



FISHERIES ACT OF THE MALDIVES

ACT NO. 14/2019

MINISTRY OF FISHERIES, MARINE RESOURCES AND AGRICULTURE,
MALE', MALDIVES.



FISHERIES ACT OF THE MALDIVES

UNOFFICIAL FUNCTIONAL
ENGLISH TRANSLATION

ACT NO. 14/2019

MINISTRY OF FISHERIES, MARINE RESOURCES AND AGRICULTURE,
MALE', MALDIVES.

CONTENTS

FISHERIES ACT OF THE MALDIVES

1	PREAMBLE	1
1.	Introduction and Title	1
2.	Objectives	1
2	IMPLEMENTATION OF LAW	2
3.	Mandates of the Ministry	2
4.	Application of the Act.....	4
5.	Fisheries Planning and Management Objectives and Principles	5
6.	Fishers Day	6
7.	Adherence to Good Governance Principles.....	6
8.	Adherence to Gender Equity Principles	6
9.	Fisheries Registry	6
10.	Social Protection and Pension of Fishers.....	7
11.	Provision of Fisheries Education and Training.....	7
12.	Expansion of Fishing Vessel Construction Business	7
13.	Climate Change Adaptation and Mitigation	7
14.	Protection of Seabirds Nesting Islands and Sandbanks.....	7
15.	Consultation with Local Councils and Government Agencies	7
16.	Delegation of Powers and Functions of the Minister.....	8
3	FISHERIES PLANNING AND MANAGEMENT	8
17.	Determination of Types of Fisheries.....	8
18.	Fisheries Management Plans	9
19.	Coming into Force of a Management Plan	10
20.	Management Plan Advisory Committee.....	11
21.	Other Plans related to Fisheries	11
22.	Regulations with regard to planning and management of fisheries	11

4	FISHING AND RELATED ACTIVITIES IN THE MARITIME ZONES OF THE MALDIVES	13
	23. Fishing and Related Activities in the Maritime Zones of the Maldives	13
	24. Exploratory Fishing	13
	25. Entry of Foreign Fishing Vessels into the Maritime Zones of the Maldives for Passage	13
	26. Fishing and Related Activities by Foreign Vessels in the Maritime Zones of the Maldives.....	14
	27. Types of Fishing Prohibited in the Maritime Zones of the Maldives	14
	28. Sale of Fish to Foreign Fishing Vessels	14
	29. Fish Processing Facilities, Neighbourhood Fish Factories and Ice Plants.....	15
	30. Business of Fishery Products Produced by Fish Processing Facilities and Neighbourhood Fish Factories	16
	31. Establishment of Offshore Platforms.....	17
	32. Sale of Fish to Foreign Countries	17
	33. Regulations regarding Fishing and Related Activities in the Maritime Zones of the Maldives.....	17
5	FISHING BEYOND THE MARITIME ZONES OF THE MALDIVES	18
	34. Use of Maldivian Vessel Beyond the Maritime Zones of the Maldives	18
	35. Regulations with regard to fishing beyond the maritime zones of the Maldives.....	19
6	LICENSING RULES	20
	36. Issuing of Licenses	20
	37. Conditions Governing License	20
	38. Fees	20
	39. Revocation and Temporary Suspension of License	20
	40. Notice.....	21
	41. Appeal to Minister	21
	42. Renewal of License.....	21
7	DETECTING ILLEGAL FISHING	22
	43. Detering Illegal, Unreported and Unregulated (IUU) Fishing	22

44.	Regulations with regard to Illegal, Unreported and Unregulated fishing	22
8	AQUACULTURE	23
45.	Principles for Development of Aquaculture	23
46.	Allocating Aquaculture Activity Areas	23
47.	Aquaculture Management Plans	23
48.	Aquaculture Licenses.....	24
49.	Monitoring and Management of Aquaculture Activities	25
50.	Leasing of Aquaculture Areas.....	25
51.	Fees	25
52.	Revocation and Temporary Suspension of License	26
53.	Use of Foods, Drugs and Disinfectants	26
54.	Disease and Infection.....	26
55.	Aquaculture Regulations	27
9	MONITORING, CONTROL AND SURVEILLANCE SYSTEM	28
56.	Monitoring, Control and Surveillance System	28
57.	Enforcement	28
58.	Rangers	28
59.	Powers of Enforcement Officers of Maldives Police Service.....	29
60.	Powers of Enforcement Officers of Maldives Coast Guard.....	29
61.	Powers of Enforcement Officers of Maldives Customs Service.....	31
62.	Confiscation and Arrest.....	31
63.	Rules Governing Arrested Persons; Confiscated Goods.....	32
64.	Rules Governing Perishable Items.....	32
65.	Release of Vessel or Item after Deposit of Adequate Bond	32
66.	Conditions Governing Bonds.....	32
67.	Foreign Vessels and Forfeiture of Goods.....	33
68.	Release of Vessel and Items Confiscated	33
69.	Observers	33
70.	Cooperation with Enforcement Officers and Rangers	34
71.	Regulations with respect to Fisheries Monitoring, Control and Surveillance	34

10 OFFENCES AND PENALTIES	35
72. Prohibitions and civil violations	35
73. Fishing Without a License or in Contravention of Licensing Conditions.....	35
74. Procuring Fishing in Contravention of Law	35
75. Undertaking Aquaculture Without a License or in Contravention of Licensing Conditions	36
76. Engaging in Prohibited Types of Fishing in the Maritime Zones of the Maldives.....	36
77. Committing an Offence in Contravention of Regulations made under this Act.....	36
78. Operation of Fish Processing Facilities, Neighbourhood Fish Factories, Ice Plants and Offshore Platforms Without a License or in Contravention of Licensing Conditions.....	36
79. Regulation Prescribing Fines	37
80. Giving Opportunity to Respond.....	37
11 JURISDICTION AND ASSUMPTIONS	38
81. Jurisdiction.....	38
82. Presumptions.....	38
12 MISCELLANEOUS	40
83. Repealed Law	40
84. Transitional Provisions	40
85. Application of this Act to Areas with Sovereign Rights over Natural Resources.....	41
86. Making and Implementation of Regulations	41
87. Entry into Force	41
88. Interpretation.....	41

CHAPTER ONE

PREAMBLE

Introduction and Title

- 1 (b) This Act provides for the sustainable management of fisheries and marine resources and their ecosystems in the maritime zones of the Maldives, provides for the control of fishing by all persons within the maritime zones of the Maldives as well as fishing by Maldivians outside the maritime zones of the Maldives, and the principles and bases for the development and management of the fisheries and aquaculture industry.
- (c) This Act shall be cited as the “Fisheries Act of the Maldives”.

Objectives

- 2 (a) The principal objectives of this Act are as follows:
- (1) to provide for the sustainable use of fisheries resources of the Maldives and their ecosystems for the future generations of the Maldives;
 - (2) to provide a framework for the protection and management of the fisheries resources of the Maldives and their ecosystems in accordance with principles of equity and good governance;
 - (3) to formulate a complete system to develop and manage the aquaculture industry for contribution to economic development;
 - (4) to formulate principles to prevent, deter and eliminate illegal, unregulated and unreported (IUU) fishing;
 - (5) to develop a legal framework to enforce state obligations pursuant to international conventions participated by the Republic of Maldives in respect of fishing and fisheries;

- (6) to value fishers and assist persons working in the fisheries industry to seek good income and profit;
- (7) to formulate a fishers' registry, protect their rights and ensure social protection and pension for fishers;
- (8) to acclimatise youth to fishing and encourage them to enter the fisheries industry;
- (9) to encourage and pave way for equal participation of both sexes in the fisheries sector;
- (10) to provide opportunity for Maldivians to engage in fishing outside the maritime zones of the Maldives and for Maldivian fishing vessels to travel abroad and sell fish in foreign markets;
- (11) to assist and pave way for the establishment of neighbourhood fish factories in islands under partnership with local councils and private parties;
- (12) to identify key fishing areas for Maldivians, and provide opportunity to establish offshore platforms; and
- (13) to pave way for the expansion of businesses engaged in the construction of fishing dhonis and vessels.

CHAPTER TWO

IMPLEMENTATION OF LAW

Mandates of the Ministry

3

- (a) The Ministry shall have the principal mandate for the sustainable planning, management and development of the fisheries resources and their ecosystems in the maritime zones of the Maldives in accordance with this Act.
- (b) The Ministry is mandated to make and implement regulations in respect of fishing and related activities carried out within the maritime zones of the Maldives.

- (c) The Ministry is mandated to make and implement regulations in accordance with international law in respect of fishing and related activities undertaken by Maldivians outside the maritime zones of the Maldives.
- (d) The Ministry shall formulate and implement a legal framework to promote, administer, manage, and coordinate all activities related to aquaculture in the land territory and maritime zones of Maldives.
- (e) The Ministry shall represent the Government of the Maldives in domestic, regional and international conventions, agreements, arrangements or organizations relating to fishing and related activities, aquaculture and any activity carried out within and outside the maritime zones of the Maldives falling within the scope of this Act. The Ministry shall also implement any such agreements or arrangements in accordance with the laws of the Maldives.
- (f) The Ministry shall have the power to formulate and implement policies, regulations and measures in respect of the following:
 - (1) manage the fisheries resources and their ecosystems within the maritime zones of the Maldives;
 - (2) manage the fisheries resources and their ecosystems within the maritime zones of the Maldives in a manner most beneficial to Maldivians through the application of the “precautionary approach” and the “ecosystem approach” to fisheries management;
 - (3) promote the sustainable development of fisheries and aquaculture; and
 - (4) formulate and implement policies, regulations and measures to manage fishing and related activities undertaken by Maldivians outside the maritime zones of the Maldives.

Application of the Act

4 (a) This Act shall apply within and outside the maritime zones of the Maldives as provided herein.

- (1) If within the maritime zones of the Maldives, this Act shall apply to Maldivian and foreign fishing vessels entering the maritime zones of the Maldives, and to Maldivians and foreign nationals in, or associated with, such vessels. Furthermore, this Act shall apply to fishing and related activities carried out in such vessels and any other matter falling within the scope of this Act.
- (2) If outside the maritime zones of the Maldives; this Act shall apply to the following:
 - i. Maldivian fishing vessels; and
 - ii. All Maldivians and foreign nationals on vessels stated in subsection (2) (i).
- (3) all persons, vessels, vehicles, aircrafts, processing and export facilities or other crafts or places engaged in or otherwise connected with any activity falling within the scope of this Act.

(b) This Act and regulations made pursuant to this Act have extra-territorial application according to their provisions and tenor.

(c) Unless otherwise specified in this Act or any regulation made pursuant to this Act, the provisions of this Act do not apply to fishing for personal consumption.

(d) Notwithstanding subsection (c), the Ministry shall have the power to provide for rules and principles governing fishing for personal consumption, or to provide that other regulations made pursuant to this Act, or provisions of such regulations shall apply to fishing for personal consumption.

**Fisheries Planning
and Management
Objectives and
Principles**

5 In exercising powers and implementing mandates under this Act and any regulations made pursuant to this Act, the Ministry and all persons implementing this Act shall have regard to the following objectives and principles:

- (a) adopt measures to plan and manage fishing to ensure the long-term sustainable use of fisheries resources and their ecosystems and promote the objective of their optimum utilisation;
- (b) ensure that the measures stated in subsection (a) are based on the best scientific evidence available and are designed to maintain or restore, where appropriate, target stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, taking into account fishing patterns, the interdependence of stocks and any generally recommended international standards;
- (c) apply the “precautionary approach” in accordance with this Act and the international obligations of the Maldives;
- (d) assess and minimise impacts of fishing, other human activities and environmental factors on target stocks, non-target species and species belonging to the same ecosystem or dependent upon or associated with target stocks;
- (e) adopt measures to minimise catch by lost or abandoned gear, catch of non-target species and impacts on associated or dependent species, in particular endangered, threatened and protected species; and develop and promote the use of environmentally friendly fishing gear and techniques;
- (f) protect fisheries resources and their ecosystems;
- (g) take measures to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fisheries resources and their ecosystems;
- (h) take into account the interests of artisanal and subsistence fishers and local communities, including ensuring their participation in the planning and management of fisheries;

- (i) maintain traditional forms of sustainable fisheries planning and management;
- (j) ensure broad participation by Maldivians in activities related to the sustainable use of fisheries resources;
- (k) collect and share, in a sustainable manner, accurate data concerning fishing activities including but not limited to vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes; and
- (l) establish an effective monitoring, control and surveillance mechanism to implement international laws, conventions and measures related to fisheries.

Fishers Day	6	A special day at the national level dedicated to recognize and value the contribution of Maldivian fishers and everyone participating in the fisheries sector of the Maldives must be celebrated annually.
Adherence to Good Governance Principles	7	The Ministry shall establish and promote a system of collaboration, participatory decision making, good governance and transparency in the management of the fisheries resources of the Maldives.
Adherence to Gender Equity Principles	8	Actions taken by the Ministry and any person authorised under this Act shall be consistent with the applicable gender equity policies and legislation of the Maldives.
Fisheries Registry	9	<p>(a) The Ministry shall formulate a registry under this Act to register, including but not limited to, fishers, fishing crew, fishing vessel owners, and information of fishing vessels. The Ministry shall maintain such registry in accordance with regulation made pursuant to this Act.</p> <p>(b) The Ministry may obtain information required to maintain the registry stated in this section through local councils.</p> <p>(c) The Ministry shall formulate the registry stated in this section within 100 (one hundred) days from the date this Act comes into force.</p>

- Social Protection and Pension of Fishers** 10 In order to protect the rights of fishers and ensure social protection and pension for fishers, in consultation with the Ministry, the Maldives Pension Administration Office shall formulate a scheme to provide pension and disability insurance to fishers.
- Provision of Fisheries Education and Training** 11 A fisheries institute or college must be established and developed in order to promote and expand the fisheries industry and establish a mechanism to provide modern fisheries education and training.
- Expansion of Fishing Vessel Construction Business** 12 In the building and construction of fishing vessels, the Ministry shall advocate to implement the special boat building code formulated by the relevant transport authority, shall promote and market the boat building industry and facilitate opportunities and participation to parties engaged in such industry in international markets.
- Climate Change Adaptation and Mitigation** 13 The Ministry shall ensure that activities authorised or permitted under this Act take into consideration the climate change adaptation and mitigation policies, strategies, relevant laws and regulations, principles and measures adopted by the Maldives.
- Protection of Seabirds Nesting Islands and Sandbanks** 14 In consultation with each other, the Ministry and the ministry mandated with environmental matters shall formulate an action plan within 6 (six) months from the date this Act comes into force, in order to protect seabird nesting islands, sandbanks and such other areas, as well as to undertake research required to increase such protected areas.
- Consultation with Local Councils and Government Agencies** 15 (a) The Ministry shall consult with relevant ministries, local councils and government agencies, in areas relevant to their functions and mandates in the implementation of this Act and formulation of regulations made pursuant to this Act.
- (b) In furtherance of subsection (a) of this section, the Ministry may:-

- (1) establish agreements (Memorandum of Understanding) with relevant Ministries, local councils and government agencies;
- (2) establish joint working groups with relevant Ministries, local councils and government agencies;
- (3) delegate powers given to the Ministry under this Act or regulations made pursuant to this Act; and
- (4) develop and implement standard operating procedures to coordinate functions carried out by relevant Ministries, local councils and government agencies to achieve the objectives of this Act.

Delegation of Powers and Functions of the Minister

- 16 (a) The Minister may delegate a function or power of the Minister under this Act to another person for the time being heading or managing a particular office or holding a particular position of such office as provided below.
- (1) Delegated functions and the duration of such delegation shall be in writing;
 - (2) Delegation may be conditional or unconditional;
 - (3) Delegation shall not derogate from the power of the Minister to act in respect of a delegated function;
 - (4) Delegation shall be revocable at the will of the Minister.
- (b) A document signed by the Minister containing particulars of a delegation under subsection (a) of this section, shall, in the absence of proof to the contrary, be accepted as proof that the delegation was made in accordance with this Act.

CHAPTER THREE

FISHERIES PLANNING AND MANAGEMENT

Determination of Types of Fisheries

- 17 (a) The types of fisheries permitted under this Act in the maritime zones of the Maldives are stated below.
- (1) Skipjack tuna pole and line fishery;

- (2) Large yellowfin tuna handline fishery;
- (3) Longline fishery;
- (4) Billfish fishery;
- (5) Trolling;
- (6) Grouper fishery;
- (7) Bait fishery;
- (8) Marine aquarium fishery
- (9) Diamondback squid fishery;
- (10) Reef fishery;
- (11) Bigeye scad lagoon fishery;
- (12) Harvesting of sea cucumber, lobster and similar types of fisheries.

(b) Notwithstanding subsection (a), the Ministry shall have the power to permit other types of fisheries not specified therein in the maritime zones of the Maldives, after considering the gears used in such fishery, types of fishes caught, purpose of such fishery, and other factors. In this regard, the Ministry shall publish such new types of fisheries permitted in the Government Gazette.

**Fisheries
Management Plans**

18 (a) The Ministry shall prepare and keep under review fishery management plans for the planning and management of each of the fisheries determined pursuant to Section 17 of this Act, in accordance with the objectives and principles of this Act, and ensure the implementation of such plans.

(b) Each fishery management plan stipulated in subsection (a) must include the following:

- (1) the total removals of such fishery at the time;
- (2) the types of fish living in the ecosystem, connected or dependent on the target fish of such fishery;
- (3) the objectives to be achieved from such fishery management plan;
- (4) the measures to be adopted to manage and develop such fishery;

- (5) the licensing mechanism for such fishery;
- (6) catch limits imposed on vessels in such fishery (if any); and
- (7) the duration as well as the principles for review and amendment of such management plan.

**Coming into Force
of a Management
Plan**

19

- (a) Each fishery management plan made pursuant to Section 18 of this Act shall constitute a regulation made under this Act.
- (b) The Ministry shall publish each fishery management plan in the Government Gazette.
- (c) In the formulation and review of each fishery management plan, the Ministry shall consult with all stakeholders including the following:
 - (1) State authorities affected by such management plan;
 - (2) Fishers engaged in such fishery as well as others affected by such fishery; and
 - (3) as appropriate, other States and/or regional organisations in the region in respect of shared or related stocks, with a view to promoting the compatibility or harmonisation of fisheries planning and management measures.
- (d) The Ministry shall formulate and implement a management plan pursuant to Section 18 of this Act for every fishery stipulated in Section 17 of this Act within a period of 1 (one) year from the date this Act comes into force.
- (e) No fishing for commercial use will be permitted in the maritime zones of the Maldives after the period stipulated in subsection (d), without a fishery management plan in place for such fishery.
- (f) Any provision or provisions in a fishery management plan that contravenes this Act shall not be implemented.
- (g) The Minister shall have the discretion to amend or repeal a fishery management plan after consulting with stakeholders affected by such plan, if the Minister believes amending or repealing such plan is the best action to take in such circumstances.

Management Plan Advisory Committee	20	<p>(a) In every fishery management plan, an advisory committee shall be established to advise the Ministry in the implementation and review of such plan.</p> <p>(b) Regulation made pursuant to this Act shall include provisions relating to the formation, mandate and operation of advisory committees stipulated in subsection (a).</p>
Other Plans related to Fisheries	21	In addition to the management plans stipulated in Section 18 of this Act, the Ministry may formulate other plans related to fisheries in order to implement this Act.
Regulations with regard to planning and management of fisheries	22	<p>(a) The Ministry shall have the power to make regulations as necessary to provide for the planning and management of the fisheries in the maritime zones of the Maldives in consultation with local councils, enforcement agencies specified in this Act and other relevant authorities.</p> <p>(b) Regulations made under this section may cover but not be limited to the following:</p> <ol style="list-style-type: none"> (1) management of fisheries resources and their ecosystems in mangrove swamps and marshes, in consultation with the Ministry responsible for the environment; (2) determining prohibited gear, equipment and chemicals in relation to fishing and related activities; (3) determining the principles to recognize special fisheries resources and their ecosystems, as well as establishing the types of vessels and activities that are prohibited within such areas; (4) as measures of planning and management, prohibiting certain types of fishing, or permitting fishing during a particular season, or determining the maximum amount, weight or size of fish caught; (5) determining types of protected fish and measures for their protection, and for the purpose of protecting or planning and

- managing types of fish related to fisheries, banning the export, import or sale of such types of fish, with the exception of living resources protected under another legislation;
- (6) determining the principles for transit passage of foreign fishing vessels within the maritime zones of the Maldives, laying down the principles for stowage of fishing gear and rules to be adhered by such vessels transiting or crossing the Exclusive Economic Zone of the Maldives;
 - (7) in view of issued licenses, determining the rules in respect of bycatch;
 - (8) determining the principles of handling of fish on fishing vessels, storing and usage of fish and fishery products, recording and sharing of information in relation thereto;
 - (9) regular recording of information related to fishing, and determining the manner in which such information is shared with the Ministry;
 - (10) determining the rules for fish weighing, ports or areas for fish weighing, and the transportation of fish and fishery products from one place to another;
 - (11) making regulations in respect of reporting to the Ministry persons who contravene this Act and regulations made under this Act;
 - (12) standards to be followed in the supply of fuel to fishing vessels within the maritime zones of the Maldives;
 - (13) other measures the Minister believes are necessary towards long-term sustainable use of fisheries resources, or implementation of international obligations of the Maldives;
 - (14) researching world fisheries markets, determining the principles to fetch the best price for fishers and working towards achieving the same; and
 - (15) marketing fish and fishery products of the Maldives in world markets.

CHAPTER FOUR

FISHING AND RELATED ACTIVITIES IN THE MARITIME ZONES OF THE MALDIVES

- | | | |
|---|----|--|
| Fishing and Related Activities in the Maritime Zones of the Maldives | 23 | Unless otherwise stated in this Act, fishing and related activities shall be undertaken in the maritime zones of the Maldives as prescribed under this chapter. |
| Exploratory Fishing | 24 | <p>(a) The Minister may determine rules governing exploratory fishing operations in order to ascertain whether a particular type of fishery is beneficial to the economy before the introduction of such fishery into the Maldives.</p> <p>(b) No person engaged in exploratory fishing described in this section shall be exempted from the provisions of this Act.</p> <p>(c) Regulation made pursuant to this Act shall include provisions relating to the determination, methods and licensing of exploratory fishing described in this section.</p> |
| Entry of Foreign Fishing Vessels into the Maritime Zones of the Maldives for Passage | 25 | <p>(a) Foreign fishing vessels shall enter the maritime zones of the Maldives after obtaining permission from the Ministry in advance.</p> <p>(b) The Ministry shall make regulation providing for the rules governing the grant of permission as specified in subsection (a). Such regulation may include the following:</p> <ol style="list-style-type: none">(1) Reporting the entry of, and the exit from, the maritime zones of the Maldives by foreign fishing vessels;(2) Information to be provided by foreign fishing vessels entering the maritime zones of the Maldives;(3) Conditions governing the stowing of gear of foreign fishing vessels while in the maritime zones of the Maldives;(4) Measures against foreign fishing vessels failing to report their entry and exit as provided in subsection (b) (1). |

		(c) Any such vessel entering as prescribed herein is prohibited from engaging in any type of fishing in the maritime zones of the Maldives.
Fishing and Related Activities by Foreign Vessels in the Maritime Zones of the Maldives	26	<p>(a) Unless the contrary is proven, any foreign fishing vessel entering a maritime zone of the Maldives without obtaining permission as provided for in this Act shall be deemed to have entered the maritime zone of the Maldives for the purpose of engaging in fishing or related activity.</p> <p>(b) Foreign fishing vessels entering a maritime zone of the Maldives shall act in accordance with international laws governing the protection and management of the marine environment. Furthermore, such vessels shall comply with all instructions given by an enforcement authority pursuant to this Act or regulation made under this Act.</p>
Types of Fishing Prohibited in the Maritime Zones of the Maldives	27	<p>The following types of fishing are prohibited in the maritime zones of the Maldives.</p> <p>(a) Purse seine fishing;</p> <p>(b) Gillnet fishing;</p> <p>(c) Trawl net fishing;</p> <p>(d) Fishing using a net with the exception of bait fishing and fishing for personal consumption;</p> <p>(e) Fishing using an explosive, poison or such other chemical.</p>
Sale of Fish to Foreign Fishing Vessels	28	<p>(a) The sale of fish by Maldivian fishing vessels to foreign fishing vessels shall be undertaken under permit issued by the Ministry for such sale.</p> <p>(b) Regulation made pursuant to this Act shall determine the procedures governing the grant of permission as prescribed in subsection (a), the conditions and standards to be met by vessels selling and buying fish under the said section, areas in which such sales can be carried</p>

out, the rules for the sale of fish as well as the rules for the export of such fish sold.

- (c) Foreign vessels wanting to buy fish pursuant to subsection (a), shall obtain permits as required under other legislation in addition to a permit required under this Act.

**Fish Processing
Facilities,
Neighbourhood
Fish Factories and
Ice Plants**

29

- (a) Fish and fishery products shall be processed and ice plants shall be established for fish storage in the Maldives after obtaining a permit from the Ministry in accordance with this Act and regulation made under this Act. However, the Ministry shall make arrangements for the issue of permit through local councils for the establishment of ice plants falling within the categories specified in subsections (c) (1) and (c) (2), in accordance with regulation made under this Act.
- (b) Permit for the establishment of neighbourhood fish factories as part of fish processing facilities stated in this section shall only be granted for establishment of such factories on inhabited islands. However, this section does not prevent the establishment of industrial level fish processing facilities on inhabited islands.
- (c) Permit for the establishment of neighbourhood fish factories on inhabited islands must be issued after categorizing such factories as provided below.
 - (1) Category that includes factories with capacity to process less than 5 (five) tons of fish per day;
 - (2) Category that includes factories with capacity to process between 5 (five) tons and 10 (ten) tons of fish per day; and
 - (3) Category that includes factories with capacity to process more than 10 (ten) tons of fish per day.
- (d) Having regard to the category under which the factory falls in, the following shall be taken into consideration in the issue of permit for the establishment of neighbourhood fish factories in accordance with subsection (c).
 - (1) The amount of energy to be consumed in such factory;
 - (2) The amount of water to be used in such factory;
 - (3) The number of employees of such factory;

- (4) Capital and recurrent expenditure of the factory.
- (e) The Ministry shall determine the amount of fish that can be stored in each neighbourhood fish factory categorized under subsection (c), and publicly announce the same in the Government Gazette.
- (f) Island council of the respective island, or city council if in a city, shall allocate land required to those who apply to establish neighbourhood fish factories on inhabited islands, in accordance with Act No.: 1/2002 (Maldives Land Act) as well as the land use plan of the respective island. In this regard, local councils shall allocate land adequate to establish neighbourhood fish factory in accordance with regulation made pursuant to subsection (a).
- (g) A minimum of 55% (fifty five) of those employed at neighbourhood fish factories established under this section shall be Maldivians.
- (h) Regulation made under this Act shall stipulate the rules and standards that will be followed in granting permit to operate fish processing facilities, neighbourhood fish factories and ice plants pursuant to subsection (a).
- (i) The Government authority responsible for food safety shall determine and provide for in regulation formulated by such authority, the cleanliness standards to be adhered by fish processing facilities, neighbourhood fish factories and ice plants stated in this section, as well as the quality and standards of fishery products produced in such facilities. Furthermore, the authority shall, on a continuous basis, monitor cleanliness standards of such factories in accordance with the standards set by the authority.

Business of Fishery Products Produced by Fish Processing Facilities and Neighbourhood Fish Factories 30

- (a) Business of fishery products produced in fish processing facilities described in Section 29 of this Act must be undertaken after obtaining permit from the Government ministry responsible for economic development.
- (b) The business permit stated in this section may be issued to foreign parties in accordance with the rules stated in this Act and regulation made pursuant to this Act.

- Establishment of Offshore Platforms** 31
- (a) The Ministry shall have the discretion to establish offshore platforms in accordance with regulation made pursuant to this Act to setup a mechanism for Maldivian fishing vessels to easily access things required for fishing in the Exclusive Economic Zone of the Maldives as well as to operate related fishing activities as determined by the Ministry.
 - (b) The parties that will be awarded to develop the platforms stated in subsection (a) shall be decided under a tendering process as provided for in regulation made pursuant to this Act.
 - (c) Regulation made pursuant to this Act shall provide the procedures for the establishment and licensing of platforms stated in subsection (a), as well as the items that can be sold and activities that can be carried out in such platforms.
- Sale of Fish to Foreign Countries** 32
- (a) Fish caught by Maldivian fishing vessels from the maritime zones of the Maldives can be taken and sold to foreign countries after obtaining permit from the Ministry in accordance with the rules provided for in this Act and regulation made under this Act.
 - (b) Sale of fish directly to a foreign country as provided for in subsection (a) can be undertaken where such country has entered into an agreement with the Maldives in respect of such subject matter, and in accordance with the terms provided therein.
- Regulations regarding Fishing and Related Activities in the Maritime Zones of the Maldives** 33
- (a) Regulations required to be made in relation to fishing and related activities in the maritime zones of the Maldives shall be made and implemented by the Ministry.
 - (b) The following may be included in regulations made pursuant to this section.
 - (1) Issuing of permit or license for fishing and related activities, conditions governing such permit or license, and suspension, revocation and renewal of such permit or license;

- (2) Procedures relating to the refusal to issue or renew license or permit, or review and appeal of decisions to revoke license;
- (3) Information to be submitted by the owners, captains, masters or operators of fishing vessels;
- (4) Fees to be paid for licenses or permits;
- (5) Formulation of policies related to integrated fisheries tourism, and principles for the development and marketing of such industry;
- (6) Research and studies relating to fishing and related activities;
- (7) The number of foreigners that can be employed on Maldivian fishing vessels and the type of work that can be undertaken by such foreigners;
- (8) Principles relating to determining the minimum sale and purchase price of fish caught in any fishery determined pursuant to Section 17 of this Act; and
- (9) The facilities that need to be in place on fishing vessels at the time of registration in the Maldives. In this regard, rules and standards of such facilities in relation to crew accommodation, food and restroom arrangements.

CHAPTER FIVE

FISHING BEYOND THE MARITIME ZONES OF THE MALDIVES

Use of Maldivian Vessel Beyond the Maritime Zones of the Maldives

- 34 No person shall use a Maldivian vessel for fishing or related activities in areas beyond the maritime zones of the Maldives except:
- (a) in accordance with a valid permit or license issued by relevant authorities as well as the Ministry pursuant to regulation made under this Act;

- (b) in accordance with conditions governing the permit or license issued under this Act;
- (c) in accordance with the rules provided for in this Act and regulation made pursuant to this Act;
- (d) in accordance with fisheries related international laws, conventions and resolutions.

Regulations with regard to fishing beyond the maritime zones of the Maldives

- 35
- (a) The Ministry shall have the power, in consultation with relevant authorities, to make regulations as necessary in relation to fishing and related activities undertaken in Maldivian vessels beyond the maritime zones of the Maldives.
 - (b) Regulations made under this section may provide for but not be limited to the following:
 - (1) the establishment of a record of fishing vessels permitted or licensed to fish outside the maritime zones of the Maldives;
 - (2) the issuance of permits or licenses to fish outside the maritime zones of the Maldives;
 - (3) conditions governing any permit or license issued to fish outside the maritime zones of the Maldives;
 - (4) renewal of licences or permits issued;
 - (5) suspension and revocation of licenses or permits issued;
 - (6) appeals against decisions not to issue or renew licences, or decisions to revoke or cancel licenses issued;
 - (7) information to be provided by fishing vessels for inclusion on the record of permitted or licensed fishing vessels;
 - (8) cooperation with foreign States and regional fisheries management organizations in respect of the record of fishing vessels and related matters;
 - (9) prohibited activities in fishing beyond the maritime zones of the Maldives;
 - (10) penalties for breach of specific prohibitions on fishing beyond the maritime zones of the Maldives.

CHAPTER SIX

LICENSING RULES

- Issuing of Licenses**
- 36 (a) Fishing must be undertaken in the maritime zones of the Maldives under a license issued pursuant to this Act and regulation made under this Act.
- (b) The Ministry shall make arrangements for easy issuing of licenses pursuant to this Act via local councils.
- (c) Fishing license stated in subsection (a) must not be issued to vessels registered overseas.
- (d) If the registration of any vessel issued with a license pursuant to this Act is revoked or temporarily suspended by a relevant authority, the license issued pursuant to this Act must also be revoked or temporarily suspended, respectively. Furthermore, if such authority decides not to temporarily suspend or to revoke the registration of such vessel following a review of its decision, such decision must be also followed in respect of the license issued pursuant to this Act.
- (e) Any license issued pursuant to this Act shall not be transferred to a third party without the approval of the Ministry.
- Conditions Governing License**
- 37 Every fishing license issued shall be a license issued by the Ministry in accordance with conditions specified in regulation made pursuant to this Act.
- Fees**
- 38 Every fishing license must be issued after payment of the fee determined by the Ministry for the issuing of licenses in accordance with regulation made under this Act.
- Revocation and Temporary**
- 39 (a) A fishing license issued pursuant to this Act can be revoked or temporarily suspended in the following situations.

Suspension of License

- (1) Importance of revocation or temporary suspension of license to manage a specific type of fishery;
 - (2) If a licensed vessel is used in contravention of this Act, or if the vessel has contravened a licensing condition;
 - (3) The registration issued to the vessel by the relevant authority is revoked or temporarily suspended;
 - (4) If the circumstance obligates revocation or temporary suspension of license pursuant to an international agreement signed by the Maldives.
- (b) Any decision to temporarily suspend or revoke a license issued pursuant to this Act in accordance with subsection (a), must be informed in writing to the licensee.
- (c) The Ministry is not required to pay back any fees paid in respect of a license in the event such license is temporarily suspended or revoked pursuant to this section.

Notice

- 40 (a) Any notice given under this Act to foreign fishing vessels must be given in writing, or by telex, radio, email or in any other manner deemed sufficient by the Minister.
- (b) In the event notices cannot be given in writing as provided in subsection (a), such notices must be given by telex, radio, email or in any other manner deemed sufficient by the Minister and recorded accordingly.

Appeal to Minister

- 41 Persons unhappy with a notice given by the Ministry pursuant to Section 40 of this Act must apply to the Minister to review such notice, within 30 (thirty) days from receipt of such notice. In this regard, the Minister must make a decision and inform such decision to the applicant within 21 (twenty one) days of submission of application to review. Furthermore, if unhappy with the decision made by the Minister, the matter can be submitted to the relevant court.

Renewal of License

- 42 (a) The period of a license issued pursuant to Section 36 of this Act must be renewed upon submission of the required form to the Ministry

within 30 (thirty) days prior to the expiry of the license period and payment of the required fee.

- (b) The period of a licence can be renewed pursuant to subsection (a) if there have been no breach of the licensing conditions.

CHAPTER SEVEN

DETERRING ILLEGAL FISHING

**Deterring Illegal,
Unreported and
Unregulated (IUU)
Fishing**

- 43
- (a) The Ministry shall take the necessary steps to prevent, deter and eliminate illegal, unreported and unregulated by all persons in the maritime zones of the Maldives and by Maldivians outside the maritime zones of the Maldives.
- (b) In furtherance of subsection (a), the Ministry shall cooperate with foreign States, international and private organizations and provide any information which may be necessary to prevent, deter and eliminate illegal, unreported and unregulated fishing.
- (c) The Ministry shall not provide any kind of subsidy or any other financial or in-kind assistance to any vessel included in a list of vessels engaged in illegal, unreported and unregulated fishing.

**Regulations with
regard to Illegal,
Unreported and
Unregulated
fishing**

- 44
- (a) The Ministry shall have the power to make regulations as necessary to prevent, deter and eliminate illegal, unreported and unregulated fishing by all persons in the maritime zones of the Maldives and by Maldivians outside the maritime zones of the Maldives.
- (b) Regulations made under this section may provide for but not be limited to the following:
- (1) Specifying activities that constitute illegal, unreported and unregulated fishing;
 - (2) Requirements to be complied with by fishing vessels before registration as Maldivian fishing vessels;

- (3) Measures to be taken against Maldivian fishing vessels that engage in illegal, unreported and unregulated fishing, including deregistration; and
- (4) Procedures to cooperate with other States, inter-governmental and non-governmental organizations.

CHAPTER EIGHT

AQUACULTURE

- | | | |
|--|----|---|
| Principles for Development of Aquaculture | 45 | The Ministry shall be responsible for promoting, coordinating and managing all activities relating to aquaculture development in the Maldives. |
| Allocating Aquaculture Activity Areas | 46 | <ul style="list-style-type: none"> (a) Taking scientific, social, economic, environmental and other factors into consideration, the Ministry may, by public announcement in the Government Gazette, allocate a specific area exclusively for aquaculture activities. (b) If the Ministry allocates a specific area exclusively for aquaculture as provided in subsection (a), the Ministry may provide that such area will be subject to the rules provided in regulation made pursuant to this Act. (c) The Ministry may determine prohibited areas for aquaculture activities by public announcement in the Government Gazette. (d) No one shall undertake any aquaculture activity in areas where aquaculture and related activities are prohibited. |
| Aquaculture Management Plans | 47 | <ul style="list-style-type: none"> (a) The Ministry shall prepare and keep under review aquaculture management plans for the planning, development and management of aquaculture, in accordance with the objective and principles of this Act, and ensure the implementation of such plans. (b) Each aquaculture management plan must include the following: |

- (1) Sectors to be developed in respect of aquaculture activities and areas in which aquaculture activities are prohibited;
 - (2) Research important fields and types of species to be produced via aquaculture;
 - (3) Objectives to be achieved by development of aquaculture activities;
 - (4) Measures to be adopted to develop and manage aquaculture. In this regard, determining prohibited activities in specific areas of aquaculture sites; and
 - (5) the duration as well as the principles for review and amendment of such management plan.
- (c) In the formulation and review of each aquaculture management plan, the Ministry shall consult with ministries affected by such plan, councils of islands on which aquaculture activities are planned, relevant authorities and other stakeholders affected by such plan.
- (d) The persons responsible for the implementation of each aquaculture plan and all parties included in such plan must act in accordance each aquaculture management plan formulated under this Act.
- (e) Aquaculture management plans formulated under this Act shall come into force upon publication in the Government Gazette.

**Aquaculture
Licenses**

48

- (a) No person shall undertake aquaculture unless with a license issued by the Ministry.
- (b) Aquaculture license must not be issued unless the following have been satisfied.
 - (1) Environmental Impact Assessment Report has been prepared in accordance with relevant laws;
 - (2) Other economic activities carried in the area are not adversely affected if aquaculture activities are licensed in such area;
 - (3) No adverse environmental impact results from the issuing of aquaculture license;

		(4) The area allocated for aquaculture is suitable for aquaculture or for specific type of fish to be grown by aquaculture.
		(c) Within 90 (ninety) days from the date this Act comes into force, the Ministry shall determine and publish in the Government Gazette a list of species to be produced by aquaculture.
		(d) Notwithstanding subsection (c), this section does not prevent the Ministry from issuing license to culture and/or grow a species not determined by the Ministry in accordance with a regulation made under this Act, in the event a request is made to the Ministry to obtain such approval for aquaculture. In this regard, the Ministry shall publish in the Government Gazette new species approved for aquaculture pursuant to subsection (c).
Monitoring and Management of Aquaculture Activities	49	The Ministry shall establish and implement a mechanism to monitor and control aquaculture activities licensed pursuant to this Act and regulation made under this Act.
Leasing of Aquaculture Areas	50	(a) The Ministry may lease out areas from the sea or land to undertake aquaculture pursuant to this Act. (b) In allocating areas for leasing pursuant to subsection (a), the Ministry shall consult with the ministry responsible for land allocation, local councils and other relevant Government authorities. (c) Areas must be leased pursuant to subsection (a) without contravening Act No.: 1/2002 (Maldives Land Act) and regulations made thereunder. (d) The areas leased pursuant to subsection (a) and that such areas are not allowed for public use, must be publicly announced in the Government Gazette.
Fees	51	Every aquaculture license must be issued after payment of the fee determined by the Ministry for the issuing of licenses in accordance with regulation made under this Act.

**Revocation and
Temporary
Suspension of
License**

- 52 An aquaculture license issued pursuant to this Act can be revoked or temporarily suspended in the following situations:
- (1) Contravention of a condition of an aquaculture license by the licensee or by the lessee of an area leased for aquaculture activity, or failure to rectify such contravention within a reasonable period;
 - (2) Licensee does not commence aquaculture activities within the period stipulated in the license;
 - (3) Revocation of license to protect the environment and preserve genetic diversity of the ecosystem, or revocation of license is deemed absolutely necessary;
 - (4) Non-reporting of any disease or infected organism to the Ministry by the licensee, or is unable to take measures to prevent the spread of such disease or infected organism in accordance with this Act;
 - (5) If licensee is unable to treat or eliminate a diseased or infected aquatic organism.

**Use of Foods,
Drugs and
Disinfectants**

- 53
- (a) Regulation made under this Act shall specify the general standards of the use of types of food, drugs and disinfectants in aquaculture.
 - (b) In addition to the general standards determined under subsection (a), the Ministry may specify special standards in the aquaculture license.

**Disease and
Infection**

- 54
- (a) The licensee shall without delay report to the Ministry the presence of a disease or infected aquatic organism in an aquaculture facility.
 - (b) Licensees shall abide by any instruction given by the Ministry in response to a report pursuant to subsection (a).
 - (c) Licensee shall take all steps necessary to prevent the spread of disease and infected organism. In this regard, such steps shall include elimination of aquatic organisms and aquaculture products, and disinfection of aquaculture facility.
 - (d) For the purposes of this section, “infection” means transmutation of the natural anatomy or physiology of fisheries resources resulting from the presence of bacteria or such other living organism.

**Aquaculture
Regulations**

- 55 (a) The Ministry, in consultation with relevant Ministries and government agencies, shall have the power to make and implement regulations as necessary to provide for all activities relating to aquaculture in the Maldives.
- (b) Regulations made under this section must include the following:
- (1) Conditions governing aquaculture areas;
 - (2) Design, material and rules governing the construction of aquaculture establishments;
 - (3) Health standards to be maintained in fish grown through aquaculture;
 - (4) Measures to be adopted to prevent escape of fish imported in to the Maldives for aquaculture;
 - (5) Measures to be adopted for protection from diseases to stocks and standards of reporting of such diseases to the Ministry;
 - (6) Ways for the introduction of fish and fishery products from aquaculture into markets;
 - (7) Issuance of aquaculture licenses or permits;
 - (8) Licensing of aquaculture facilities and content of an aquaculture license;
 - (9) Fishing in relation to aquaculture facilities;
 - (10) Introduction of new living species subject to applicable legislation of the Maldives;
 - (11) Protection of aquaculture ecosystems;
 - (12) Transfer of aquaculture products from one place to another;
 - (13) Reporting of, and measures to be adopted for, diseased fish;
 - (14) Import of live fish for the purposes of aquaculture;
 - (15) Sale of aquaculture products;
 - (16) Environmental Impact Assessment for aquaculture activities;
 - (17) Establishment of records of licences and permits;
 - (18) Establishment of a consultative and advisory framework for aquaculture; and
 - (19) Appeal against decisions of enforcement agencies.

CHAPTER NINE

MONITORING, CONTROL AND SURVEILLANCE SYSTEM

Monitoring, Control and Surveillance System

56 The Ministry, in consultation with the Coast Guard of the Maldivian National Defence Force, the Maldives Police Service, Maldives Customs Service, Maldives Transport Authority as well as other relevant authorities, shall make and enforce a monitoring, control and surveillance system for the purpose of monitoring and controlling fishing pursuant to this Act.

Enforcement

- 57 (a) The Coast Guard of the Maldivian National Defence Force, the Maldives Police Service, and the Maldives Customs Service shall be responsible to enforce this Act and all regulations made pursuant to this Act in accordance with their respective mandates.
- (b) Every relevant, trained and experienced officer of the Coast Guard of the Maldivian National Defence Force, the Maldives Police Service, and the Maldives Customs Service shall be deemed an enforcement officer appointed to fulfil the responsibilities stated in subsection (a).

Rangers

- 58 (a) Notwithstanding the powers conferred on the Coast Guard of the Maldivian National Defence Force, the Maldives Police Service, and the Maldives Customs Service in respect of the enforcement of this Act and regulations made pursuant to this Act, the Ministry may appoint, in accordance with regulation made under this Act, any staff of the Ministry or any other Ministry or government agency, or any local council as a ranger to perform and enforce responsibilities and duties under this Act and regulations made pursuant to this Act.
- (b) The responsibilities and conditions of rangers appointed by the Ministry pursuant to this section must be stated in regulation made under this Act.

- (c) Rangers appointed under this section must work in collaboration with local councils and enforcement officers stated in this Act.

**Powers of
Enforcement
Officers of
Maldives Police
Service**

- 59 The enforcement officers of the Maldives Police Service as stated in Section 57 of this Act shall have the power to do the following without a court warrant:
- (a) In order to monitor compliance by all vessels traveling the maritime zones of the Maldives with this Act and regulation made under this Act, stop such vessels and demand to show the fishing license, permit or such document, and inspect such documents or take copies thereof;
 - (b) Demand to show any fishing net or other gear believed to be on such vessel and inspect such items, and seize items used or reasonably believed by the enforcement officer will be used in the commission of an offence under this Act for investigation;
 - (c) To seize any record, document or item reasonably believed by the enforcement officer to be proof of the commission of an offence under this Act.

**Powers of
Enforcement
Officers of
Maldives Coast
Guard**

- 60 The enforcement officers of the Coast Guard of the Maldivian National Defence Force as stated in Section 57 of this Act shall have the power to do the following without a court warrant:
- (a) Pursuant to this Act, stop, board, and search foreign fishing vessels within the maritime zones of the Maldives; and stop, board and inspect Maldivian fishing vessels within and outside the maritime zones of the Maldives;
 - (b) Stop and board Maldivian fishing vessels within and outside the maritime zones of the Maldives in the following circumstances:
 - (1) To check possession of the seaworthiness certificate or survey report to ensure seaworthiness of the vessel;
 - (2) To ensure that the vessel and gear used in such vessel is in compliance with relevant laws and regulations; and
 - (3) To check whether the vessel is suitable for fishing.

- (c) Enter and inspect aquaculture facilities in the maritime zones of the Maldives;
- (d) Demand Maldivian fishing vessels in or outside the maritime zones of the Maldives to show and inspect any net or such other gear used for any type of fishing;
- (e) Detain, quarantine, disinfect or eliminate any aquatic organism imported or kept for import, as advised by the Ministry;
- (f) Seize any vessel with gear and assets, or any aquaculture facility with assets in the maritime zones of the Maldives, believed to be committing or to have committed an offence under this Act;
- (g) In accordance with international law, act against foreign vessels and related vessels under the principle of “hot pursuit”. In this regard, such “hot pursuit” must have been started within the maritime zones of the Maldives and must be a continuous “hot pursuit” without any interruption. Further, such “hot pursuit” shall come to an end when such vessel enters the territorial waters of another State. In addition, the vessel used by the enforcement agency for “hot pursuit” must be a vessel of the Coast Guard of the Maldives National Defence Force.
- (h) Enter and search fish processing facilities, offshore platforms and ice plants in the maritime zones of the Maldives;
- (i) Confiscate any vessel, or any other thing used for sea transport, fishing gear, asset, equipment or other item believed by an enforcement officer on reasonable grounds to have been used in the commission, or with the intention of commission, of an offence under this Act;
- (j) Taking of fish and samples of such fish from vessels detained or searched in the maritime zones of the Maldives, believed by an enforcement officer on reasonable grounds to have been fished, taken, caught, killed, brought, purchased, sold or kept in the possession of a person in contravention of this Act;
- (k) Arrest the master, owner, or operator of a vessel detained as a result of the commission of an offence or committing an offence in contravention of this Act, or everyone in the vessel believed to have

committed or participated in the commission of such offence. Furthermore, to arrest the operator and all employees of any fish processing facility, offshore platform or ice plant in the maritime zones of the Maldives believed to have committed or is committing an offence in contravention of this Act.

**Powers of
Enforcement
Officers of
Maldives Customs
Service**

- 61 The enforcement officers of the Maldives Customs Service as stated in Section 57 of this Act shall have the power to do the following:
- (a) In circumstances specified in this Act, check all matters of every foreign vessel entering into the Maldives upon entry to port before issuing inward clearance;
 - (b) In circumstances specified in this Act, check all matters of every foreign vessel departing from the Maldives and give instructions to complete all formalities before issuing outward clearance;
 - (c) In circumstances specified in this Act, and in accordance with Act No.: 8/2011 (Maldives Customs Act), inspect and search goods, people and other items on board vessels entering into the Maldives as well as vessels departing the Maldives after loading fish from the Maldives; and
 - (d) Pursuant to approval from the Ministry, and in accordance with Act No.: 8/2011 (Maldives Customs Act), confiscate items found on vessels entering and departing the maritime zones of the Maldives in contravention of laws and regulations, and investigate such matters.

**Confiscation and
Arrest**

- 62
- (a) If any enforcement officer of the Coast Guard of the Maldives National Defence Force arrests any person pursuant to subsection 60 (k) of this Act, or confiscates any goods, it must be informed as soon as possible to the Maldives Police Service, and the person arrested or the goods confiscated must be handed over to the Maldives Police Service.
 - (b) The Coast Guard of the Maldives National Defence Force and the Maldives Police Services shall together formulate standard operating procedures to be followed by their enforcement officers in

confiscating goods and arresting people as prescribed in Sections 59 and 60 of this Act.

Rules Governing Arrested Persons; Confiscated Goods

63 Vessels or people on vessels that have been detained or arrested as prescribed in this Act must be taken to a port nearest to, or a port that can easily be accessed from, the area from which such detention or arrest was made. Vessels must be kept in detention until the matter is concluded or until a bond or other security is deposited in accordance with Section 65 of this Act.

Rules Governing Perishable Items

64 (a) If the fish or other items confiscated pursuant to this Act are perishable, such items can be sold as prescribed in regulation made under this Act.
(b) Regulation made under this Act must provide for rules governing monies received from items sold pursuant to subsection (a), and for those items that are unable to be sold.

Release of Vessel or Item after Deposit of Adequate Bond

65 (a) In an application made to a relevant court requesting for the release of a vessel, aquaculture facility, fishing gear or other item confiscated pursuant to this Act, such confiscated item must be released after taking an adequate bond or such other security deposit from the applicant.
(b) The Ministry shall, in consultation with the enforcement agencies stated in this Act, prescribe rules governing the taking of bonds or security deposits as provided for in subsection (a) in regulation made under this Act.

Conditions Governing Bonds

66 The following conditions must be attached with the taking of bond or security pursuant to Section 65 of this Act:
(a) Return of bond or security money if the alleged offence is not proven;
(b) If any money is to be paid to the State upon the alleged offence having been proven, to return the bond or security money within 14 (fourteen) days from payment of the money to the State; and

(c) If any money payable as stated in subsection (b) is unpaid, such money will be set off against the bond money.

**Foreign Vessels
and Forfeiture of
Goods**

- 67 If it is proven in a court of law that a foreign vessel has contravened this Act, in addition to other actions and penalties prescribed under this Act, the court can give judgment to take the following actions:
- (a) Forfeiture of the foreign vessel, including but not limited to the vessel's facilities, gears, goods and any other equipment or item used in the commission of the offence, to the State;
 - (b) Forfeiture of all types of fish, or money obtained by the sale of such types of fish on board the vessel used in the commission of the offence, as well as any explosive, poison or such other substance on the vessel, to the State;
 - (c) Vessels and goods forfeited to the State pursuant to subsections (a) and (b) shall be dealt with as prescribed in regulation made under this Act.

**Release of Vessel
and Items
Confiscated**

- 68 If no process or procedure as prescribed in this Act has been commenced against a vessel or an item confiscated pursuant to this Act within 14 (fourteen) days, such vessel or item must be released.

Observers

- 69
- (a) The Ministry shall, by public announcement in the Government Gazette, determine the parties that will act as observers on vessels validly licensed under this Act or under regulation made under this Act.
 - (b) For purposes of this Act, the Ministry, by public announcement in the Government Gazette, may determine citizens of foreign States to act as observers.
 - (c) It shall be the responsibility of observers declared under this Act to collect, record and report accurate and trustworthy information for scientific use, to plan and manage fisheries, and for any other purpose prescribed in regulation made under this Act.

- (d) Regulation made under this Act must prescribe the requirements of observers determined by the Ministry under this section as well as protection and privileges afforded to such observers.
- Cooperation with Enforcement Officers and Rangers** 70 Operators, masters, and crew of fishing vessels, or parties engaged in fishing and related activities or aquaculture activities must immediately act in accordance with instructions and information given by enforcement officers and rangers.
- Regulations with respect to Fisheries Monitoring, Control and Surveillance** 71 The Ministry, in consultation with relevant authorities, shall make the following regulations with respect to fisheries monitoring, control and surveillance.
- (a) collection, analysis and dissemination of information and statistics required for the development of effective monitoring, control and surveillance measures;
 - (b) maintaining confidentiality of information provided by parties engaged in fishing pursuant to this Act;
 - (c) exchange of information with other States;
 - (d) observer programme and observers, including the rights and obligations of observers and vessel operators;
 - (e) satellite and electronic monitoring of fishing vessels in the maritime zones of the Maldives and fishing and related activities of Maldivian fishing vessels outside the maritime zones of the Maldives;
 - (f) implementation of “hot pursuit” and “constructive presence” doctrine in accordance with international law;
 - (g) cooperation with other States and international governmental and non-governmental organizations to deter and combat illegal, unreported and unregulated fishing, both within the maritime zones of the Maldives and outside the maritime zones of the Maldives;
 - (h) monitoring and control of foreign fishing vessels entering the maritime zones of the Maldives;

- (i) arrest of foreign fishing vessels and their crew;
- (j) duties and responsibilities of enforcement officers;
- (k) boarding of fishing vessels;
- (l) entry and search powers and procedures of arrest;
- (m) custody and release of fishing vessels;
- (n) handling and sale of perishable items;
- (o) the exercise of flag State control in respect of fishing vessels; and
- (p) the exercise of port State control in respect of fishing vessels.

CHAPTER TEN

OFFENCES AND PENALTIES

**Prohibitions and
civil violations**

- 72 (a) Penalty for foreign vessels that contravene this Act shall be 20 (twenty) times more than the amount of fines imposed under this chapter.
- (b) When imposing fine penalties against parties that contravene this Act and regulation made under this Act, fines can be imposed separately for each of the master, owner or operator of vessel.

**Fishing Without a
License or in
Contravention of
Licensing
Conditions**

- 73 (a) It shall be an offence for any vessel to engage in fishing or related activity without a license issued by the Ministry, or in contravention of the licensing conditions.
- (b) If an offence stipulated in subsection (a) is committed, the Ministry shall have the discretion to impose a fine in an amount not exceeding MVR 400,000.00 (Four Hundred Thousand) separately against each of the master, owner and operator of the vessel that committed the offence.

**Procuring Fishing
in Contravention
of Law**

- 74 (a) It shall be an offence for any unauthorized party to give to any other party any approval to undertake any fishing or related activity in the

maritime zones of the Maldives or procuring the same from another party.

- (b) The Ministry shall have the discretion to impose a fine in an amount not exceeding MVR 200,000.00 (Two Hundred Thousand) against any person who has committed an offence stipulated in subsection (a).

Undertaking Aquaculture Without a License or in Contravention of Licensing Conditions

- 75 (a) It shall be an offence to engage in aquaculture or related activity without a license issued by the Ministry, or in contravention of the licensing conditions.
- (b) The Ministry shall have the discretion to impose a fine in an amount not exceeding MVR 200,000.00 (Two Hundred Thousand) against any person who has committed an offence stipulated in subsection (a).

Engaging in Prohibited Types of Fishing in the Maritime Zones of the Maldives

- 76 (a) It shall be an offence to engage in any type of fishing stipulated in Section 27 of this Act.
- (b) The Ministry shall have the discretion to impose a fine in an amount not exceeding MVR 2,000,000.00 (Two Million) against any person who has committed an offence stipulated in subsection (a).

Committing an Offence in Contravention of Regulations made under this Act

- 77 The Ministry shall have the discretion to impose a fine in an amount not exceeding MVR 5,000.00 (Five Thousand) against any person who has committed an offence stipulated in any regulation made under this Act.

Operation of Fish Processing Facilities, Neighbourhood Fish Factories, Ice Plants and Offshore Platforms Without a License or in Contravention of Licensing Conditions

- 78 (a) It shall be an offence to establish or operate any fish processing facility, neighbourhood fish factory, offshore platform or ice plant without a license issued by the Ministry, or in contravention of the licensing conditions.
- (b) If an offence stipulated in subsection (a) is committed, the Ministry shall have the discretion to impose a fine in an amount not exceeding MVR 400,000.00 (Four Hundred Thousand) separately against each of the owner and operator of the fish processing facility, offshore platform or ice plant that committed the offence.

**Regulation
Prescribing Fines**

79 Regulation made pursuant to this Act shall prescribe the governing standards and principles in determining the fines included in from Section 73 up to Section 78 of this Act.

**Giving
Opportunity to
Respond**

80 (a) No civil penalty must be imposed under this section without giving notice and an opportunity to respond to a party alleged to have contravened this Act or regulations made under this Act, and without holding a hearing in accordance with the procedures prescribed in regulation made under this Act.

(b) In determining the amount of the penalty under subsection (a), the Ministry shall take into consideration the nature of offence, circumstances under which the offence was committed, the number of counts of the offence, the gravity of the offence as well as the extent to which accused is liable for the offence.

(c) The notice given under subsection (a) must contain the following:

- (1) Date on which the offence was committed and the type of offence;
- (2) Details of the offence or prohibited action; and
- (3) Things that the Ministry took into consideration when imposing the penalty for the offence. In this regard, the section of this Act under which the penalty was imposed.

(d) If the recipient of the notice issued under subsection (a) is unhappy with the notice, such party must submit the matter to a relevant court of the Maldives within 30 (thirty) days from the date of receipt of the notice.

(e) If a party does not wish to submit the matter to the court as prescribed in subsection (d), the fine imposed under the notice shall be paid to the Ministry within 30 (thirty) days from the giving of the notice. In such a situation, the fine imposed under the notice shall be deemed a debt in favor of the State; and the Ministry shall submit the matter to a relevant court of the Maldives if the fine is unpaid within the notice period.

CHAPTER ELEVEN

JURISDICTION AND ASSUMPTIONS

Jurisdiction

- 81 (a) Any act or omission in contravention of any of the provisions of this Act or regulations made pursuant to this Act in the maritime zones of the Maldives by such persons to whom this Act applies shall be dealt with as if such act or omission had taken place in the Territory.
- (b) Any act or omission outside the maritime zones of the Maldives by Maldivian vessels and persons on board or associated with the vessel, which if committed within the maritime zones of the Maldives would be a prohibition of this Act or regulations made pursuant to this Act, shall be deemed to have been committed in the Territory, for which the relevant courts of the Maldives shall have jurisdiction.
- (c) Notwithstanding any provision of any other legislation, an action in respect of any contravention of this Act and regulations made pursuant to this Act must be taken within 12 (twelve) months of the commission of the contravention.
- (d) Notwithstanding subsection (c), criminal offences stipulated in Act No.: 9/2014 (Maldives Penal Code) shall be governed as prescribed therein.

Presumptions

- 82 (a) All fish found on board any fishing vessel which has been used in contravention of this Act or regulations made pursuant to this Act shall be presumed to have been caught in the commission of that contravention, unless the contrary is proved.
- (b) Where, in any legal proceedings under this Act or regulations made pursuant to this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place shall be presumed to

be the place in which the event took place, unless the contrary is proved.

- (c) Prima facie evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft may be given by the production of a written copy or extract of the entry certified by an enforcement officer as a true copy or accurate extract.
- (d) For the purposes of any legal proceedings under this Act or regulations made pursuant to this Act, the act or omission in any fishing activity in relation to a vessel shall be deemed to be also that of the owner, operator and master of the vessel. Any entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or regulations made pursuant to this Act or used to record the activities of a fishing vessel shall be deemed to be that of the owner, operator and master of the vessel.
- (e) Where in any proceedings for a contravention of this Act or regulations made pursuant to this Act, an enforcement officer gives evidence of reasonable grounds to believe that any fish to which the proceedings relates were taken within the maritime zone of the Maldives, the fish shall be presumed to have been so taken, unless the contrary is proved.
- (f) In any proceeding for a contravention of this Act or regulations made pursuant to this Act, an allegation made by the informant in any information or charge relating to whether or not any person was the operator or master of any vessel shall be presumed to be true in the absence of proof to the contrary.
- (g) A log, record or other information purporting to be made, kept or furnished by or on behalf of any person shall, for the purposes of this Act and regulations made pursuant to this Act, be deemed to have been made, kept or furnished by that person or by that person's authority unless the contrary is proved.

CHAPTER TWELVE

MISCELLANEOUS

- | | | |
|--------------------------------|----|---|
| Repealed Law | 83 | Act No.: 5/87 (Fisheries Act of the Maldives) is repealed with the entry into force of this Act. |
| Transitional Provisions | 84 | <p>(a) When this Act comes into force, subject to subsection (b), all licences and permits issued under the Act No.: 5/87 (Fisheries Act of the Maldives) shall be deemed to have been issued pursuant to this Act, and shall remain in force for the remainder of their terms.</p> <p>(b) Notwithstanding subsection (a), if the Ministry believes that any licence or permit issued under the Act No. 5/87 (Fisheries Act of the Maldives) is inconsistent with this Act, or any regulation made under this Act, or should be amended or additional conditions must be prescribed, the Ministry shall have the discretion to act as follows:</p> <p>(1) notify the holder of the licence or permit of any amended or additional conditions and those conditions apply from the date of notification.</p> <p>(2) notify the holder of a licence or permit of its intention to revoke the licence or permit and require the holder to apply for the appropriate licence or permit under this Act, or regulations made under this Act.</p> <p>(c) If the Ministry gives a notification under subsection (b) (2) of its intention to revoke the license or permit, the licence or permit issued under the Act No. 5/87 (Fisheries Act of the Maldives) shall be revoked in the following situations:</p> <p>(1) if no application is made pursuant to subsection (b) (2), at the expiration of 30 (thirty) days from the date of notification; or</p> <p>(2) if an application made pursuant to subsection (b) (2) is rejected in accordance with this Act or regulations made under this Act; or</p> |

- (3) if a licence or permit is issued under this Act, or regulations made under this Act, following an application made pursuant to subsection (b) (2).
- (d) Agreements subject to the Act No. 5/87 (Fisheries Act of the Maldives) shall be enforced under this Act until terminated according to the terms contained therein.
- Application of this Act to Areas with Sovereign Rights over Natural Resources** 85 This Act shall apply to every area declared to be the territory of the Maldives in accordance with international law and every area to which the Maldives exercises sovereign rights to explore and benefit from its natural resources.
- Making and Implementation of Regulations** 86 (a) Unless otherwise stated in this Act, the Ministry shall make all regulations to be made pursuant to this Act.
- (b) Notwithstanding subsection (a), “flag state” and “port state” control operational regulations shall be made by the Ministry responsible for transport. Furthermore, regulations relating to the protection of the environment such as in respect of supply of fuel to, and refuelling of, fishing vessels in the maritime zones of the Maldives shall be made by the Ministry responsible for the environment.
- (c) All regulations required to be made pursuant to this Act shall be made and published in the Government Gazette within 3 (three) months from the date this Act comes into force.
- Entry into Force** 87 This Act shall come into force after having been passed and on the date it is ratified and published in the Government Gazette.
- Interpretation** 88 Unless otherwise stated in this Act, the following words and phrases has been given the meaning as specified below.
- (a) “related activity” in respect of fishing means:
- (1) transshipment of fish or fisheries products to a vessel or from a vessel to another place;

- (2) preserving or transporting of fish from one place to another from the time of catching or taking of fish;
 - (3) storing, purchasing and processing of fish and fishery products from when they are taken from the maritime zones of the Maldives and until the time they are landed ashore;
 - (4) exporting fish and fishery products;
 - (5) refuelling or supplying fuel to fishing vessels or providing any activity or service in support of fishing operations; and
 - (6) attempting to or preparing to carry out any of the activities set out from subsections (1) to (5).
- (b) “aquaculture” means culture of, propagation, keeping, raising, and ranching of aquatic living resources on the Territory and in the maritime zones of the Maldives.
- (c) “aquaculture products” means the fish or part thereof, whether alive or dead, which are being, or have been farmed in an aquaculture facility in the Territory or in the maritime zones of the Maldives.
- (d) “aquaculture areas” means any area or zone in the Maldives, including water and land, set aside for the primary purpose of aquaculture and in which specific measures have been taken to encourage the development of aquaculture.
- (e) “enforcement officer” means any officer designated pursuant to Section 57 of this Act to enforce regulations made under this Act.
- (f) “exploratory fishing” means any fishing operation undertaken over a specific period in order to test whether a particular type of fishery is economically feasible before the introduction of

such fishery into the Maldives.

- (g) “fish” or “fisheries resources” means all organisms living in fresh waters, salt waters, or the sea (whether animal or plant, or whether having a characteristic of a fish or not) and includes vertebrates, invertebrates, shellfish, turtles, lobsters and crabs; and the juveniles, larvae and eggs of such organisms.
- (h) “fish processing facilities” means lands, buildings, or such other places on or in which:
 - (1) fish or aquaculture products are cleaned, packaged, dried, salted, chilled, frozen or otherwise processed for sale in and outside the Maldives; or
 - (2) fish or aquaculture products are stored for the purposes of packaging, canning, drying, cleaning, salting, chilling, freezing or otherwise for processing for sale in and outside the Maldives.
- (i) “neighbourhood fish factories” means places operated at the island level by an individual or community for the production of fish and fishery products.
- (j) “fish and fishery products” means any fish or aquaculture product that has been packed, canned, dried, salted, chilled, frozen or otherwise processed.
- (k) “fishing” means:
 - (1) searching for the purpose of catching, taking, killing and harvesting of fish;
 - (2) attempting to search for, catch, take, kill or harvest fish;
 - (3) engaging in any other activity that results in the searching, catching, taking, killing or harvesting of fish;

- (4) placing or searching or retaking of any fish aggregating device or equipment including “radio beacons”;
 - (5) undertaking any operation at sea or on an island in preparation for any activity mentioned in subsections (1), (2), (3) or (4).

- (l) “fisheries management plan” means the plan with regard to fisheries planning, management and development in relation to Chapter Three of this Act.

- (m) “fisheries planning and management” means managing, protecting, using and developing the living resources in the fresh waters, salt waters, or the sea within the maritime zones of the Maldives.

- (n) “fishing vessel” means any type of vessel, ship or any other thing which is used for fishing, which has been prepared for fishing, or which is usually used for fishing or related activities.

- (o) “foreign vessel” means a vessel:
 - (1) registered in any foreign country under the relevant laws in force in that country; or
 - (2) not registered or not obligated to be registered in the Maldives under the laws of the Maldives.

- (p) “foreign fishing vessel” means a vessel registered in any foreign country which engages in fishing or used for transshipment of fish.

- (q) “international fisheries planning and management measures” means measures to protect, or plan and manage fish that are adopted and applied by an international or regional organisation or arrangement to which the Maldives is a member, or to which

the Maldives provides its cooperation despite not being a member.

- (r) “illegal, unreported and unregulated fishing” means all fishing and related activities in contravention of international fisheries planning and management measures as defined under regulations pursuant to this Act.
- (s) “Maldivians” means citizens of the Maldives as defined in the Constitution of the Republic of Maldives.
- (t) “Maldivian vessel” means a vessel not registered in any foreign country under the relevant laws in force in that country but registered in the Maldives under the laws of the Maldives.
- (u) “maritime zones of the Maldives” means Maldives internal waters, archipelagic waters, territorial sea and exclusive economic zone as stipulated in the Act No.: 6/96 (Maldives Maritime Zones Act).
- (v) “master” means any person holding the most responsible position at any given time on-board a fishing vessel.
- (w) “Minister” means the minister responsible for fisheries, including aquaculture.
- (x) “Ministry” means the ministry responsible for fisheries, including aquaculture.
- (y) “operator” means each person who controls, operates or instructs the vessel, including the owner, charterer, master and any party who benefits economically or financially from the operation of the vessel.

- (z) “owner” means the person who fulfils the duties and obligations of, represents as having the rights of, or accepts the obligations of, whether in personal capacity or through another person, the owner; and person or persons associated with the owner, or the manager, director or secretary of a legal entity.
- (aa) “person” means a natural person or legal entity. Any reference to a Maldivian includes a natural person or legal entity.
- (bb) “recreational or sport fishing” means fishing for recreation, game or sport excluding fishing for personal consumption or fishing with the intention for sale or export for economic benefit; as well as the provision of any activity or service directly aimed at recreational or sport fishing to generate income.
- (cc) “Regional Fisheries Management Organization” means a multi-lateral organization with responsibility to coordinate management and establish conservation and management measures for highly migratory fish stocks, fish stocks that straddle national fisheries management boundaries and other high seas species.
- (dd) “fishing for personal consumption” means fishing where the fish taken or caught is used directly for the personal consumption of the family of the person or persons who caught the fish; and where no fish is sold personally or through another person for any business or production purpose.
- (ee) “sustainable use” means managing, using, enhancing, and developing marine resources to enable people to provide for their social, economic, and cultural wellbeing while:
 - (1) managing the potential of marine resources to meet the

- foreseeable needs of future generations;
- (2) avoiding, remedying, or mitigating any adverse effects of fishing on the marine environment; and
 - (3) managing, using, enhancing and developing marine resources to provide for social, economic and cultural wellbeing of the people of the Maldives.
- (ff) “Territory” means the territory of the Maldives as defined in Article 3 of the Constitution of the Republic of Maldives.
- (gg) “offence” means administrative offences prescribed in this Act.
- (hh) “fish processing” means activities undertaken to package, pack or bring any change to fish in order to preserve fish for a long period.
- (ii) “ice plants” means places meeting the conditions of this Act that produce ice required to keep and preserve freshness of fish.
- (jj) “offshore platforms” means platforms established in the maritime zones beyond the internal waters of atolls for the purpose of buying fish from fishers, or for the processing of fish, or for the provision any other services to fishing vessels.
- (kk) “precautionary” means actions taken to prevent an adverse outcome in the absence of relevant complete and accurate information.
- (ll) “precautionary approach” means in the absence of complete information based on scientific research or where a matter has not been proved, the adoption of measures to manage the natural resources in a sustainable manner considering the possibility of an adverse outcome if such measures are not taken.

- (mm) “ecosystem approach” means conservation and sustainable use of coastal and marine natural resources and their ecosystems, within an integrated planning and management system.
- (nn) “genetic diversity of ecosystems” means the diversity within the genetic makeup or genes of living resources in ecosystems.
- (oo) “hot pursuit” means the pursuit by a law enforcement official in order to detain a party or parties alleged to have committed an offence.
- (pp) “doctrine of constructive presence” means the principle of exercising the jurisdiction of a coastal state over a foreign registered vessel situated outside the jurisdiction of the coastal state, if the vessel is operating in conjunction with a vessel or aircraft of the coastal state.
- (qq) “flag state” means the country in which the vessel is registered.
- (rr) “port state” means the country that provides port facilities or services to vessels, or the country of the port where the vessel is situated for the time being.



MINISTRY OF FISHERIES, MARINE RESOURCES AND AGRICULTURE,
MALE', MALDIVES.