1) All offences under this Law shall be tried by the Commercial Court whose decision, subject to appeal to the Commercial Appeals Court Division at Sana'a, shall be final.

(2) No prosecution for an offence against this Law shall be instituted except on the complaint of the person authorized by the Minister either generally or specifically in this behalf.

(3) The Court of First Instance or Court of Appeal, as the case may be, may consider to release the accused on bail for the amount as it may deem appropriate, and with or without surety prior to hearing the case.

(4) Any person convicted for breaching the provisions of this Law shall be punishable with a penalty not exceeding six 10,000 riyals or to a term of imprisonment not exceeding six months or both. The Court in administering the sentence shall take into account the enormity of the offence and whether it was committed for the first time or it was repetitive. Besides, the Court may order the boat, the gear, the poisons or the noxious substances be seized under the last preceding article to be forfeited to the Government or may order to destroy the material involved.

YAR 5

(5) The Court may, pending the proceedings for the prosecution, order that any perishable goods of value seized to be sold and the proceeds therefrom be deposited in the Court. The money deposited shall be disposed of in accordance with the court sentence to be passed in its behalf.

Article 11. - (1) The proprietor of the boat involved in the commission of the offence as well as the person committing it shall be liable.

(2) Should the boat in question be the property of a company or cooperative society, the secretary, supervisor or directors of the company or cooperative society shall be liable.

PART III - GENERAL PROVISIONS

Article 12. - (1) The provisions of this Law shall apply to the fishing areas of the Republic which will from time to time be determined by the Government.

(2) No foreign fishing boats shall enter these areas or practise fishing there except to the extent and within the limits authorized under a licence issued by the Minister or as may be permissible under international law, agreement or covenant.

Article 13. - The Government may set up a government institution for the development, processing and marketing of fish and fish products.

Article 14. - The customs, security officers and others designated by the Government shall render assistance to the Ministry or the Administrative Body in the enforcement of the provisions of this Law.

Article 15. - The Minister may, with due consideration to other governmental directives, issue the necessary regulations for the enforcement of this Law.

Article 16. - This Law shall come into force on its publication in the official Gazette.