

Fisheries And Aquatic Resources (Amendment)

Act No 4 of 2004

AN ACT TO AMEND THE: FISHERIES AND AQUATIC RESOURCES ACT, No. 2
of 1996

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :

Short title. **1.** This Act may be cited as the Fisheries and Aquatic Resources (Amendment) Act, No. 4 of 2004.
Amendment of section 27 of Act No. 2 of 1996. **2.** Section 27 of the, Fisheries .and Aquatic Resources Act, 2 of 1996 (hereinafter referred to as the "principal enactment ") is hereby amended as follows

(1) in subsection (1) of that section

(a) in paragraph (a) of that subsection by the substitution for the words "any poisonous, explosive or stupefying, substance.'" of the words "any poisonous, explosive or stupefying substance (including dynamite)" ;

(b) by the repeal of paragraph (b) of that subsection and the substitution therefor of the following paragraph :

"(b) carry, or have in his possession any poisonous, explosive or stupefying substance (including dynamite) or other noxious or harmful material (not being a fishing net) or any substance for any purpose referred to in paragraph (a)" ; and

(2) in subsections (2) and (3) of that section, by the substitution for the words, "poisonous, explosive or stupefying substance" of the words "poisonous, explosive or stupefying substance (including dynamite)" .

Insertion of new section 29 A in the principal enactment. **3.** The following new section is hereby inserted immediately alter section 29 of the principal enactment and shall have effect as section 29A of that enactment :-

Presumption. 29A. In any prosecution for an offence referred to in section 27 it shall be presumed, unless the contrary is proved, that such poisonous, explosive or stupefying substance (including dynamite) or other noxious or harmful material or substance was used, carried or possessed for any of the purposes referred to in section 27." .

Insertion of new section 46A in the principal enactment. **4.** The following new section is hereby inserted immediately after section 46 of the principal enactment and shall have the effect as section 46A of that enactment :-

"Granting of bail. 46A. NO bail shall be allowed by a Magistrate to any person who is accused of an offence under paragraph (a) or (b) of subsection (1) or subsection (3) of section 27 of this Act:

Provided however, the High Court of the Province established under Article 154p of the Constitution may, for exceptional circumstances shown to the satisfaction of the Court, allow bail to such person who is accused of an offence under paragraphs (a) or (b) of subsection (1) or subsection (3) of section 27 of this Act." .

Amendment of section 49 of the principal enactment.

5. Section 49 of the principal enactment is hereby amended by the repeal of subsection (3) of that section and the substitution therefor of the following subsections ;

"(3) Any person who contravenes the provisions of paragraph (a) of subsection (1) or subsection (3) of section 27. of this Act shall be guilty of an offence and shall on conviction after summary trial before a Magistrate, be liable be imprisonment of either description for a term not less than three years and not exceeding five years or to a fine not less than one hundred thousand rupees and on a second or subsequent conviction to imprisonment of either description for a. term not less than five years and not exceeding seven years or to a fine not less than five hundred thousand rupees.

(3A) Any person who contravenes the provisions of paragraph (b) of subsection (1) or subsection (2) of section 27 of this Act, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not less than one year and not exceeding three years or to a fine not less than fifty thousand rupees and on a second or subsequent conviction to imprisonment of either description for a term not less than three years and not exceeding five years or to a fine not less than one hundred thousand rupees".

Insertion of new .section 49A in the principal enactment.

6. The following new section is hereby inserted immediately after section 49 of the principal enactment and shall have effect as section 49A of that enactment

"Sanction of 49A. No prosecution shall be commenced in respect of an offence under the Director-section 27 except with the prior written approval of the Director-General. General.'.

Sinhala text to prevail in case of inconsistency.

7. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.