

## **THE MARINE FISHERIES ORDINANCE, 1983**

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<sup>1</sup>**THE MARINE FISHERIES ORDINANCE, 1983**

ORDINANCE NO. XXXV OF 1983

[19<sup>th</sup> July, 1983]

**An Ordinance to make provisions for the management, conservation and development of marine fisheries of Bangladesh.**

WHEREAS it is expedient to provide for the management, conservation and development of marine fisheries in the Bangladesh fisheries waters and to deal with certain matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

**PART I**

**PRELIMINARY**

**1.** (1) This Ordinance may be called the Marine Fisheries Ordinance, 1983. Short title and commencement

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

**2.** In this Ordinance, unless there is anything repugnant in the subject or context,- Definitions

- (a) “Bangladesh fisheries Waters” means the territorial waters and economic zone of Bangladesh as declared by the Government under the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974), and any other marine waters over which has, or claims to have, jurisdiction under law with respect to the management, conservation and development of the marine living resources;
- (b) “Director” means the person appointed as such under section 4;

<sup>1</sup> The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৮২ সনের ২৪ মার্চ ইইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন)।

- (c) “fish” means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle or aquatic mammal, and the young, fry, eggs and spawn thereof;
- (d) “fishery” means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;
- (e) “fishing” means catching, taking or killing fish by any method, and includes attempting to catch, take or kill fish by any method;
- (f) “fishing vessel” means any vessel used for fishing or for processing carriage or storage of fish, and includes any vessel used in support of, or ancillary to, fishing operations but does not include any vessel carrying fish as part of a general cargo unless that vessel is engaged in operations in support of, or ancillary to, fishing operations;
- (g) “foreign fishing vessel” means any fishing vessel other than a local fishing vessel;
- (h) “licence” means a licence issued in accordance with the provisions of this Ordinance or the rules made thereunder;
- (i) “local fishing vessel” means any fishing vessel-
  - (i) wholly owned by one or more persons who are citizens of Bangladesh; or
  - (ii) wholly owned by any company, society or other association of persons established under the law of Bangladesh of which at least 51 per cent of the shares are held by citizens of Bangladesh and includes any fishing vessel registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements; or
  - (iii) wholly owned by the Government or by a statutory corporation established under a law of Bangladesh;
- (j) “prescribed” means prescribed by rules made under this Ordinance;
- (k) “skipper”, in relation to a fishing vessel, means the person for the time being having command or charge of the vessel.

3. (1) The Government may, by notification in the *official Gazette*, exempt, subject to such conditions, if any, as may be specified therein, any local fishing vessel or class of vessels from the provisions of Part III for such period as may be specified in the notification.

Provisions regarding non-mechanised local fishing vessels and local fishing vessels with limited horsepower

(2) The Government may, by notification in the *official Gazette*, declare zone in which only non-mechanised local fishing vessels or mechanised local fishing vessels of such tonnage as the Government may, by notification in the *official Gazette* determine, may engage in fishing operation or in which fishing operations by other fishing vessels may be restricted.

## PART II

### ADMINISTRATION

4. The Government may appoint a person to be the Director and such other fisheries officers as may be necessary for the purposes of implementing the provisions of this Ordinance and the rules made thereunder.

Government may appoint Director and other fisheries officers

5. The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries and the implementation of the objectives of this Ordinance.

Director responsible for management, etc.

6. (1) The Government may delegate all of its power under this Ordinance or the rules made thereunder other than making of rules to the Director.

Delegation of powers

(2) The Director may likewise delegate all or any of his powers under this Ordinance or the rules made thereunder, not being a power delegated to him by the Government under sub-section (1) to fisheries officers appointed by the Government under section 4.

7. Having regard to the requirement of fisheries management and development plans, the Government may, by notification in the *official Gazette*, specify types, classes and number of fishing vessels that can be deployed in the Bangladesh fisheries waters:

Types, classes and numbers of fishing vessels

Provided that the Government may exempt fishing vessels already permitted to operate prior to the coming into force of this Ordinance.

### PART III

#### GENERAL PROVISIONS GOVERNING LICENCES

Director to issue licences

**8.** The Director shall be responsible for issuing licences in respect of all marine fishing in the Bangladesh fisheries waters.

Application for licences

**9.** (1) Applications for licences or for the renewal thereof shall be made in such form and on payment of such fees as may be prescribed.

(2) The amount of fee may be determined in lump sum or calculated on the basis of size or capacity of the vessel or vessels, if operating as a team, or on any other basis.

Validity of licences

**10.** Any licence issued in accordance with the provisions of this Ordinance or the rules made thereunder shall be valid for a period of not more than one year.

Licences not transferable except with written permission

**11.** No licence shall be transferable except with the written permission of the Director endorsed upon such licence.

When licence held by any local fishing vessel ceases to be valid

**12.** Where any local fishing vessel ceases at any time to be a local fishing vessel, any licence issued to such fishing vessel shall cease to be valid forthwith.

Matters for which licence is valid

**13.** Each licence shall be valid only with respect to the species of fish and the type of fishing gear or the method of fishing or the location specified in the licence.

Duty to provide information regarding catches

**14.** The holder of any licence shall keep detailed information of catches as well as sales in such form as may be prescribed and a copy of this information shall be furnished to the Director.

**15.** No fishing vessel shall be operated so as to interfere with navigational aids or with shipping in established shipping routes.

Fishing vessels not to interfere with navigation

**16.** (1) Each licence shall be subject to such conditions as may be specified in this Ordinance and in any rules made thereunder, and as may be otherwise endorsed upon such licence by the Director.

Licence to be subject to certain conditions

(2) In particular, and without limiting the generality of the foregoing sub-section, the Director may attach all or any of the following terms and conditions to any licence, namely:-

- (a) the areas within which, and the period during which, fishing is authorised;
- (b) the species, size, sex, age and quantities of fish that may be caught or taken;
- (c) the methods by which fish may be caught or taken;
- (d) the types, size and amount of fishing gear that may be used by the fishing vessel;
- (e) statistical and other information required to be given by the skipper to the Government, including statistics relating to catch and effort and also reports as to the position of the vessels;
- (f) the keeping on board the fishing vessel the licence issued in respect of it;
- (g) the marking of the fishing vessel and other means for its identification;
- (h) such other matters as the Director may consider necessary or expedient for the management, conservation and development of fisheries resources of Bangladesh.

(3) In addition to the terms and conditions which may be imposed on any licence under sub-section (2), the Director may make applicable to foreign fishing vessels all or any of the following terms and conditions, namely:-

- (a) entry by foreign fishing vessels into Bangladesh ports for the inspection of its catch which is subject to customs formalities and for any other purpose;



- (b) the specification of points of entry into, and departure from, the Bangladesh fisheries waters;
- (c) the protection of local fisheries;
- (d) the execution of bonds or other forms of security for the duration of the licence;
- (e) the reporting of the position by the foreign fishing vessel while within, or about to enter, the Bangladesh fisheries waters;
- (f) the directions and instructions given by the authorised officers from the Government ships or aircrafts to the foreign fishing vessel that shall be complied with by the skipper;
- (g) the installation and maintenance in working order of a transponder or other equipment on the foreign fishing vessel for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;
- (h) the carriage on board the foreign fishing vessels of specified communication equipment, specified nautical charts, nautical publications and nautical instruments;
- (i) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of the costs of doing so;
- (j) the training of citizens of Bangladesh in the methods of fishing employed by the foreign fishing vessel and the transfer to Bangladesh of technology relating to fisheries;
- (k) the conduct by the fishing vessel of specified programmes of fisheries research.

#### **PART IV**

##### **LOCAL MARINE FISHING OPERATIONS**

Local fishing  
vessels to be  
registered

**17.** No licence shall be issued in respect of a local fishing vessel that is required to be registered under any law for the time being in force unless the vessel has been registered.

Local fishing  
vessels to hold  
valid certificate  
of inspection

**18.** No licence shall be issued in respect of a local fishing vessel that is required to hold a valid certificate of inspection under any law for the time being in force unless such a certificate is issued in respect of that vessel.

**19.** The Director may, by order in writing, refuse to issue a licence in respect of a local fishing vessel, or he may likewise suspend, cancel or refuse to renew any licence that has been issued in respect of a local fishing vessel, where he is satisfied that-

Grounds for refusing to issue licences, etc., to local fishing vessels

- (a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan; or
- (b) it is otherwise in the best interest of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Ordinance or of any rules made thereunder or of any conditions of the licence; or
- (d) the person applying for or holding the licence is unfit to hold a licence.

## PART V

### FOREIGN MARINE FISHING OPERATIONS

**20.** No foreign fishing vessel shall, without a licence,-

No entry for foreign fishing vessels in Bangladesh fisheries waters except with licence

- (a) enter the Bangladesh fisheries waters except for any purpose set out in section 21; or
- (b) within the Bangladesh fisheries waters,-
  - (i) fish or attempt to fish; or
  - (ii) load, unload or tranship any fish; or
  - (iii) load or unload any fuel supplies.

**21.** (1) Subject to the provisions of sub-section (2), a foreign fishing vessel may enter the Bangladesh fisheries waters without a licence for the purpose of-

Entry by unlicensed foreign fishing vessels into Bangladesh Fisheries waters

- (a) passage through such waters in the course of a voyage to destination outside such waters;
- (b) averting imminent danger where the vessel is in distress, to the safety of the vessel or of its crew; or

- (c) rendering assistance to persons, ships or aircraft in danger or distress; or
- (d) obtaining emergency medical assistance for a member of the crew; or
- (e) for any other purpose recognised by international law.

(2) Any foreign fishing vessel entering the Bangladesh fisheries waters for any purpose set out in sub-section (1) shall-

- (a) observe such rules as may be prescribed; and
- (b) return outside such waters as soon as the purpose for which it entered has been fulfilled.

Foreign fishing vessels liable to fine and forfeiture if found in Bangladesh fisheries waters illegally

**22.** (1) Where any foreign vessel enters the Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence, the skipper, owner and charterer, if any, of such vessel shall be guilty of an offence and shall be liable to rigorous imprisonment for a term not exceeding three years and to a fine not exceeding Taka one lakh.

(2) Any foreign vessel entering Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence shall be deemed to be forfeited to the Government.

Foreign fishing vessels to observe navigation, customs laws, etc.

**23.** No licence shall relieve any foreign fishing vessel or its skipper or crew of any obligation or requirement imposed by law concerning navigation, customs, taxes, immigration, health, certificate of seaworthiness and safety or other matters.

Grounds for refusing to issue licence, etc., to foreign fishing vessels

**24.** (1) The Director may, by order in writing, refuse to issue a licence in respect of a foreign fishing vessel on any ground that he thinks fit.

(2) The Director may, by order in writing, suspend, cancel or refuse to renew any licence that has been issued in respect of a foreign fishing vessel, where he is satisfied that-

- (a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan;

- (b) it is otherwise in the best interests of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Ordinance or of any rules made thereunder, or of any conditions of the licence; or
- (d) the person holding the licence is unfit to hold a licence.

## PART VI

### APPEAL

**25.** (1) Any citizen of Bangladesh aggrieved by an order of refusal by the Director to grant a licence or any person aggrieved by an order of cancellation or suspension of his licence may, within thirty days from the date of receipt of the order of refusal, cancellation or suspension, prefer an appeal against such refusal, cancellation or suspension. Appeal

(2) Any person filing an appeal shall be entitled to appoint a representative or legal practitioner of his choice for the purpose of making an appeal.

(3) Where the decision appealed against has been made by the Director, the appeal shall lie to the Government; and where the decision appealed against has been made by a fisheries officer appointed under section 4, the appeal shall lie to the Director.

## PART VII

### PROHIBITED FISHING METHODS

**26.** (1) Any person, other than a person authorised in writing by the Director, who in the Bangladesh fisheries waters,- Use of explosives, etc.

- (a) uses, or attempts to use, any explosive, poison or other noxious substances for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught; or
- (b) carries, or has in his possession or control, any explosive, poison or other noxious substances with the intention of using such explosive, poison or other noxious substance for any of the purposes referred to in clause (a); or

- (c) uses, or attempts to use, any prohibited methods of fishing as may be prescribed, or carries, or has in his possession or control, on board any vessel, any fishing gear prohibited under any rule made under this Ordinance; or
- (d) knowing, or having reasonable cause to believe, that any fish has been caught or taken in contravention of the provisions of this section or any rules made under this Ordinance, receives, or is found in possession of, such fish without lawful excuse,

shall be guilty of an offence and shall be liable to a fine not exceeding Taka one lakh or fifteen times the value of the fish, whichever is greater.

(2) Any explosive, poison or other noxious substance or fishing gear referred to in sub-section (1) found on board any vessel shall be presumed to be intended for the purposes referred to in that sub-section unless the contrary is proved.

Small meshes,  
etc.

**27.** Any person who uses or has in his possession or has on board any vessel within the Bangladesh fisheries waters any fishing net which has a mesh size specified for that type of net or any other nets or fishing gear or fishing appliances that have been prohibited under any rules made under this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding Taka one lakh.

## PART VIII

### MARINE RESERVES

Government  
may declare  
marine reserves

**28.** The Government may, by notification in the *official Gazette*, declare any area of the Bangladesh fisheries waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where it considers that special measures are necessary-

- (a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction; or

- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted; or
- (c) to promote scientific study and research in respect of such areas; or
- (d) to preserve and enhance the natural beauty of such areas.

**29.** (1) Any person who, in any marine reserves declared under section 28, without permission granted under this section,-

Fishing, dredging, etc., prohibited in marine reserves

- (a) fishes or attempts to fish; or
- (b) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any other way disturbs, alters or destroys fish or their natural breeding grounds or habitats; or
- (c) constructs or erects any buildings or other structures on or over any land or waters within such reserve,

shall be guilty of an offence and shall be liable to a fine not exceeding Taka one lakh.

(2) The Director may give permission to do, any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in section 28.

**30.** The Government may, in writing and subject to such terms and conditions, if any, as may be specified therein, exempt from all or any of the provisions of this Ordinance or the rules made thereunder any vessel or person undertaking research into marine fisheries or other marine living resources in the Bangladesh fisheries waters.

Government may permit scientific research

## PART IX

### POWERS OF AUTHORISED OFFICERS

**31.** (1) The officers of the Directorate of Fisheries not below the rank of Assistant Inspector of Marine Fisheries, members of the Bangladesh Navy not below the rank of petty officer, any officer of customs and any other person or class of persons appointed by the Government shall be authorised officers for the purposes of this Ordinance and the rules made thereunder.

Authorised officers

(2) The Government shall, by notification in the *official Gazette*, publish the name or designation of any person or class of persons appointed under sub-section (1).

An authorised officer may stop, examine, etc., any fishing vessel

**32.** For the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, any authorised officer may, without a warrant,-

- (a) stop and board any fishing vessel within the Bangladesh fisheries waters and make any examination concerning that vessel, its equipments, fishing gear, nets, fishing appliances, crew or fish carried on board that vessel; or
- (b) stop and inspect any vehicle transporting fish; or
- (c) require any person to produce any licence or other document required under this Ordinance or any rules made thereunder for examination and, if necessary, for taking copies thereof.

Authorised officer may enter premises, seize vessels, etc., without warrant

**33.** (1) Any authorised officer, where he has reasonable grounds to believe that an offence has been committed against any provisions of this Ordinance or any rules made thereunder, may, without a warrant,-

- (a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that such offence has been committed or fish caught or taken in contravention of such provisions are being stored; or
- (b) take samples of any fish found in any vessel or vehicle inspected under section 32 or any premises searched under clause (a); or
- (c) arrest any person whom he has reason to believe has committed such offence; or
- (d) seize any vessel (including its furniture, appurtenances, stores and cargo), vehicle, fishing gear, nets or other fishing appliances which he has reason to believe has been used in the commission of an offence or in respect of which the offence has been committed; or

- (e) seize any fish which he has reason to believe has been caught in the commission of an offence, or is possessed in contravention of the provisions of this Ordinance or any rules made thereunder; or
- (f) seize any explosive, poison or other noxious substances which he has reason to believe has been used or is possessed in contravention of the provisions of section 26.

(2) A written receipt shall be given for any article or thing seized under sub-section (1) and the grounds for such seizure shall be stated in such receipt.

**34.** Where it becomes necessary for an authorised officer to stop any vessel for the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, it shall be lawful for any vessel or aircraft under the command of an authorised officer to summon such vessel to stop by means of an international signal, code or other recognised means, and if it fails to do so, the vessel may be pursued even beyond the Bangladesh fisheries waters and if after a gun is fired as a warning, to the vessel to stop, and if it fails to stop after such a warning, it may be fired upon.

Power to stop vessels

**35.** Any vessel seized under the provisions of this Ordinance and the crew thereof shall be taken to the nearest port and dealt with in accordance with the provisions of this Ordinance.

Vessel and crew to be taken to nearest port

**36.** Any person arrested without a warrant for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder shall be taken to a police station forthwith or, as soon as possible, after arriving at a port and shall be dealt with in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

Persons arrested without warrant to be taken to police station

**37.** No authorised officer shall enter premises used solely as a dwelling house for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder except when authorised to do so by a warrant.

Authorised officer not to enter dwelling houses without warrant

**38.** Any fish or other article of a perishable nature seized under the provisions of this Ordinance may, on the direction of the Director, be sold and the proceeds of sale shall be held by the Director and dealt with in accordance with the provisions of this Ordinance.

Perishables may be sold by Director



Authorised officers required to produce identification

**39.** Any authorised officer when acting under the provisions of this Ordinance or any rules made thereunder shall, on demand, produce to any person against whom he is taking action such identification or written authority as may be reasonably sufficient to show that he is an authorised officer for the purposes of this Ordinance.

No action against authorised officer for acts done in good faith

**40.** No action shall be brought against any authorised officer or any person requested by him to assist him in respect of anything done or omitted to be done by such person in good faith in the execution or perforated execution of his powers and duties under this Ordinance and the rules made thereunder.

## PART X

### OFFENCES AND LEGAL PROCEDURES

Obstruction of authorised officer, etc.

**41.** Any person who wilfully obstructs any authorised officer in the exercise of any of the powers conferred on him by or under this Ordinance shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Wilful damage of fishing vessels, etc.

**42.** Any person who wilfully and unlawfully damages or destroys any fishing vessels, fishing stakes, fishing gear or fishing appliances shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Contravention of conditions of licence

**43.** Any person who contravenes any condition of any licence shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Destruction to avoid seizure or detection

**44.** Any person who destroys or abandons any fish, fishing gear or fishing appliances, explosives, poison or other noxious substances or any other thing with intent to avoid their seizure or the detection of any offence against the provisions of this Ordinance or any rules made thereunder shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Failure to mark vessel

**45.** Any person who owns or operates a fishing vessel in the Bangladesh fisheries waters which is not marked in the prescribed manner shall be guilty of an offence and shall be liable to a fine not exceeding Taka twenty-five thousand.

**46.** Where an offence against any provisions of this Ordinance or any rules made thereunder has been committed by any person belonging to or on board a fishing vessel, the skipper of such vessel shall also be guilty of such offence and shall be liable to a fine not exceeding Taka five thousand.

Skipper liable for offences committed by persons on board the vessel

**47.** Any authorised officer may compound any offence against the provisions of this Ordinance or any rules made thereunder for a sum of money not less than one-tenth of the maximum fine provided for such offence provided that in no case shall the sum be less than Taka five thousand.

Compounding of offences

**48.** (1) Any vessel, fishing gear or fishing appliances, explosives, poison or other noxious substance or apparatus seized under sub-section (1) of section 33 or the proceeds of sale under section 38 shall, subject to the provisions of sub-section (3),-

Forfeiture of vessels etc., seized

- (a) if a prosecution is to be brought under this Ordinance, be held in such custody as may be prescribed pending the outcome of such prosecution; or
- (b) if no prosecution is to be brought under this Ordinance, be held in the custody as aforesaid for a period of one month at the end of which period they shall be deemed to be forfeited to the Government unless, during such period, any written claim is received from the skipper, owner or charterer, if any, contesting such forfeiture.

(2) Where any written claim contesting forfeiture is received under clause (b) of sub-section (1), either-

- (a) the subject matter of the claim shall be released and delivered to the claimant forthwith; or
- (b) the claim shall be referred to the Court for its decision.

(3) Notwithstanding anything contained in this section, the Court may order the release of any fishing vessel, fishing gear or fishing appliances seized under section 33 on receipt of a satisfactory bond or other security from any person claiming such property.

**49.** Where any person is convicted of an offence against any provision of this Ordinance or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Ordinance or any rules made

Court may order forfeiture in addition to any other penalty imposed

thereunder, the Court, in addition to any other penalty imposed,-

- (a) may order that any fishing vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances used in the commission of such offence shall be forfeited to the Government or that the licence shall be suspended for such period of time as the Court may think fit or be cancelled; and
- (b) shall order that any fish caught in the commission of such offence or the proceeds of sale of any such fish under section 38 and any explosives, poison or other noxious substances used in the commission of such offence shall be forfeited to the Government.

Vessels, etc.,  
forfeited may be  
disposed of by  
the Government

**50.** Any vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances, explosives, poison or other noxious substances, and any fish or proceeds of the sale of fish deemed or ordered to be forfeited to the Government under section 48 or 49 shall be disposed of in such manner as the Government may think fit.

Fish found on  
board a fishing  
vessel  
committing an  
offence  
presumed to be  
caught illegally

**51.** All fish found on board any fishing vessel which has been used in the commission of an offence against any provisions of this Ordinance or any rules made thereunder shall, unless the contrary is proved, be presumed to have been caught illegally in the Bangladesh fisheries waters.

Offences triable  
as if committed  
within limits of  
local  
jurisdiction

**52.** Any offence against any of the provisions of this Ordinance or any rules made thereunder committed within the Bangladesh fisheries waters by any person shall be guilty of an offence under this Ordinance and shall be triable in any Court of Bangladesh as if such offence had been committed in any place in Bangladesh within the local limits of the jurisdiction of such Court.

Service of  
documents

**53.** Where, for the purposes of this Ordinance or any rules made thereunder, any document is to be served on any person, that document may be served-

- (a) in any case, by delivering a copy thereof personally to the person to be served; or

- (b) if the document is to be served on the skipper or on a person on board a fishing vessel, by leaving the same for him on board that vessel with the skipper or the person who is, or appears to be, in command or charge of the vessel for the time being; or
- (c) by affixing a copy of the document to any conspicuous part of his residence; or
- (d) sending it by registered post acknowledgement due addressed to his last known place of abode.

**54.** Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any Magistrate of the first class especially empowered by the Government in this behalf may pass a sentence of fine exceeding Taka ten thousand for an offence under this Ordinance and the rules made thereunder.

Special powers  
for Magistrates

## PART XI

### RULES

**55.** (1) The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance.

Power to make  
rules

(2) In particular, and without limiting the generality of the foregoing power, rules may be made with respect to all or any of the following matters, namely:-

- (a) the licensing, regulation and management of any particular marine fishery;
- (b) the determination of the carrying capacity of vessels;
- (c) the type and size of air-conditioning appliances to be fitted in vessels;
- (d) establishing the closed seasons for all areas or species of fish or for designated areas or species;
- (e) the limitations on the amount, size and weight of fish caught and retained or traded;
- (f) determining the minimum mesh sizes;

- (g) determining the prohibited fishing areas for all fish or for certain species of fish, or for certain methods of fishing;
- (h) determining certain prohibited methods of fishing;
- (i) the amount of fish that may be caught incidentally when fishing for a species for which a licence has been issued;
- (j) regulating or prohibiting the creation, maintenance, working, repair and lighting of fishing stakes in the Bangladesh fisheries waters;
- (k) organising and regulating sport fishing in the Bangladesh fisheries waters;
- (l) the conditions to be observed by the fishing vessels while within the Bangladesh fisheries waters and to regulate the conduct of fishing operations generally;
- (m) the nationality and educational qualifications of persons permitted to be employed or carried in fishing vessels;
- (n) providing for the execution of bonds and other forms of security for the fulfilment of any obligations attaching to a licence;
- (o) providing for points of entry, exit and transit through the Bangladesh fisheries waters by any fishing vessel licensed to fish by virtue of the provisions of this Ordinance;
- (p) providing for the appointment by the owner of a foreign fishing vessel of a legal representative in Bangladesh for the purpose of accepting responsibility for any matters arising under the provisions of this Ordinance;
- (q) the stowing of fishing gear by foreign fishing vessels while in transit through the Bangladesh fisheries waters;
- (r) providing for rewards for reporting the presence of unlicensed foreign fishing vessels operating in the Bangladesh fisheries waters;
- (s) the conditions and procedures of application for any licences, certificates or other documents required under this Ordinance or any rules made thereunder, their form and the amount of fees and deposits payable therefore;

- (t) the collection of statistics and to require any person engaged in marine fishing, marketing, processing or marine fish culture, including any fish dealer, to supply such information as may be necessary for the effective management and development of marine fisheries;
- (u) the procedures to be followed in making appeals against a refusal to issue, cancellation, non-renewal or suspension of licences under section 25;
- (v) setting up of an Advisory Committee for the purpose of advising the Government in the administration of this Ordinance;
- (w) any other matter required or authorised to be prescribed under this Ordinance.

(3) The rules made under this section may provide that the breach of any of the provisions thereof shall constitute an offence and may provide for penalties by way of fine not exceeding Taka fifty thousand.

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