

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, মার্চ ৩০, ২০২৩

Government of the People's Republic of Bangladesh
Ministry of Fisheries and Livestock

NOTIFICATION

Dated: 06 March, 2023/ 21 Falgun, 1429

S. R. O. No. 58-Law/2023.—In exercise of the powers conferred by section 64 of the Marine Fisheries Act, 2020, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act:

Marine Fisheries Act, 2020
(Act No. XIX of 2020)

[11 Agrohayan, 1427/ 26 November, 2020]

An Act to repeal and re-enact the Marine Fisheries Ordinance, 1983 in response to the needs of time by considering the provisions thereof—

WHEREAS, all the Ordinances promulgated by Martial Law Proclamation between the period from 24th March, 1982 to 11th November, 1986 have ceased to have effect due to omission of paragraph 19 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011) and the Constitution (Seventh Amendment) Act, 1986 (Act No. I of 1986) validating the Martial Law being declared void in the judgement pronounced by the Appellate Division of the Supreme Court of Bangladesh declaring the Martial Law unconstitutional in civil petition for Leave to Appeal No. 48/2011; and

(৪২১৭)
মূল্য : টাকা ২৪.০০

WHEREAS, some of those Ordinances are kept in force by the Act No.VII of 2013; and

WHEREAS, the Government has decided to make new laws in Bangla by way of necessary amendment and modification of such Ordinances as may be considered necessary after reviewing the necessity and relevancy of such Ordinances and soliciting opinions thereon from all stake holders and relevant Ministries or Divisions; and

WHEREAS, in the light of the above-mentioned decision of the Government, it is necessary and expedient to repeal and re-enact the Marine Fisheries Ordinance, 1983 (Ordinance No. XXXV of 1983) in response to the needs of time by considering the provisions thereof;

THEREFORE, it is hereby enacted as follows:—

Chapter I Preliminary

1. **Short title and commencement.**—(1) This Act may be called the Marine Fisheries Act, 2020.

(2) It shall come into force at once.

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

- (1) “**offence**” means any offence punishable under this Act;
- (2) “**letter of permission**” means a letter of permission for fishing issued to an artisanal vessel under section 21;
- (3) “**artisanal vessel**” means any fishing vessel with a carrying capacity of net 15 (fifteen) tons or below;
- (4) “**designated officer**” means any officer of the Department of Fisheries empowered under section 43;
- (5) “**high sea**” means the international waters beyond the Territorial Waters and the Exclusive Economic Zone;
- (6) “**authorised officer**” means any officer authorised under section 32;
- (7) “**prescribed**” means prescribed by rules;

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- (8) “**Director**” means any Director of the Department of Fisheries appointed by the Government for the purpose of exercising powers and performing functions under this Act;
- (9) “**commercial trawler**” means any fishing vessel capable of fishing by trawling or long lining or purse seining method;
- (10) “**Bangladesh Marine Fisheries Waters**” means the territorial waters declared by any domestic law or Exclusive Economic Zone under Article 33 or Contiguous Zone under Article 55 or Territorial Waters as declared by the Government under any Act and International Convention;
- (11) “**foreign fishing vessel**” means any fishing vessel other than a local fishing vessel of which at least 51 (fifty one) percent of ownership belongs to any foreigner;
- (12) “**rules**” means rules made under this Act;
- (13) “**Director General**” means the Director General of the Department of Fisheries;
- (14) “**person**” means any individual, owner of a vessel, any type of company, association, society, partnership business, institution, organisation or any other artificial legal entity;
- (15) “**fish**” means any species of living or processed marine resources and young, fry, eggs and spawn of such living;
- (16) “**fishing**” means to explore or collect, catch, assemble, bait or to undertake initiative of such activities as of prescribed means, about fish in the Bangladesh Marine Fisheries Waters;
- (17) “**fishing vessel**” means any local or foreign vessel used for fishing at sea, any type of commercial trawler, mechanised vessel, artisanal vessel, vessel used for fish processing, storage of fish or any vessel engaged in support of fishing;
- (18) “**mechanised fishing vessel**” means an engine-driven fishing vessel without trawling or long lining or purse seining method having a net capacity of more than 15 (fifteen) tons;
- (19) “**licence**” means any licence issued under section 8;

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- (20) “**sea voyage**” means sea voyage mentioned in section 16;
- (21) “**sailing permission**” means the sailing permission mentioned in section 16;
- (22) “**marine fishing area**” means the marine fishing area declared under section 3;
- (23) “**skipper**” means the person in command or in charge of the fishing vessel; and
- (24) “**local fishing vessel**” means any fishing vessel that is—
- (a) wholly owned by citizens of Bangladesh; or
 - (b) wholly owned by any company, society or other association established under the law of Bangladesh of which at least 51 (fifty one) per cent of the total 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 arrangements subject to approval of Government; or
 - (c) wholly owned by the Government or by a statutory corporation established under the law of Bangladesh.

Chapter II Administrative

3. Declaration of Marine Fishing Area.—(1) The Government may, by notification in the official Gazette, declare Marine Fishing Area in the Bangladesh Marine Fisheries Waters on the basis of the depth of the sea or in accordance with any internationally recognised method and may specify the type of vessel by which fishing may be done in such area.

(2) The Government may, for the conservation of fish resources, whenever necessary, impose ban on fishing of all or any species of fish in such areas declared under sub-section (1).

(3) If any person fishes in violating the ban imposed under sub-section (2), an administrative fine equal to the value of the fish caught, may be imposed on such person and such fish may be forfeited.

4. Determining the classification and number of vessels.—The Government may, by notification in the official Gazette, for the purpose of conservation, management of fish resources, maintenance of sustainable and available reserves and for the necessity of development plan, from time to time, specify the number of vessels and make classification of vessels in respect of issuing licence in the Marine Fishing Area and high sea.

5. Control of illegal, unreported and unregulated fishing.—(1) The Government may, for elimination of illegal, unreported and unregulated fishing, make necessary orders or instructions.

(2) The Director General may, to conduct survey on fisheries resources, either species based or overall, stock, and to determine allowable catch and to ensure maximum sustainable yield of fish resources within the Bangladesh Marine Fisheries Waters, take necessary actions for monitoring, controlling and surveillance.

(3) If any person or skipper contravenes the orders or instructions made by the Government under sub-section (1), such act shall be deemed to be an offence and, in the case of a local fishing vessel, the concerned person or skipper or both for such offence shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 10 (ten) lakh, but not less than one-third of the fine specified in this section, or with both.

6. Declaration of Mariculture area, etc.—(1) The Government may, by notification in the official Gazette, declare the Mariculture area in the Bangladesh Marine Fisheries Waters for the promotion of Blue Economy.

(2) The management of the area declared under sub-section (1) shall be operated in such manner as may be prescribed.

Explanation.—In this section, “Mariculture” means a specially designated area in the sea, including the coast, where marine living resources are cultured for the purpose of producing food or any other product by preparing a temporary enclosure or using marine and brackish water in a waterbody.

Chapter III **General provisions governing licences**

7. Prohibition on fishing.—(1) No person shall carry out fishing activities without obtaining a licence or permission subject to the provisions of section 21 in Marine Fishing Area or in the high sea by vessel or in any other manner:

Provided that the provisions of this section shall not apply to high sea fishing by foreign fishing vessels.

(2) If any person fishes in contravening the provisions of sub-section (1) or takes the initiative or aids to do so, such act shall be an offence, and for such offence he shall be punished with imprisonment for a term not exceeding 3 (three) years or with fine not exceeding Taka 1 (one) crore, but not less than one-third of the fine specified in this section or with both, and the fishing vessels along with other equipment shall be forfeited.

8. Power to issue licence.—(1) The Director may issue licence to the owner of the fishing vessel, in such manner as may be prescribed, with prior approval of the Government in the case of commercial trawlers and, in the case of mechanised fishing vessels without prior approval of the Government.

(2) No licence shall be issued, in excess of the number of fishing vessels specified under section 4, by the Director.

9. Application for licence.—(1) The owner of a fishing vessel shall, in order to obtain a licence for fishing, apply to the Director in such manner as may be prescribed.

(2) The application shall contain the following documents or information, namely:—

- (a) certificate, as a proof of citizenship or nationality of the applicant;
- (b) valid documents of importing or building of fishing vessels;
- (c) in the case of local fishing vessel, copy of Certificate of Registration and Certificate of Inspection issued under Bangladesh Merchant Shipping Ordinance, 1983 (Ordinance No. XXVI of 1983);
- (d) documents as of proof of ownership of the fishing vessel;
- (e) receipt of payment of fee as prescribed;
- (f) any other certificates or information as may be prescribed.

(3) The owner of a foreign fishing vessel shall, in lieu of the documents mentioned in clauses (b) and (c) of sub-section (2), attach such certificates issued by the concerned fishing vessel registration authority of his country.

(4) Subject to the provisions of sections 19 and 22, the Director may, after examining information and documents attached under sub-section (1) and, if such documents are found correct, issue a licence to the applicant within 30 (thirty) days of submission of such application in such manner as may be prescribed.

10. Prohibition of transferring licence, etc.—No licence shall be transferable or saleable:

Provided that, in case of proprietorship, a new licence may be issued to the legal heir of the demised owner or, in case of transfer of ownership of the fishing vessel, to the new owner, subject to the provisions of section 8.

11. Validity of licence and its renewal.—(1) A licence shall be valid for a period of two years.

(2) An application for renewal of a licence shall be made to the Director within 30 (thirty) days before expiry of its validity, in such manner as may be prescribed and considering the application received for renewal, the Director may renew the licence, subject to the provisions of section 12.

12. Refusal to renew licence.—(1) The Director may, in such manner as may be prescribed, notify the refusal of renewing the licence.

(2) The Director may, in special consideration, renew the licence for only once by charging double the fee specified for the licence.

13. Suspension, revocation, of licence etc.—(1) The Director may suspend or revoke the licence for any of the following reasons, if the owner of the fishing vessel—

- (a) contravenes any provision of this Act or rules or any conditions of the licence;
- (b) obtain licence by providing any false information or concealing information.
- (c) uses fishing vessel for any purpose other than fishing;
- (d) fails to take step for renewal of the licence for consecutively 3 (three) years;
- (e) transfers or sells licences;
- (f) pollutes or caused to be polluted river or sea water or environment with his fishing vessels;
- (g) has been convicted of any offence committed in aid of his fishing vessel;
- (h) is dead;
- (i) is punished with administrative fine or convicted for any offence under this Act for 2 (two) times; or
- (j) fails to comply with any other conditions as may be prescribed.

(2) The Director shall before revocation of the licence under sub-section (1), serve notice to the owner of the fishing vessel to show cause within 30 (thirty) days of receipt of the notice as to why his licence shall not be revoked and may suspend his licence until the complaint mentioned in the notice is disposed of.

(3) Upon receipt of reply to the notice given under sub-section (2), the Director may—

- (a) if the reply is satisfactory, withdraw the suspension order on the licence and release the owner of the fishing vessel from the charges brought against him;
- (b) if the reply is not satisfactory, by giving him the opportunity of being heard personally, revoke the licence issued in his name.

14. Matters for which licence is valid.—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.

15. Licence to be subject to conditions.—(1) The Director may, in such manner as may be prescribed or determined by sub-section (3), impose conditions on the following matters, namely:—

- (a) the areas and the period for fishing is authorised;
- (b) the species, size, sex, age and quantities of fish that shall be caught or transport;
- (c) the methods of fishing and transport;
- (d) the type, size and amount of fishing gear that may be used by the fishing vessel;
- (e) regarding compliance with the orders and instructions given by the Government from time to time;
- (f) the matter of keeping licence, issued to the fishing vessel, on board the fishing vessel;
- (g) the marking of the fishing vessel and other methods for its identification;
- (h) other matters as may be prescribed.

(2) In addition to the conditions imposed under sub-section (1), the Government may impose any other conditions in case of licence of foreign fishing vessels.

(3) Until rules are made under this Act, the Government may, by notification in the official Gazette, determine the conditions to be imposed on licence under sub-section (1).

(4) If any person violates any of the conditions imposed under this section or in such manner as may be prescribed on the licence, such act shall be an offence and for such offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 25 (twenty five) lakh or with both.

16. Sailing permission, arrival report, etc.—(1) Every fishing vessel having licence shall, in such manner as may be prescribed, obtain sailing permission from the Director.

(2) The owner of a fishing vessel shall, in such manner as may be prescribed, maintain and manage the matters of sea voyage, period of staying at sea, logbook of fishing and stacking sheets.

(3) No person shall apply for such sailing permission for fishing for next voyage until expiry of the period referred to in sailing permission issued under sub-section (1).

(4) The arrival report with the location of the fishing vessel and time of unloading, shall be sent to the Director at least 24 (twenty four) hours before returning to the landing port and in presence of the designated officer, fish caught shall be unloaded.

(5) After receiving arrival report under sub-section (4), the designated officer, while unloading, may examine the quantity, type or nature of fish caught etc.

(6) If, during examination under sub-section (5), it is suspected that fishing carried out violates the conditions of the sailing permission or licence, the designated officer may impose administrative fine of 3 (three) times the market value of the fish caught and forfeit the fishes caught.

(7) If any person violates the conditions specified on the sailing permission, the Director may, by order in writing for a specified period, suspend the subsequent sailing permission or refuse to issue sailing permission as asked for in the application submitted.

(8) At the expiry of the period of suspension order or in case of refusal of the application under sub-section (7), the Director may, in such manner as may be prescribed, issue sailing permission to such vessel.

(9) If any person unloads fish from a fishing vessel without sending an arrival report under sub-section (4), an administrative fine equal to the market value of the unloaded fish shall be imposed on him and the unloaded fish may be forfeited.

Explanation.—In this section, “arrival report” means, after completion of fishing from coast or at sea, the advance notice given by a fishing vessel to the Department of Fisheries for unloading fish in a landing port.

17. Duty to provide information regarding fishes caught.—(1) The holder of sailing permission shall keep a description and detailed information of fish caught as well as sales thereof in such form and manner as may be prescribed, and a copy of such information shall be submitted to the Director.

(2) If any person contravenes the provisions of sub-section (1), an administrative fine not exceeding Taka 1 (one) lakh shall be imposed on him.

18. Fishing vessels not to interfere with navigation.—No fishing vessel shall be operated so as to interfere with navigational boat or ships in recognised shipping routes.

Chapter IV

Fishing activities conducted by local fishing vessels

19. Refusal to issue licences to local fishing vessels.—The Director may refuse to issue licence to the local fishing vessels, if—

- (a) the application is not properly submitted under section 9;
- (b) the information mentioned and attached with the application form is false, fabricated or insufficient;
- (c) for the greater interest of the marine fisheries industry and as of the development plan undertaken in respect of any special marine fisheries waters, it is necessary not to issue licence;
- (d) the applicant is ineligible to obtain a licence under this Act or any other laws;
- (e) the vessel to which the licence has been issued misuses it by violating any of the terms and conditions referred to in this Act, rules or the licence;
- (f) the fishing vessel against which the application has been made for fishing is not registered under the Bangladesh Merchant Shipping Ordinance, 1983 (Ordinance No. XXVI of 1983); or
- (g) other conditions, as may be prescribed, are not complied with.

20. Complying with specifications on importation or building locally of commercial trawlers, etc.—(1) Commercial trawler shall be imported or built locally in accordance with the specifications approved by the Government.

(2) No licence shall be issued to the owner if the commercial trawler imported or built locally is not complied with the specifications provided under sub-section (1).

(3) No permit granted by Government in accordance with specification for importing or locally building commercial trawler under sub-section (1), shall be transferable and if transferred, such permit shall be deemed to be revoked.

(4) Notwithstanding anything contained in any other laws, no fishing vessel shall be granted registration, if such fishing vessel is imported or built locally without the specifications approved by the Ministry of Fisheries and Livestock.

21. Letter of permission for artisanal vessels.—(1) The owner of every artisanal vessel shall, in such manner as may be prescribed, apply to the Director for letter of permission for fishing in the marine fishing area.

(2) The Director may, in such manner as may be prescribed, issue letter of permission to the applicant in accordance with the application submitted under sub-section (1).

(3) No artisanal vessel other than the artisanal vessel with letter of permission under sub-section (2) may catch fish in the marine fishing area.

(4) Letter of permission issued under this section shall not be transferable or saleable.

(5) Letter of Permission issued under this section shall remain valid until it is revoked by the Government or the Director by any further order.

(6) The Government or the Director, as the case may be, may revoke the letter of permission issued under sub-section (2), in such manner as may be prescribed.

(7) Notwithstanding anything contained in this section, the Government may exempt the artisanal vessel from obtaining letter of permission under this section for a specified period of time.

(8) If any artisanal vessel operates fishing activities in the marine fishing area without obtaining letter of permission under this section, an administrative fine equal to the value of the fish caught shall be imposed to the artisanal vessel and the fish caught shall be forfeited.

Chapter V
Fishing activities by foreign fishing vessels

22. Refusal of issuing licence to foreign fishing vessels.—The Government, by mentioning grounds or if thinks fit without mentioning any grounds, may refuse to issue a licence under section 8 in respect of a foreign fishing vessel.

23. Restriction on entry of foreign fishing vessels in the Bangladesh Marine Fisheries Waters.—(1) No foreign fishing vessel, without a licence, shall enter the Bangladesh Marine Fisheries Waters.

(2) Notwithstanding anything contained in sub-section (1), subject to the provisions of sub-sections (3) and (4), any foreign fishing vessel may enter and stay for a reasonable period of time in the Bangladesh Marine Fisheries Waters for the purpose of—

- (a) passage through the Bangladesh Marine Fisheries Waters in the course of a voyage to destination outside of the Bangladesh Marine Fisheries Waters;
- (b) averting imminent danger where the vessel and its crew is in distress;
- (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, which is subject of innocent passage.

(3) Any foreign fishing vessel entering the Bangladesh Marine Fisheries Waters for any purpose set out in sub-section (2) shall—

- (a) comply with this Act as well as other laws of the country in force; and
- (b) return outside such waters as soon as the purpose for which it entered has been fulfilled.

(4) For the purposes specified in sub-section (2), any foreign fishing vessel, in such manner as may be prescribed, shall inform the Government or, as the case may be, the Director about its entry in and departure from Bangladesh Marine Fisheries Waters.

Explanation.—In this section, “innocent passage” means the innocent passage as specified in the United Nations Convention on the Law of the Sea, 1982.

24. Offences committed by foreign fishing vessels without a licence.—If any foreign fishing vessel without a licence—

- (a) enters the Bangladesh Marine Fisheries Waters;
- (b) fishes and attempts to fish;
- (c) loads, unloads or tranships or buys and sells fish from one vessel to another;
- (d) transports, smuggles or does any act or takes any initiative or assists to do any act that may cause damage or likely to cause damage to the fisheries resources or the environment; or
- (e) load or unload fuel supplies,

it shall be an offence.

25. Penalties for offences committed by foreign fishing vessels.—(1) If an offence under section 24 is committed by a foreign fishing vessel, the owner of the vessel, the skipper and any other person committing the offence boarding the vessel, shall be punished with imprisonment for a term not exceeding 3 (three) years or with fine not exceeding Taka 5 (five) crore, but not less than one-third of the fine specified in this section or with both.

(2) Any authorised officer or law enforcing force may seize, for committing offence under section 24, any foreign fishing vessel, arrest its owner, skipper and any other person on board committing offence and after docking the vessel at a nearby port, shall submit a report to the Director with date, time and place of occurrence and details of detainees and the materials kept on board the vessel.

(3) The Director, in accordance with the report received under sub-section (2), shall take necessary legal action against the seized fishing vessel and the accused owner, skipper and persons, committing offence, on board the vessel.

(4) The Director shall forfeit the fishing vessels, fishing equipment and the fish caught, seized under sub-section (2).

(5) The Director shall deposit the proceeds of the auction sale, held in such manner as may be prescribed, of the forfeited fishing boats, fishing equipment and fish caught under sub-section (4).

(6) The Director shall immediately communicate in a report, form containing the information referred to in sub-sections (2) and (3) and the measures taken thereof, to the Government through the Director General.

26. Restrictions on exemption from legal obligations.—The Government by referring on licence, shall not allow exemption from the obligations imposed by the law relating to customs, taxes, immigration, health, sea worthiness and safety certificate or the conditions obligatory to be performed to the foreign fishing vessel:

Provided that the Government may, by a written order stating the reasons, allow exemption from such obligation to any foreign fishing vessel used for survey or research work in the Bangladesh Marine Fisheries Waters.

Chapter VI **Certain prohibited methods of fishing**

27. Prohibition on use of explosives, etc.—(1) If any person in the Bangladesh Marine Fisheries Waters—

- (a) fishes by killing or stunning or disabling fish or for the purpose of fishing in any other easy method, uses or attempts to use any explosive, poison or other noxious substances;
- (b) carry or keep in his possession or control any explosive, poison or other noxious substances for the purposes specified in clause (a);
- (c) operate or take initiative to operate any fishing method that is notified as prohibited or carry-on board or keep in possession or under control any fishing gear that is notified as prohibited; or
- (d) knowingly or having reasonable grounds to believe that the fish received or kept in his possession is caught in contravening the provision of this section or rules,

his such act shall be an offence and, for such offence, he shall be punished with imprisonment for a term not exceeding 3 (three) years or with a fine not exceeding Taka 1 (one) crore, but not less than one-third of the fine specified in this section or with both.

(2) If any explosive, poison or any other noxious substances or fishing gear specified in sub-section (1), are found on board a fishing vessel, unless the contrary is proved, it shall be presumed that it has been kept for the purpose specified in sub-section (1).

(3) The Government, by notification in the official Gazette, may prohibit any fishing method or equipment which may cause damage to the environment, natural balance and fisheries resources of the Bangladesh Marine Fisheries Waters.

28. **Penalties for use of prohibited nets, tools or equipment.**—If any person uses or has in his possession or has on board any vessel within the Bangladesh Marine Fisheries Waters any fishing net or fishing gear or fishing appliances not as prescribed, it shall be an offence and, for such offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 25 (twenty-five) lakh, but not less than one-third of the fine specified in this section or with both.

Chapter VII

Declaration of Marine Protected Areas, etc.

29. **Declaration of Marine Protected Area.**—(1) The Government may, by notification in the official Gazette, declare following areas of the Bangladesh Marine Fisheries Waters as fish sanctuaries or Marine Protected Areas, namely:—

- (a) areas within the Bangladesh Marine Fisheries Waters, the aquatic flora and fauna of such areas are at risk of endangered phase or of extinction; or
- (b) such areas where marine aquatic lives stock is in depleting phase.

(2) The Government may take programmes, in fish sanctuaries or marine protected areas to formulate plan, monitor, control and supervise, for creating facilities of natural breeding space and safe as well as conserved habitat, favorable conditions for natural regeneration and promoting scientific study and research work on aquatic fauna and flora.

30. **Fishing, dredging, etc. are prohibited in Marine Protected Areas.**—(1) If any person, without permission of the Director or, as the case may be, the Government in a fish sanctuary or marine protected area declared under section 29—

- (a) fishes or attempts to fish, or
- (b) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting material, or in any other way disturbs, alters or destroys fish stock or their natural breeding grounds or habitats, or
- (c) constructs any buildings or other structures on such protected areas,

such act shall be an offence, and for such offence he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 25 (twenty-five) lakh, but not less than one third of the fine specified in this section or with both.

(2) The Director may, for the purpose of efficient management of fish sanctuaries or marine protected areas or if he deems necessary to perform any such act under section 29, give permission in writing to perform such act referred to in sub-section (1).

31. Permission to scientific research.—(1) The Government may, in writing and on such terms and conditions as may be prescribed, give permission for scientific research in Bangladesh Marine Fisheries Waters for fish related research or survey to any vessel, any person or any organisation of Bangladesh, international or regional.

(2) Subject to the provisions of sub-section (1), the research vessel, person or organisation shall submit the results of the research to the Government and may disclose and use only such information which the Government permits.

(3) If any person contravenes the provisions of sub-section (2), he may be liable to an administrative fine not exceeding Taka 10 (ten) lakh.

Chapter VIII

Authorised officer, stopping of vessels, search, seizure, forfeiture, etc.

32. Authorised officer.—The Government may by notification in the official Gazette, declare the officers of the Department of Fisheries not below the rank of Inspector, members of the Bangladesh Navy and Bangladesh Coast Guard, not below the rank of petty officer, or any officer of customs or any other officer appointed by the Government as authorised officer.

33. To stop, examine, etc. of any fishing vessel.—If any authorised officer has reasonable grounds to believe that any fishing vessel has operated or is operating fishing activities in violating the provisions of this Act or rules or carrying or stored on board such fish caught on the vessel or has committed any offence under this Act or rules using that vessel in Bangladesh Marine Fisheries Waters, he may without warrant—

- (a) make any examination or search for fishing gear, nets, equipment, crew or fish carrying on board of that vessel; or illegally caught fish found on board while searching of that vessel or it is suspected that such fishing vessel has operated or operating fishing activities or carrying on board such illegally caught fish, thereafter he may seize such fishing vessel, stored fish on board, fishing gear and hand over the arrested persons operating the fishing vessel to a nearby police station;
- (b) examine the fishing licence, letter of permission, sailing permission or any other related documents and may, if necessary, order the skipper or owner of the fishing vessel to submit a copy thereof.

34. Authorised officer may enter premises, search, seize vessel without warrant, etc.—(1) Any authorised officer or designated officer, may enter into a dwelling house or store or premises or any other place for search without search warrant where he has reasonable grounds to believe that in that dwelling house or store or premises or any place there is such fish that is caught in contravening any provisions of this Act or rules and keep equipment connected to it or taking preparation for committing offence or stored equipment for commission of offence, and—

- (a) seize preserved fish, fishing vessel, furniture, allied appliances, transport of that place; and
- (b) arresting the persons, who had committed offence or taking preparation for committing offence, may hand over to a nearby police station.

(2) The authorised officer or designated officer after preparing a seizure list of the goods or equipment seized under sub-section (1), furnish a copy thereof to the Director and a copy to the arrestee or his representative.

35. Power to hot pursuit.—(1) Where it becomes necessary for an authorised officer to stop any vessel for the purpose of carrying out the provisions of this Act and 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 recognized means, and if it fails to do so, the vessel may be pursued even beyond the Bangladesh Marine Fisheries Waters and may make an open gun fire to stop and if, after such warning the vessel fails to stop, it shall be fired to target.

(2) If it is made possible to stop a vessel by taking steps under sub-section (1), that vessel caused to be seized beyond the Bangladesh Marine Fisheries Waters and after the seizure, the crew along with the vessel shall be handed over to the nearest port or police station.

36. Provisions relating to arrested persons.—If any person is arrested under the provisions of this Act, he shall be produced to the nearest police station, as soon as possible, and the officer-in charge of that police station shall take steps against him in accordance with the provisions of this Act, rules and the Code of Criminal Procedure, 1898 (Act V of 1898).

37. Fishing Vessels, etc. seized to be forfeited.—(1) Any fishing vessel, fishing gear or equipment, explosives, poison or any other noxious substances or equipment seized under this Act or proceeds of sale under section 41, subject to the provisions of sub-section (3),—

- (a) if a case is lodged under this Act, be held in such custody, in such manner as may be prescribed, until the disposal of such prosecution;
- (b) if no prosecution is lodged under this Act, be held in the custody for 30 (thirty) days, in such manner as may be prescribed, and at the expiry of such period shall be deemed to be forfeited to the Government unless the actual owner submit any claim in writing within such period.

(2) Where any written claim is received under clause (b) of sub-section (1), the Director may record the reasons and, if necessary, undertaking the pledge or, as the case may be, holding surety, release the claimed materials or money and hand over those to the claimant.

(3) The court may, in such manner as may be prescribed, on application of the owner of the goods or equipment referred to in sub-section (1), by taking due surety or, imposing a precondition of enforcing the provisions of section 34, as the case may be, release the seized fishing vessel or fishing gear by an order, to the applicant.

38. Court may order forfeiture in addition to penalty imposed.—Where any person is convicted of an offence against any provision of this Act or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Act or any rules made thereunder, the Court, in addition to any other penalty imposed—

- (a) may order that the fishing vessel, furniture, appurtenances, goods of stores, cargo, fishing gear, nets or other fishing appliances used in the commission of such offence shall be forfeited to the Government or the licence shall be suspended for specified time as the Court may think fit or be cancelled; and
- (b) may order the forfeiture of the fish collected through commission of offence or the proceeds of the sale under section 41 and any explosives, poison or any other harmful substance used in the commission of the offence.

39. Disposal of forfeited fishing vessel, etc.—The Government shall, in such manner as may be prescribed, dispose of any fishing vessel, furniture, appurtenances, stored material, cargo, fishing gear, nets or other fishing appliances, explosives, poison or other noxious substances, and proceeds of the sale of fish deemed or ordered to be forfeited under section 37 or 38.

40. **Illegally caught fish.**—All fish found on board of any fishing vessel which has been used in the commission of an offence against any provision of this Act or any rules made thereunder shall, unless the contrary is proved, be presumed to have been caught illegally in the Bangladesh Fisheries Waters.

41. **Disposal of fish and perishable goods.**—Any fish or other article of a perishable nature seized shall be disposed of by the Director at his own initiative or, as the case may be, by the order of the court in such manner as may be prescribed, and if such goods are sold, the proceeds from the sale shall be deposited to the Government treasury through treasury chalan.

42. **Designated officer required to produce identification.**—Any designated officer when acting under the provisions of this Act or any rules made thereunder shall, on demand, produce such identification or written authority as may be reasonably sufficient to any person against whom he is taking action to show that he is a designated officer for the purposes of this Act.

43. **Delegation of powers.**—The Government may, delegate any of its powers, other than the rules making powers, to the Director General, the Director General may delegate his powers to the Additional Director General and Director and the Director may delegate his powers to any officer by order in writing subject to necessary conditions.

44. **Protection of actions done in good faith.**—No proceeding shall be brought against any authorised officer or designated officer for any loss caused or likely to be caused for any action done in good faith under this Act.

Chapter IX Administrative Appeal

45. **Administrative Appeal.**—(1) If any person is aggrieved by an order of the Director on refusal of issuing licence or renewal or of revocation of licence or imposition of fine along with any related administrative order, he may within 30 (thirty) days of such order, prefer an appeal to the Government in such manner as may be prescribed.

(2) The Government shall, within 60 (sixty) days of receipt of the appeal preferred under sub-section (1), dispose of it in such manner as may be prescribed.

(3) The decision given by the Government on the appeal shall be final.

Chapter X Offences and Penalties

46. Penalties for obstruction to authorised officer or designated officer.—If any person obstructs any authorised officer or designated officer in the exercise of discharging duties, such act shall be an offence and, for such offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 10 (ten) lakh, but not less than one-third of the fine specified in this section or with both.

47. Penalties for damaging fishing vessels, etc.—If any person damages or destroys any fishing vessels, fishing stakes, fishing gear or fishing appliances, such act shall be an offence and, for such offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 25 (twenty-five) lakh, but not less than one third of the fine specified in this section or with both.

48. Penalties for destruction of proofs.—If any person 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, such act shall be an offence and, for such offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 10 (ten) lakh, but not less than one-third of the fine specified in this section or with both.

49. Penalties for operating fishing vessels without marking.—If any person operates a fishing vessel in the Bangladesh Marine Fisheries Waters which is not marked in the prescribed manner, such act shall be an offence and, for such offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 10 (ten) lakh, but not less than one-third of the fine specified in this section or with both.

50. Penalties for an offence committed by persons on board a vessel.— If an offence against any provision of this Act or any rules made thereunder has been committed by any person on board a fishing vessel, the skipper of such vessel shall also be guilty of such offence, and he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 10 (ten) lakh, but not less than one-third of the fine specified in this section or with both.

51. Penalties for preserving, stocking or selling illegally caught fish.—If any person knowingly preserves, stocks or sells illegally caught fish, such act shall be an offence, and for such offence he shall be punished with imprisonment for a term not exceeding 2 (two) years or with fine not exceeding Taka 10 (ten) lakh, but not less than one-third of the fine specified in this section or with both.

52. Penalty for assisting offence.—If any person assists in the commission of an offence, he shall be liable to punishment with equal to the penalty specified for that offence.

53. Penalty for recurrence of offences.—If any person commits the same offence mentioned in this Act for the second time or recurrently, he shall be punished the twice the rate of penalty as specified, respectively.

54. Imposing administrative fines.—(1) The Director or the designated officer may impose and realise administrative fines specified in this Act.

(2) If any person fails to pay administrative fine, within stipulated time, imposed on him under this section, it shall be recoverable as a public demand under the Public Demands Recovery Act, 1913 (Act No. IX of 1913).

Chapter XI

Jurisdiction, trial, and bailability of offences, etc.

55. Offences committed within the limits of local jurisdiction.—If any offence against any of the provisions of this Act or any rules made thereunder is committed within the Bangladesh Marine Fisheries Waters by any person, it shall be deemed to be an offence under this Act and he 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.

56. Trial of offences etc.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) or in any other Acts—

- (a) the trial of an offence punishable under this Act shall be triable by a First-Class Judicial Magistrate or, as the case may be, by a Metropolitan Magistrate;
- (b) the First-Class Judicial Magistrate or the Metropolitan Magistrate may impose any punishment for respective offence under this Act, on the convicted person.

57. Cognizability, bailability and compoundability of offences.—(1) The offences punishable under this Act shall be cognizable and bailable.

(2) All offences except those specified in section 7 and section 24, shall be compoundable.

58. Compounding of offences.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (Act No. V of 1898), before disposing of any case with compoundable offences under this Act, subject to submission of an composition signed by both the Director and the accused to the court, such court may dispose of the case by imposing fine to the extent of three fourth of maximum fine specified in the section as punishment and thereby discharge the accused.

(2) Notwithstanding anything contained in sub-section (1), the court under this Act, may order of disposal of any seized fishing vessel, collected fish, if any, and any other ancillary equipment in connection with offence.

59. Application of Mobile Courts Act, 2009.—Notwithstanding anything contained in any other law for the time being in force, in the case of the offences punishable under this Act, the Mobile Court may impose penalty, subject to its being included in the Schedule of the Mobile Courts Act, 2009 (Act No. LIX of 2009).

Chapter XI Miscellaneous

60. Service of notice.—(1) Where, for the purposes of this Act or any rules made thereunder, any notice is to be served on any person, that notice may be served—

- (a) by delivering a copy of the notice personally to the person or affixing a copy of such notice to any conspicuous place of the person's residence; or
- (b) if the notice is to be served on the skipper or any person on board, by serving the same for him on the vessel's skipper or the person who appears to be, in command of the vessel for the time being; or
- (c) by sending it by registered post with acknowledgement duly addressed to his last known place of abode.

(2) If it is clear to the Director or Government that the subject matter of the notice is known to the relevant person, the proceeding taken shall not be void because of procedural mistake in issuing the notice.

61. Realization of fees.—(1) The Government may, in such manner as may be prescribed, fix the fees for issuance and renewal of licences, and sailing permission according to the fishing capacity and classification of fishing vessels.

(2) The fee fixed under sub-section (1) shall be realisable by the Director or Officers.

62. Power to make rules.—The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

63. Repeal and savings.—(1) The Marine Fisheries Ordinance, 1983 (Ordinance No. XXXV of 1983), hereinafter referred to as the repealed Ordinance, is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1)—

- (a) licences issued, any act done, any action taken or any proceeding initiated, under the repealed Ordinance shall be deemed to have been issued, done, taken or initiated under this Act;
- (b) any suit filed or proceeding initiated shall, if pending or going on under the repealed Ordinance, be disposed of or continued in such way as if the said Ordinance had not been repealed;
- (c) any contract, document or instrument entered into under the repealed Ordinance shall remain in force, as if it had been entered into this Act;
- (d) the fishing vessels which have been already classified under the repealed Ordinance, shall remain in force, and have effect until amended and altered under this Act.

(3) Notwithstanding such repeal, any rules made, any notification issued, any order passed, instructions made under the repealed Ordinance if remains in force immediately before such repeal, subject to being consistent with any provision of this Act, shall be deemed to have been made, issued and given under this Act, and shall remain in force until repealed or amended or re-enacted under this Act.

64. **Publication of Authentic English text.**—(1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English text of this Act.

(2) In the event of any conflict between Bangla and the English text, the Bangla text shall prevail.

By order of the President,

Dr. Nahid Rashid
Secretary.