



LAWS OF MALAYSIA

Act A1601

FISHERIES (AMENDMENT) ACT 2019

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LAWS OF MALAYSIA

Act A1601

FISHERIES (AMENDMENT) ACT 2019

An Act to amend the Fisheries Act 1985.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Fisheries (Amendment) Act 2019.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of long title

2. The Fisheries Act 1985 [*Act 317*], which is referred to as the “principal Act” in this Act, is amended in the long title—

(a) by inserting after the words “Malaysian fisheries waters,” the words “and the monitoring, control and surveillance of local fishing vessels on the high seas;”; and

(b) by inserting after the word “Malaysia” a semi colon.

Amendment of preamble

3. The principal Act is amended in the preamble by inserting after the words “Malaysian fisheries waters” the words “and the monitoring, control and surveillance of local fishing vessels on the high seas;”.

Amendment of section 1

4. Subsection 1(1) of the principal Act is amended by inserting after the words “Malaysian fisheries waters” the words “, and on the high seas in respect of any local fishing vessel”.

Amendment of section 3

5. Subsection 3(1) of the principal Act is amended by inserting after the words “Malaysian fisheries water,” the words “and the monitoring, control and surveillance of local fishing vessels on the high seas;”.

Amendment of section 8

6. Section 8 of the principal Act is amended by inserting after the words “Malaysian fisheries waters” the words “or on the high seas;”.

Amendment of section 11

7. Section 11 of the principal Act is amended—

(a) in subsection (2), by inserting after the words “Malaysian fisheries waters” the words “or on the high seas”;

(b) by inserting after subsection (3) the following subsection:

“(3A) Any person who, on the high seas—

(a) operates, or allows to be operated, any fishing appliance or fish-aggregation device without a licence in respect thereof;

- (b) has under his control or in his possession any fishing appliance without a licence in respect thereof; or
- (c) sets up, or causes to be set up, any fishing appliance or fish-aggregation device without written permission from the Director General prior to the issue of a licence in respect thereof,

shall be guilty of an offence.”; and

- (c) in subsection (4), by substituting for the words “subsection (3)” the words “subsections (3) and (3A)”.

Amendment of section 14A

- 8. Section 14A of the principal Act is amended by inserting after the words “Malaysian fisheries waters” the words “or on the high seas”.

Amendment of section 25

- 9. Section 25 of the principal Act is amended—

(a) in paragraph (a)—

- (i) by substituting for the words “one million ringgit” the words “six million ringgit”; and
- (ii) by substituting for the words “one hundred thousand ringgit” the words “six hundred thousand ringgit”; and

(b) by inserting after paragraph (a) the following paragraph:

- “(aa) where the vessel concerned is a local fishing vessel and the offence is committed on the high seas, to a fine not exceeding four million ringgit;”.

Amendment of section 31**10.** Section 31 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “any fisheries officer may” the words “the Director General may, with the consent in writing of the Public Prosecutor, offer to”;

(b) by inserting after subsection (1) the following subsections:

“(1A) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and if the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(1B) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of such offence against the person to whom the offer to compound was made.”;

(c) in subsection (2), by inserting after the words “subsections 11(3),” the words “11(3A),”; and

(d) in subsection (3)—

(i) by substituting for the words “any fisheries officer” the words “the Director General”; and

(ii) by inserting after the words “subsection 11(3)” the words “or 11(3A)”.

Amendment of section 52

11. Paragraph 52(1)(a) of the principal Act is amended by inserting after the words “subsections 11(3),” the words “11(3A),”.

Amendment of section 61

12. Section 61 of the principal Act is amended—

- (a) by inserting after the words “in respect of related industries,” the words “for the monitoring, control and surveillance of local fishing vessels on the high seas,”; and
- (b) in paragraph (m), by inserting after the word “licensing” the words “, monitoring, control and surveillance”.