

G.N.S. 35/1964

THE FISHERIES REGULATIONS, 1964

In exercise of the powers conferred upon the Yang di-Pertua Negara by section 16 of the Fisheries Ordinance, 1963, the following Regulations are hereby made -

Title.

1. These Regulations may be cited as the Fisheries Regulations, 1964.

Interpretation.

2. In these Regulations, unless the context otherwise requires –

“authorised officer” means any licensing officer, Fishery Officer, or officer of the Marine Department;

“contravene” includes a failure to comply with any provision;

“estuarine waters” means waters extending from the mouth of a river to the upper-most point upstream penetrated by sea+ water at the highest tide of the year;

“fishing” includes any act directed at the taking, injuring or killing of fish;

“fishing stakes” means any devise used for fishing which is made up of poles or other supports permanently fixed into the ground and enclosed by rattan, wire or other screening material, so designed as to lead fish into such enclosure;

“marine waters” means such part of the sea adjacent to the coast of the State as is deemed by international law to constitute the territorial waters of the State;

“owner”, in relation to a boat which is under charter to any person, means the charterer of such boat.

Application.

3. These Regulations –
- (a) shall only apply to estuarine waters and marine waters;
 - (b) except in so far as they relate to fishing stakes, shall not apply to any fishing where the fish captured or killed are intended solely for consumption by the fisherman and his household and where none of such fish is sold.

Regulation of fishing.

4. (1) No person shall, except under the terms and conditions of a valid licence issued by licensing officer, -
- (a) erect, maintain, use or operate any fishing stakes;
 - (b) use for the purpose of fishing any fish trap, net, long line, or pole and line for live bait fishing;

Provided that no licence shall be required for a cast net or gill net not exceeding thirty yards in length which is used solely for catching bait-fish.

(2) Every person using fishing stakes, posts poles, floats, buoys or other things erected or placed for the purpose of fishing shall remove the same immediately after they have ceased to be so used irrespective of whether any licence in respect thereof is still in force or not.

(3) Any person who contravenes any of the provisions of this regulation or who is found in circumstances showing that it is his intention to contravene any of the said provisions shall be guilty of an offence.

Provisions regarding fishing stakes.

5. (1) Notwithstanding any other provision of these Regulations no licensing officer shall issue a licence in respect of any fishing stakes –

- (a) which are, or are to be, situate in more than three fathoms of water at low-water spring-tides or;
- (b) which in his opinion would interfere with navigation or which would not comply with or which would contravene any of the provisions of these Regulations.

(2) No person, whether in possession of a licence under these Regulations or not, shall erect, use or maintain any fishing stakes within a distance of four hundred yards from any other licensed fishing stakes or which exceed two hundred yards in length.

(3) An authorized officer may, wherever he considers it necessary for the safety of navigation, require the owner of any fishing stakes to exhibit on such stakes between sunset and sunrise a red light of such type and in such position as such officer may specify.

(4) The owner of any fishing stakes shall, as soon as the framework of such stakes is set up, erect and maintain thereon in a conspicuous position facing seawards a board placed a least six feet above high water upon which shall be painted in easily legible figures the number allotted to him by a licensing officer.

(5) No person shall, otherwise than as may be permitted by the Ordinance or these Regulations, remove or alter the position of any fishing stakes without the permission of a licensing officer.

(6) No boat engaged in fishing with nets shall, whilst such nets are in the water, be or approach within three hundred yards of any licensed fishing stakes.

(7) Any person who

- (a) contravenes any of the provisions of sub-regulations (2), (4) or (5) of this regulation; or
- (b) being the holder of a licence in respect of any fishing stakes in regard to which a requirement is made under sub-regulation (3), of this regulation, fails to comply with such requirement; or
- (c) is in charge of any boat contravening sub-regulation (6) of this regulation,

shall be guilty of an offence.

Fishing gear not to impede navigation.

6. Any person who uses or sets any net, lure or other fishing gear in such a manner or in such a place as to obstruct, impede or endanger the navigation of any boat or vessel shall be guilty of an offence.

Restriction on taking of shellfish.

7. (1) No person shall collect in marine waters any cockles or kerang (*Arca granosa* and allied species) which measure less than one inch across the longest diameter of the shell:

Provided that a Fishery Officer may permit the collection of seed cockles measuring between one-quarter of an inch and one inch across the longest diameter of the shell solely for the purposes of the transplantation or culture of such seed cockles in licensed cockle beds.

(2) Any person who contravenes the provisions of this regulation or any condition of any permission granted thereunder shall be guilty of an offence.

Statistics.

8. (1) Every holder of a licence to a fish shall, to the best of his knowledge and belief, answer when so required all questions asked of him by a Fishery Officer or licensing officer which are necessary to the obtaining of any information required for the compilation of statistics in relation to the fishing industry.

(2) Any person who fails to comply with the provisions of sub-regulation (1) of this regulation or who, in reply to any question lawfully put to him under the said provisions, makes any statement which is false in any material particular knowing the same to be false shall be guilty of an offence.

9. Any person guilty of an offence under these Regulations shall be liable to a fine of five hundred dollars.

10. The fees set forth in the Schedule to these Regulations shall be payable in respect of the licences therein enumerated.

SCHEDULE
(Regulation 10)

FEES

The fees to be charged for the issue of licences shall be as follows:-

<i>Types of Fishing Gears</i>		<i>Fees per annum</i>	
(1)	Kelong (arrowhead trap)	\$ 2	per trap
(2)	Ampas ampas (tidal fence trap)	2	“ “
(3)	Belat or Kabat (common fence trap)	2	“ “
(4)	Tugoh, used in pairs and set in “baris”, without “scarer”, wings	2	“ “
(5)	Tugoh, used single, not in “baris” and provided with “scarer” wings	2	“ “
(6)	Pukats (seine nets (except purse-seine), gill nets, trammel net) all types including rantau hanchau, thirty yards or more in length		Free
(7)	Trawl – including otter trawl, beam trawl, floating or midwater trawl and try net	\$ 48	per boat under 40 ft. long
(8)	Purse-seines		
	less than 400 yards in length	\$ 12	per boat.
	400 yards or more in length	\$ 24	per boat.

(9)	Pole and line live bait fishing	\$ 48	per boat under 60 ft. long.
		\$ 60	per boat 60 ft. long and over.
(10)	Tunda (Trolling)		Free
(11)	Layal (Scoop net)		
(12)	Selambau (lift net)		
(13)	Rawai or bilamas (long lines)		
(14)	Sadak (push net)		
(15)	Bubu (box trap)		
(16)	Rambat (cast net)		
(17)	Sangkat (spear gun)		
(18)	Panching or jaul (hand lines)		
(19)	Pukats under 30 yards in length		
(20)	Any other type of fishing gear not included in the above definition	\$ 60	

Dated at Jesselton, this 26th day of February, 1964.

By His Excellency's Command,

MOHD. SAID BIN KERUAK,
Minister of Agriculture and Fisheries.