

PARLIAMENT OF CEYLON

4th Session 1955-56



Fisheries (Amendment) Act, No. 30 of 1956

Date of Assent: February 17, 1956

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AN ACT TO AMEND THE FISHERIES ORDINANCE,
No. 24 OF 1940.

[Date of Assent: February 17, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Fisheries (Amendment) Act, No. 30 of 1956.

Short title.

2. Section 2 of the Fisheries Ordinance, No. 24 of 1940, hereinafter referred to as the "principal enactment", is hereby amended, in sub-section (5) inserted in that section by Act No. 25 of 1952, by the substitution, for the word "sub-inspector", of the words "preventive sergeant".

Amendment of
section 2 of
Ordinance
No. 24 of 1940.

3. Section 3 of the principal enactment is hereby amended, in sub-section (2) of that section, by the addition, at the end of that sub-section, of the following:—

Amendment of
section 3 of
the principal
enactment.

"Provided further that an unofficial member of the Board appointed under paragraph (c) of sub-section (1) shall, if he absents himself from three consecutive meetings of the Board without notifying a reasonable excuse to the Chairman, cease to be a member of the Board."

4. Section 5 of the principal enactment is hereby amended, in paragraph (b) of the proviso to that section, by the substitution, for the word "person", of the word "Ceylonese".

Amendment of
section 5
of the
principal
enactment.

5. Section 13 of the principal enactment is hereby amended as follows:—

Amendment of
section 13
of the
principal
enactment.

(1) in sub-section (1) of that section—

- (a) by the substitution, for the expression "sub-sections (2) and (3)", of the expression "sub-section (2)", and
- (b) by the substitution, for all the words from "live fish" to the end of that sub-section, of the following:—

"live fish or the eggs, roe or spawn of any fish.";

(2) by the repeal of sub-sections (3) and (4) of that section; and

(3) by the re-numbering of sub-section (5) of that section as sub-section (3).

Amendment of
section 14A
of the
principal
enactment.

6. Section 14A of the principal enactment (inserted in that enactment by Act No. 25 of 1952) is hereby amended as follows:—

(1) by the substitution, for the words “shall sell,” of the words “shall possess, sell,”;

(2) by the substitution, for the words “transport for sale,” of the word “transport”; and

(3) in the marginal note to that section, by the substitution, for the words “sale, etc.”, of the words “possession, sale, exposure for sale or transport”.

Amendment of
section 18A
of the
principal
enactment.

7. Section 18A of the principal enactment (inserted in that enactment by Act No. 25 of 1952) is hereby amended as follows:—

(1) in sub-section (1) of that section, by the substitution, for the words “the dispute”, of the words “the dispute and all matters relating thereto, connected therewith or arising therefrom”;

(2) in sub-section (2) of that section, by the substitution, for all the words from “A reference” to “relates.”, of the following:—

“A reference made to any person or Committee under sub-section (1) shall specify the subject-matter of the fishing dispute to which it relates and shall require that person or Committee to hold a public inquiry into and report on not only the subject-matter of that dispute but also all such matters relating to, connected with or arising from that dispute as may be mentioned in any representations that may be made in accordance with the provisions of this section to that person or Committee.”;

(3) in sub-section (3) of that section—

(a) by the substitution, in paragraph (a) (ii) of that sub-section, for the words “relating to the dispute”,

of the words "regarding the dispute or any matter relating thereto, connected therewith or arising therefrom," and

(b) by the substitution, in paragraph (a) (iii) of that sub-section, for the word "dispute", of the words "dispute and any matters relating thereto, connected therewith or arising therefrom";

(4) by the repeal of sub-section (4) of that section and the substitution therefor of the following sub-section:—

"(4) Any person who is affected by a fishing dispute regarding which a notice is published under sub-section (3) or by any matter relating to, connected with or arising from such dispute shall be entitled to be present and to make representations relating to such dispute or matter and to tender evidence, whether oral or documentary, in support of his representations at the public inquiry into such dispute.";

(5) in sub-section (5) of that section—

(a) by the substitution, for the words "public inquiry under this section", of the words "public inquiry into a fishing dispute under this section", and

(b) by the substitution, for all the words from "any document" to the end of that sub-section, of the following:—

"any such document in his custody or possession as is relevant to the subject-matter of that dispute or to any matter relating to, connected with or arising from that dispute.";

(6) in sub-section (9) of that section, by the substitution, for all the words and the figure from "after considering" to "as to the rights," of the following:—

"after considering such representations as may have been made and such evidence as may have been given regarding the subject-matter of the dispute

and any matters relating thereto, connected therewith or arising therefrom, to prepare a report containing the findings upon the matters inquired into and such recommendations as that person or Committee may consider necessary in regard to those matters and the rights,";

(7) in sub-section (10) of that section, by the substitution, for all the words and the figure from "who has" to "any dispute", of the words "who is affected by any fishing dispute into which a public inquiry is held under this section or by any matter relating to, connected with or arising from that dispute"; and

(8) in sub-section (11) of that section, by the substitution, for all the words and figures from "After consideration" to "including regulations", of the following:—

"The Minister, after considering the report published under sub-section (9) in respect of any fishing dispute and any representations made to him under sub-section (10) with reference to that report, may make regulations regarding the subject-matter of that dispute or any matter relating thereto, connected therewith or arising therefrom, including regulations".

Amendment of
section 19A
of the
principal
enactment.

8. Section 19A of the principal enactment (inserted in that enactment by Act No. 25 of 1952) is hereby amended as follows:—

(1) in sub-section (2) of that section,—

(a) by the substitution, for the words "shall produce that article as soon as possible before", of the words "shall, as soon as possible, produce that article before or make it available for inspection by", and

(b) by the omission of the following:—

"upon the production of that article,"; and

(2) in sub-section (3) of that section, by the substitution, in paragraph (b) of that sub-section, for all the words from "it shall" to "prosecution", of the following:—

"it shall, forthwith after the final determination of the prosecution, be

returned to that person or to such other person as is considered by the court to be entitled to its possession ”.

9. Section 24 of the principal enactment is hereby amended, in sub-section (2) of that section as amended by Act No. 25 of 1952, by the substitution, in the proviso to that sub-section, for the expression “ under section 14,”, of the expression “ under section 14 or section 14A,”.

Amendment of
section 24
of the
principal
enactment.

10. Section 26 of the principal enactment is hereby amended, in sub-section (2) of that section, by the substitution, in paragraph (kk) inserted in that sub-section by Act No. 25 of 1952, for the words “ part thereof;”, of the following:—

Amendment of
section 26
of the
principal
enactment.

“ part thereof, and where such regulation or restriction is by means of licences, the charging of fees for such licences;”.