



LAWS OF MALAYSIA

Act A1413

FISHERIES (AMENDMENT) ACT 2012

Date of Royal Assent	30 January 2012
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LAWS OF MALAYSIA**Act A1413****FISHERIES (AMENDMENT) ACT 2012**

An Act to amend the Fisheries Act 1985.

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WHEREAS it is expedient to amend the written law relating to fisheries in Malaysian fisheries waters and to turtles and riverine fishing in Malaysia:

AND WHEREAS by Clause (1) of Article 74 of the Federal Constitution, Parliament may make laws with respect to any of the matters enumerated in the Federal List or the Concurrent List, and whereas fisheries, including maritime and estuarine fishing and fisheries (excluding turtles), is a matter enumerated in the Federal List under item 9 of List I of the Ninth Schedule to the Federal Constitution and maritime and estuarine fishing and fisheries are also matters enumerated in Concurrent List under item 12 of List IIIA of the said Ninth Schedule in respect of the States of Sabah and Sarawak:

AND WHEREAS by Clause (1)(b) of Article 76 of the Federal Constitution, Parliament may make laws with respect to any matter enumerated in the State List for the purpose of promoting uniformity of the laws of two or more States, and whereas turtles and riverine fishing are matters enumerated in the State List under item 12 of List II of the Ninth Schedule to the Federal Constitution:

NOW, THEREFORE, **IT IS ENACTED** by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Fisheries (Amendment) Act 2012.

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

Amendment of section 40

2. The Fisheries Act 1985 [Act 317] is amended in section 40 by inserting after subsection (2) the following subsections:

“(3) Notwithstanding subsections (1) and (2), the permit to import or to export any live fish shall be issued by the Director General of Quarantine and Inspection in accordance with the Malaysian Quarantine and Inspection Services Act 2011 [Act 728].

(4) Any person who imports or exports any live fish without a permit issued by the Director General of Quarantine and Inspection commits an offence under the Malaysian Quarantine and Inspection Services Act 2011.

(5) An application for a permit to import and export any live fish shall be made in accordance with the Malaysian Quarantine and Inspection Services Act 2011.

(6) The enforcement in relation to live fish at the entry points, quarantine stations and quarantine premises shall be carried out by an enforcement officer appointed under the Malaysian Quarantine and Inspection Services Act 2011 in accordance with the powers under that Act.

(7) For the purposes of this section, “entry point”, “quarantine station” and “quarantine premises” shall have the same meanings as assigned to these expressions in the Malaysian Quarantine and Inspection Services Act 2011.”.

Saving

3. Any matters relating to the application for and issuance of a permit to import and export any live fish which are pending before the date of coming into operation of this Act shall not be affected by this Act and shall continue as if this Act had not been enacted.