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PART III

Other Notifications and Orders, etc., issued by the Government of Pakistan

GOVERNMENT OF PAKISTAN
MINISTRY OF FOOD, AGRICULTURE AND COOPERATIVES
MARINE FISHERIES DEPARTMENT
NOTIFICATION

Karachi, the 4th February, 1991

No. S.R.O. DD-60 (I)/90.—In exercise of the powers conferred by section 16 of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXXII of 1975), the Federal Government is pleased to make following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Exclusive Fishery Zone (Regulation of Fishing) Rules, 1990.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXXII of 1975);

(b) "fishing permit" means of fishing permit granted under these rules;

(c) "Form" means a form appended to these rules;

(77)

Price: Rs. 2.10

(d) "Licence" means a licence granted under these rules ;

(e) "Schedule" means a schedule to these rules ;

(f) "Identity card" means an identity card issued under these rules ;

(g) "Zone" means the Exclusive Economic Zone as defined in Territorial Waters and Maritime Zone Act, 1976 (LXXXII of 1976)

3. Licence to operate a fishing craft.—(1) Any person operating or intending to operate a fishing craft in the Zone shall make an application in Form "A" to the licensing authority for the grant of licence.

(2) The licensing authority may, after it is satisfied that the applicant has complied with the provisions of the Act and these rules, and is fit to operate a fishing craft, issue a licence in Form "B" on payment of the fee and the security deposit specified in the First Schedule.

(3) If an applicant intends to operate more than one fishing craft, shall make separate application in respect of each fishing craft and there shall be issued a separate licence for each such craft.

(4) The person applying for a licence shall make the craft and equipment on board available for inspection along with a photostat copy of the registration of the vessel (or a translation thereof if the same is not in English), the proof of the ownership of the vessel, number and type of fishing gear, and number and type of electronic and wireless equipments for fish finding, navigation and communication (including their make and range) to the Assistant Director, Naval Intelligence, Karachi and Mercantile Marine Department for approval.

4. Registration and categorisation of fishing craft.—(1) No person shall operate any fishing craft unless :—

(a) it has been registered with the licensing authority ; and

(b) it bears and displays its registration number and name of the vessel in bold and legible numerals and letters.

(2) The fishing crafts and gears shall be registered in such manner as may be specified by the licensing authority.

(3) The fishing crafts are categorized as under :—

(a) mechanized fishing crafts having overall length up to 20 meter or wooden hull, hereinafter referred to as category "A" ;

(b) mechanized fishing crafts having overall length up to 30 meter or wooden hull, hereinafter referred to as category "B" ; and

(c) fishing crafts having overall length more than 30 meter hereinafter referred to as category "C".

(4) No fishing gear other than that for which it is registered shall be used in the fishing craft.

5. Fishing personnel.—(1) Every fishing craft shall carry and be operated by the personnel possessing qualifications and experience shown against each:—

Sl. No.	Category of fishing craft	Name of the posts	Qualifications and experience
1	2	3	4
1.	Categories "A" and "B"	(i) Nakhuda.	Five years experience of working as "Nakhuda" on mechanized fishing craft.
		(ii) Skilled Fisherman.	Five years experience as professional fisherman on mechanized fishing vessel/crafts.
2.	Category "C"	(i) Skipper	(a) Certificated foreign going 2nd Mate; or Master Home Trade; or Naval Bridge watch keeping certificate. (b) Experience on fishing vessels desirable.
		(ii) Engineer	(a) Ex-Naval personnel holding service certificate of 2nd Class; OR Inland Engineer with two years experience as independent Chief Engineer, preferably 2nd Class Engineer with competency certificate.
		(iii) Master Fisherman.	(a) Matriculate; (b) Working knowledge of English; (c) Certificate of Competency as First Class Master of inland mechanically propelled vessel; (d) Five years experience of working on a mechanically propelled fishing vessel; and (e) Trained and experienced in navigation and seamanship, for atleast mechanized fishing preferred.
		(iv) Radio Wireless Operator.	(a) P.M.G. II Certificate.
		(v) Mate.	(a) First Class inland Master certificate with 2nd years command experience. (Experience of mechanized Fishing preferred).

(2) Any person desirous to work as a skipper of a nakhuda of a fishing craft may apply on Form "C" for fishing permit to the licensing authority, and the licensing authority being satisfied that the applicant possesses the prescribed qualifications and is fit to work as skipper or, as the case may be, a nakhuda shall issue the permit in Form "D" on the payment of the fee prescribed in the First Schedule.

(3) Any person desirous to work as a member of crew of a fishing craft may apply on Form "E" for an identity card to the licensing authority, and the licensing authority being satisfied that the applicant possesses the prescribed qualifications, if any, and is fit to work as a member of the crew shall issue the card in Form "F" on the payment of the fee prescribed in the First Schedule.

6. **Validity of licence, fishing permit and Identity Cards.**—Any licence, fishing permit, or identity card shall be valid for a period of one year from the date mentioned therein.

7. **Cancellation of licence etc.**—(1) Where the licence or any member of the crew of a craft is convicted for the contravention of, or otherwise fails to apply with, any provisions of the Act or the rules, the licensing authority may cancel or suspend the registration, and all fishing permits and identity cards relating to that fishing craft.

(2) Where any person contravenes any condition of the licence, fishing permit or identity card, the licensing authority may, without prejudice to any action that may be taken under section 9 of the Act and after affording such person an opportunity for showing cause, cancel the licence, fishing permit or identity card, as the case may be, or suspend its operation for a specific period, and may also summarily suspend any licence, permit or identity card.

8. **Renewal of licence, etc.**—(1) A licence, fishing permit or identity card shall be renewed, if the holder thereof makes an application in the appropriate form before the expiry of its validity and deposits the fee specified thereof in the First Schedule, but that the licensing authority may, for reason to be recorded, withhold the renewal or renew it for a period less than one year.

(2) If the holder of a licence, fishing permit or identity card fails to apply for its renewal within the time specified in sub-rule (1) he may, within three months of the expiry of the licence, permit or card, apply for its renewal and if the licensing authority is satisfied that the failure was not without reasonable cause, the licence may be renewed on payment of the prescribed fee plus charge given in the table below:

TABLE

Category	Fishing licence	Fishing permit	Identity Card
A	Rs. 100/-	Rs. 20/-	Rs. 10/-
B	Rs. 250/-	Rs. 25/-	Rs. 20/-
C	Rs. 5000/-	Rs. 500/-	Rs. 40/-

9. Issue of duplicate copy of licence etc.—Where a licence permit or card has been lost or spoilt the licensing authority may, on an application supported by an affidavit showing that the licence, permit or card has been lost or spoilt, issue a duplicate thereof on the payment of the fee given in the table below :—

Craft	Fishing licence	Fishing permit	Identity card
Category A	Rs. 50/-	Rs. 5/-	Rs. 03/-
Category B	Rs. 100/-	Rs. 10/-	Rs. 05/-
Category C	Rs. 500/-	Rs. 100/-	Rs. 10/-

10. Licence, etc. not transferable.—(1) A licence, fishing permit and identity card shall not be transferable.

(2) In case a licensed fishing craft is transferred by sale, lease or otherwise its licence shall stand revoked and be transferred, if desirous to operate it in the Zone, shall obtain a fresh licence and surrender the previous licence.

11. Production of licence, etc. for inspection.—The licence, fishing permit and identity card shall be carried on board and shall on demand made by the licensing authority or Fishery Officer or any Officer authorised in this behalf by either of them, be produced by its holder for inspection.

12. Departmental representative on board the fishing craft.—Every fishing craft proceeding to the fishing ground for fishing shall carry a representative of Marine Fishery Department on board and FCS on board.

13. Supply of data, etc.—Every licensee shall furnish to the licensing authority or the Fishery Officer, in the first week of each month information in Forms "G" & "H" regarding the activities of his fishing craft during the previous month provided that the licensing authority or Fishery Officer may at any time call for such information as may be required.

Disturbance/Damage to fish/crafts/gears, etc. - disruption
14. ~~Production of nets, etc.~~—No licensee shall wilfully damage any fishing craft or fishing gear being operated by any other licensee, or cause disruption in fishing by any other licensee. *by local fishermen or any other licensee.*

15. Catching of berried lobsters prohibited.—Female lobsters loaded with eggs (berried lobsters) or lobsters of fifteen centimeters or under length shall not be fished and if any such lobster is caught it shall be immediately released back into the sea alive and shall not be landed or marketed.

Explanation.—For the purpose of this rule, the length of the lobster shall be measured from the middle of curve between orbital spines to the tip of telson.

16. **Catching of shrimp prohibited.**—A licensee of a fishing craft of category "C" shall not fish any shrimp of whatever quality.

17. **Fishing Areas.**—(1) No fishing craft shall fish within territorial waters as specified in section 6 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976) (within twelve nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline) and such area within the Zone as the licensing authority may specify from time to time.

(2) A fishing craft of category "C" shall fish only in that area of the Zone which extends seaward and beyond thirty-five nautical miles measured from the line of the zone.

18. **Information regarding catches etc.**—Every licensee shall provide information to the licensing authority concerning the catch by delivering immediately after the completion of each trip or cruise in Form "J".

19. **Inspection of the fishing craft.**—Every licensee on arrival of the vessel, either from fishing ground or any other place, shall get inspection conducted by officers deputed by licensing authority, to check the quality, quantity and fishing gears etc. and on satisfactory inspection, the vessel will be issued N.O.C. All requisite facilities shall be provided to the inspection team in undertaking their job.

20. **Area of landing of fish.**—All fish and shrimp taken or caught in the zone shall, unless specifically permitted otherwise by the licensing authority, be landed only at ports having customs check post.

21. **Prohibition of fishing.**—The licensing authority may at any time, in the national interest, prohibit fishing of any fish or marine animal.

22. **Export of fish.**—The export of fish, whether processed on board or otherwise, caught by any licensee shall be subject to export trade regulations.

23. **Authorities to be kept informed.**—Every licensee shall keep the licensing authority, Assistant Director, Naval Intelligence or any other authority designated by licensing authority, informed in writing of all fishing and other cruise dates in advance.

24. **Provision of the Act and Rules.**—Every licensee shall abide by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1976 and the rules made thereunder.

25. **Instructions by the security agencies.**—The licensee shall abide by the instructions of local, naval and Maritime Security Agency or authorities regarding safety precautions to be taken on cruise or while engaged in fishing.

26. **Arms and ammunition prohibited.**—The licensee shall not carry any unauthorized person or arms and ammunition, nor shall cause any undesirable activity to be carried on board the fishing craft.

27. **Safety of fishing craft.**—The licensee shall be fully responsible for the safety of the crew on board.

28. **Procedure for local sale.**—(1) A licensee desiring to undertake local sale of the fish caught, shall obtain prior approval in this behalf from the licensing authority.

(2) The licensee shall furnish details of the fish to be disposed of locally as well as of the carrier boat to be engaged for the above-said purpose to the licensing authority for his approval.

(3) The fish brought from the fishing craft operating in the Zone for local sale shall be accompanied with a statement showing type of fish, quantity etc. duly signed by the skipper of the vessel and the representative of the Marine Fisheries Department on board and shall be produced to the licensing authority for checking and inspection.

29. **Export of fish on high seas prohibited.**—The licensee shall not export or tranship the fish on high seas.

30. **Local Crew and their training.**—The licensee shall take on each cruise at least ten local crew and shall impart necessary training to such crew.

31. **Compensation for violating the conditions of licence.**—(1) A licensee violating any condition of the rules shall, as a part of conditions of the licence, be liable to pay such penalty and compensation, not exceeding the amount mentioned against such violation in the Second Schedule, as may be determined by the Director-General, Marine Fisheries Department or his nominee. The assessment and levy of penalty and compensation under this rule shall not affect the provision of section 9 of the Act.

(2) Any property having been seized and liable to confiscation may be released on payment of the value thereof as estimated by the Director-General, Marine Fisheries Department or his nominee.

32. **Changes in crew, equipment, gears, etc.**—Every licensee shall notify in writing to the licensing authority, Assistant Director, Naval Intelligence, Karachi, and Mercantile Marine Department of any change desired to be made in crew, equipment, gears, wireless transmitting and receiving sets, and shall not make such changes, until is permitted to do so by above authorities.

33. **Repeal.**—The Exclusive Fishery zone (Regulation of Fishing Rules, 1978) are hereby repealed.

DR. ABDUL MAJID.
Officer on Special Duty.

FIRST SCHEDULE

[See Rule 3 (2)]

1. Licence fees and security deposits and royalties

Category of fishing craft	Fee for Security Deposits	Fee	Security Deposits
1	2	3	4
		Rs.	Rs.
Category 'A'		2,000.00	—
Category 'B'		5,000.00	50,000.00
Category 'C'		5,00,000.00	2,00,000.00
2. Fee for fishing permits :		10,00.00	5,000.00

[See Rule 5 (2)]

Skipper / Nakhuda of Fishing Craft :

- (i) Category 'A' 10.00
- (ii) Category 'B' 50.00

Skipper — Cat. 'C' and 'D' 1000.00

3. Fee for Identity Cards

Crew members of :

- (i) Category 'A' 5.00
- (ii) Category 'B' 10.00
- (iii) Category 'C', D 20.00