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EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

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FISHERIES AND AQUATIC RESOURCES ACT, No. 2 OF 1996

Regulations made by the Minister of Fisheries and Aquatic Resources Development under Section 61 of Fisheries and Aquatic Resources Act, No. 2 of 1996.

DR, RAJITHA SENARATNA,
Minister of Fisheries and Aquatic Resources Development.

Colombo,
08th October 2012.

Regulations

1. These regulations may be cited as the Fisheries Management (Collection of dead shells) Regulations, 2012.
2. No Person shall take, remove, collect, harvest or transport dead shells Sri Lanka Waters or from the area adjacent to the sea for commercial purposes except under the authority of a valid licence issued in that behalf by the Director General.
3. No person shall engage in mechanized dredging for the purpose of taking, removing, collecting or harvesting of dead shells.
4. Every application for a licence referred to in Regulation 2 shall be made to the Director General or to a Licensing Officer appointed by the Director General substantially in the Form specified in Schedule I hereto.
5. Every licence issued under Regulation 2 shall be -
 - (a) in the Form specified in Schedule II hereto and unless it is cancelled earlier, shall be in force for a period of six months from the date of issue : and ;
 - (b) Subject to such terms and conditions as may be specified in such licence.
6. No person shall possess or transport any dead shells except under the authority of a valid licence issued by the Director- General.

7. Every application for a licence referred to in Regulation 6 shall be-

- (a) made to the Director - General or to the Licencing Officer appointed by the Director - General, substantially in the Form specified in Schedule III hereto ; and
- (b) Accompanied by a fee calculated at the reate of five hundred rupees (Rs. 500.00) per thousand kilogram of dead shells.

8. Every licence issued under regulation 6 shall be-

- (a) in the Form specified in Schedule IV hereto and unless it is cancelled earlier shall be in force for a period of six months from the date of issue ; and
- (b) subject to such terms and conditions as may be specified insuch licenc ;

9. No. Person shall possess, sell, exhibit for sale or transport any dead shells except under the authority of a valid licence for ornamental industry issued by the Director - General.

10. Every application for a licence Referred to in Regulation 9 shall be -

- (a) made to the Director - General or to the Licencing Officer appointed by the Director - General, substantially in the Form specified in Schedule V hereto ; and
- (b) be accompanied by a fee of rupees two hundred and fifty (Rs. 250.00).

11. Every licence issued under Regulation 9 shall be -

- (a) in the Form specified in Schedule VI hereto and unless it is cancelled earlier, shall be in force for a period of six months from the date of issue : and ;
- (b) subject to such terms and conditions as may be specified in such licence.

12. The Director - General may determine the number of licences that may be issued having regard to the sustainability of the resources and the recommendations made by the Committee.

13. A Licence may be cancelled by the Director - General or the Licencing Officer appointed by the Director - General, where the Licence Holder has contravened -

- (a) the provisions of the Fisheries and Aquatic Resources Act, No. 2 of 1996 or any regulation made thereunder ; or
- (b) any term or condition contained in such licence .

Provided however, prior to the cancellation of such licence the Director - General or the Licencing Officer appointed by the Director -General, shall afford an opportunity to the Licence Holder to be heard.

14. In these regulations -

“Committee” means the committee appointed by the Director - General to review the matters relating to the availability of the resources ;

“dead shells” means the dead shells of phylum molluscam (excluding Turbinella phylum) ;

“ Director - General” means the Director - General of Fisheries and Aquatic Resources appointed under Section 2 of the Fisheries and Aquatic Resources Act, No. 2 of 1996 ;

“Licencing officer” means the Licencing Officer appointed under Section 6 of the Fisheries and Aquatic Resources Act, No. 2 of 1996 ; and.

“ Sri Lanka Waters” has the same meaning assigned to it under the Fisheries and Aquatic Resources Act, No. 2 of 1996.

(Regulation 4)

Schedule I

An Application for a licence to take, remove, collect, harvest or transport dead shells from Sri Lanka Waters or from the area adjacent to the Sea

- (1) Full Name of the Applicant :
- (2) (a) Permanent address of the Applicant :
(b) Postal Address :
(c) E - mail :
- (3) National Identity Card Number :
- (4) Location where dead shells are removed :
- (5) Details of boat/ boats used in the removal of dead shells :
 - (a) Type of the boat :
 - (b) Length of the boat :
 - (c) Weight of the boat :
 - (d) Registration number :
 - (e) Horse power of engine :
 - (f) Where an engine was fixed outboard or in board:
 - (g) No. of crew members used in the fishing operation :
(Inclusive of Skipper).
- (6) Intended time and hours for removal of dead shells:
- (7) Quantity of dead shells (kg) intended to remove :

I hereby certify that the particulars submitted by me is true and correct to the best of my knowledge. I shall abide by the terms and conditions specified in the licence and the provisions of the Fisheries Management (Collection of dead shells) Regulation, 2012.

.....
Signature of the Applicant.

.....
Date

For office use only

Comments by the Fisheries Inspector/ Field Officer.

Signature of Officer :
Name :
Designation :
Area :
Date :

Recommendation of the Assistant Director of the District

I recommend that the Applicant..... of be granted / not granted a licence to take, remove, collect, harvest dead shells as described, subject to the following conditions :

- 1.
- 2.
- 3.

Signature of Officer :
Name :
Designation :
Area :
Date :

Order of the Director - General/ Licensing Officer

Issue of licence is approved/ not approved.

If approved, the special conditions to be attached to the licence are :

Signature of Director - General/ Licensing Officer :

Name :
Designation :
Date :

Schedule II

(Regulation 5)

Department of Fisheries and Aquatic Resources
New Secretariat Building,
Maligawatte,
Colombo 10.

Licence to take, remove, collect, harvest or transport dead shells

..... of
..... is hereby authorized to take kilogram of collect harvest dead shells.

1. This licence shall be valid for a period from to

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

- (i) This licence shall be used only by the person to whom it was issued and shall not be transferable to any other person ;
- (ii) This licence shall be subject to the provisions of Fisheries Management Regulations (Collection of dead shells) 2012.
- (iii) Previous licence shall be surrendered together with the receipts relating to take, remove, collect, harvest or harvest or transport dead shells at the time of applying for a new licence.
- (iv) This licence shall not be used for any other fishing operations other than for the purpose for which it was issued.

.....
Director - General,
Department of Fisheries and Aquatic Resources.

Date :

(Regulation 7)

Schedule III

An Application for a Licence to Possess or transport dead shells

- (1) Full Name of the Applicant :
- (2) (a) Permanent address of the Applicant :
(b) Postal Address :
(c) E - mail :
- (3) National Identity Number :
- (4) Place where dead shells are removed :
- (5) Mode of transportation : (a) Vehicle No. :
(b) Route of transport :
- (6) Place where dead shells are stored or kept or kept in possession :

I hereby certify that the foregoing statement is true and correct to the best of my knowledge. I shall abide by the terms and conditions specified in the licence and the Provisions of the Fisheries Management (Collection of dead shells) Regulation, 2012.

.....
Signature of the Applicant.

.....
Date

For office use only

Comments by the Fisheries Inspector/ Field Officer.

Signature of Officer :
Name :
Designation :
Area :
Date :

Recommendation of the Assistant Director of the District

I recommend that the applicant..... of be granted/ not granted a licence to possess or transport dead shells as described, subject to the following conditions :

- 1.
- 2.
- 3.

Signature of Officer :
Name :
Designation :
Area :
Date :

Order of the Director - General/ Licensing Officer

Issuance of licence is approved / not approved.

If approved, the special conditions to be attached to the licence are :

Signature Director - General/ Licensing Officer :

Name :
Designation :
Date :

Schedule IV

(Regulation 8)

Department of Fisheries and Aquatic Resources
New Secretariat Building,
Maligawatte,
Colombo 10.

Licence to Possess or Transport of dead Shells

..... of
..... is hereby authorized to possess or transport of dead shells.

1. Unless cancelled earlier the licence shall be valid for a period of 06 months From.....
to.....

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

- (i) This licence shall be used only by the person named hereto and shall not be transferable to any other person ;
- (ii) This licence shall be subject to the provisions of Fisheries Management Regulations (Collection of dead shells) 2012.
- (iii) Previous licence shall be surrendered together with the receipts relating to take, remove, collect, harvest or harvest or transport dead shells at the time of applying for a new licence.

.....
Director - General,
Department of Fisheries and Aquatic Resources.

Date :.....

(Regulation 10)

Schedule V

An Application for a Licence to possess, sell, exhibit for sale or transport dead shells for ornamental industry

- (1) Full Name of the Applicant :
- (2) (a) Permanent address of the Applicant :
(b) Postal Address :
(c) E - mail :
- (3) National Identity Card Number :
- (4) Place where dead shells are removed :
- (5) Mode of transportation : (a) Vehicle No. :
(b) Route of transport :
- (6) Place where kept in possession or Industry :

I hereby certify that the foregoing statement is true and correct to the best of my knowledge. I shall abide by the terms and conditions specified in the licence and the Provisions of the Fisheries Management (Collection of dead shells) Regulation, 2012.

.....
Signature of the Applicant.

.....
Date

For office use only

Comments by the Fisheries Inspector/ Field Officer.

Signature of Officer :
Name :
Designation :
Area :
Date :

Recommendation of the Assistant Director of the District

I recommend that the applicant..... of be granted/ not granted a licence for used dead shells for ornamental industry/ business as described, subject to the following conditions :

Signature of Officer :
Name :
Designation :
Area :
Date :

Order of the Director - General/ Licensing Officer

Issuance of licence is approved/ not approved.

If approved, the special conditions to be attached to the licence are :

Signature Director - General/ Licensing Officer :

Name :
Designation :
Date :

Schedule VI

(Regulation 11)

Department of Fisheries and Aquatic Resources
New Secretariat Building,
Maligawatte,
Colombo 10.

Licence to possess, sell, exhibit for sale or transport dead shells for Ornamental Industry

..... of
..... is hereby authorized to possess, sell, exhibit for sale or transport for ornamental industry of dead shells.

1. This licence if not cancelled previously, shall be valid for a period of one year From..... to.....
2. This licence shall be subject to the following terms and conditions :
 - (i) This licence shall be used only by the person named hereto and shall not be transferable to any other person ;
 - (ii) This licence shall be subject to the provisions of Fisheries Management Regulations (Collection of dead shells) 2012.
 - (iii) Previous licence shall be surrendered together with the receipts relating to take, remove, collect, harvest or or transport dead shells at the time of applying for a new licence.

Director - General,
Department of Fisheries and Aquatic Resources.

Date :.....