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# The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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## PART I : SECTION (I) — GENERAL

### Government Notifications

L. D.-B. 2/1999.

#### THE NATIONAL AQUACULTURE DEVELOPMENT AUTHORITY OF SRI LANKA ACT, No. 53 OF 1998

REGULATIONS made by the Minister of Fisheries and Aquatic Resources Development under paragraph (c) of Subsection (2) of Section 37 of the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998.

DR. RAJITHA SENARATNE,

Minister of Fisheries and Aquatic Resources Development.

Colombo,  
30th November 2011.

#### Regulations

1. These regulations may be cited as the Aquaculture Management Regulations of 2011.
2. These regulations shall apply to and in relation to aquaculture enterprises specified in Column I of Schedule I hereto.
3. No person shall establish or operate an aquaculture enterprise except under the authority of a licence issued to him by the Director - General of Fisheries and Aquatic Resources under Section 39 of the Fisheries and Aquatic Resources Act, No. 2 of 1996 (hereinafter referred to as the Director - General) or any officer appointed by him from among persons who are nominated for that purpose under Section 14A of the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998 by the Director - General of the National Aquaculture Development Authority of Sri Lanka (hereinafter referred to as the "Licensing Officer").
4. An application for a licence under regulation 3 shall be substantially in Form set out in the Schedule II hereto, and shall be accompanied by –
  - (a) the licensing fee specified in Column II of the Schedule I hereto;
  - (b) copies of permits or approval as the case may be, obtained under any other applicable law; and

(c) such particulars of the proposed enterprise as may be requested by the Director – General or the Licensing Officer.

5. Upon receipt of an application under these regulations, the Director - General or the Licensing Officer may after making such inquiry as he may deem necessary, issue to the applicant a receipt in Form General 172. A receipt issued under this regulation shall not be regarded as a licence, but as proof of acceptance of the licensing fee.

6. (1) The Director-General may appoint any officer in terms of Section 14A of the National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998 –

(a) Not below the rank of Aquaculture Extension Officer as Licensing Officer in respect of aquaculture enterprises specified in Column I, under the heading category “A” of the Schedule I hereto ; and

(b) not below the rank of District Aquaculture Extension Officer as Licensing Officer in respect of aquaculture enterprises specified in Column I, under the heading category “B” of the Schedule I hereto.

(2) In respect of aquaculture enterprises in Column I under the headings Category “C” and “D” of Schedule I hereto, the Director - General shall be the licensing authority.

7. Any licence granted under regulation 3 shall –

(i) not be transferable ;

(ii) be valid for a period of twelve months from the date of issue unless cancelled earlier by the Director - General or the Licensing Officer on his behalf ;

(iii) substantially be in Form set out in Schedule III hereto and be subject to the conditions as are specified therein ; and

(iv) be renewable.

8. The Director - General may having regard to interests of national economy and environment, and the necessity to protect the aquaculture medium, limit the number of licences that may be issued in any area.

9. On receipt of an application for a licence the Director - General or the Licensing Officer may after such inquiry as he may deem necessary, grant a licence for aquaculture enterprises specified in Category “A” set out in Column I of Schedule hereto, within thirty days if he is satisfied that –

(a) the licence will not be used in contravention of the provisions of the Fisheries and Aquatic Resources Act, No. 2 of 1996 or National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998 any regulations made under such Acts ;

(b) no irreversible damage or hazard to man or environment or any nuisance will result from the aquaculture enterprise for which the licence is sought ; and

(c) the applicant has taken adequate steps for the protection of the environment in accordance with the requirements of the law,

or refuse to grant a licence and inform the applicant the reasons for refusal within fourteen days. The licence shall be substantially in Form set out in Schedule III.

10. (1) On receipt of an application for a licence to establish or operate an aquatic enterprise specified in Category “B” in Column I of Schedule I hereto, the Director - General or the Licensing Officer may where necessary consult the Technical Committee within thirty days.

(2) If the advice of the Technical Committee is not in favour of the applicant, the advice shall be conveyed to the applicant for his response.

(3) The Director - General may after considering the recommendations of the Technical Committee and the response of the applicant, either grant a licence within sixty days, if he is satisfied that the matter referred to in paragraphs (a), (b) and (c) of regulation 9 have been complied with, or refuse to grant a licence and inform the applicant of the reasons for refusal within fourteen days of the receipt of the applicant's response. The licence shall be substantially in Form set out in Schedule III.

11. On receipt of an application for a licence to establish or operate an aquaculture enterprise specified in Category "C" set out in Column I of Schedule I hereto the Director - General may if he is satisfied that the matters referred to in paragraphs (a), (b) and (c) of regulation 9 have been complied with, refer the application to a Technical Committee appointed by the Director - General for evaluation and recommendation. The Technical Committee shall take not more than thirty days for the evaluation and report. If the report of the Technical Committee is not in favour of the applicant, the report shall be referred to the applicant for his response. The Director - General shall, after considering the report and the response of the applicant where necessary either grant a licence within sixty days or refuse to grant a licence and inform the applicant, with the reasons for refusal within fourteen days of the receipt of the report or the applicant's response. The licence shall be substantially in Form specified in Schedule III.

12. On receipt of an application for a licence to set up or operate an aquatic enterprise specified in Category. "D" set out in Column I of Schedule I hereto, the Director - General may, if he is satisfied that the matters referred to in paragraphs (a), (b) and (c) of regulation 9 have been complied with, call for approval under the provisions of the National Environment Act No. 47 of 1980, if applicable or, Environmental Impact Assessment Report, on terms of reference given by the Director - General. The Director - General may refer the said documents to a Technical Committee appointed by him for its report. The said Technical Committee shall make its report to the Director - General within thirty days of the reference. The licence shall be substantially in Form specified in Schedule III.

13. If the report of the Technical Committee is not in favour of the applicant, the report should be referred to the applicant for his response. The Director - General may, after considering the recommendations of the Technical Committee and the response of the applicant, either grant a licence within sixty days, if he is satisfied that the matters referred to in paragraphs (a), (b) and (c) of regulation 9 have been complied with, or refuse to grant a licence and inform the applicant with the reasons for refusal within fourteen days of the receipt of the report or the applicant's response. The Director - General or the Licensing Officer shall communicate his decision to grant or refuse to grant a licence, by registered post.

14. In the event of a change of the ownership of an enterprise, the new owner may apply for a renewal of the licence in his name. Such application shall be in Schedule IV hereto and be accompanied with the relevant fee specified in Schedule I hereto.

15. Any application for renewal of the licence may be made to the Director - General or the Licensing Officer as the case may be, not less than thirty days prior to the expiry of the licence, in the manner referred to in regulation 14.

16. (1) On receipt of an application for renewal of licence under regulation 14 or 15, the Director - General or the Licensing Officer may either –

- (a) renew the licence ; or
- (b) refuse the renewal of licence if he has reason to believe that –
  - (i) the licensee has not observed the terms and conditions of the licence ; or
  - (ii) the continuation of the aquaculture enterprise could harm the environment ; or
  - (iii) the ownership of the enterprise is not sufficiently provide.

(2) Such decision shall be communicated to the applicant by registered post before the expiry of the current licence.

17. (1) Any licence issued to any person may be cancelled by the Director - General where –
- the licensee has contravened any of the provisions of the Fisheries and Aquatic Resources Act, No. 2 of 1996 or National Aquaculture Development Authority of Sri Lanka Act, No. 53 of 1998 or the regulations made thereunder or any conditions of the licence ;
  - that the continuation of the enterprise would be harmful to the industry or may cause any health hazard to the public ;
  - that the continuation of the enterprise would harm the environment and destroy the aquatic medium.

(2) Notice of such cancellation shall be sent by registered post to the licensee.

18. Before issuing an Order for the suspension of the licence or cancellation to the holder of the licence, the licensee may be given an opportunity, except in the case of paragraph (b) and (c) of regulation 17, to show cause why such order should not be issued.

19. The Director - General may issue specific directions to licensee where he considers it necessary to do so under epizootic conditions. It shall be the duty of the licensee to give effect to such directions.

20. An applicant shall not be entitled to a refund of the licence fee for any reason whatsoever.

21. (1) Any person who is aggrieved by any decision of the Director - General or a Licensing Officer under these regulations may appeal to the Secretary of the Ministry of the Minister in charge of the subject of Fisheries and Aquatic Resources, within thirty days from the date of receiving such decision. The Secretary after making such inquiries as he may deem necessary either –

(a) allow the appeal and direct the Director - General or the Licensing Officer as the case may be, to grant, renew or revoke the suspension or cancellation of the licence ; or

(b) disallow the appeal and confirm such decision.

(2) The decision of the Secretary on such an appeal is final and conclusive.

22. The Aquaculture Management Regulations of 1996 published in the *Gazette* Extraordinary No. 948/25 of November 7, 1996 is hereby rescinded :

Provided that the licence issued under the provisions of the Aquaculture Management Regulations of 1996 shall notwithstanding the repeal of the aforesaid regulations, continue to valid and effect for the purpose in respect of which the licence has been issued.

#### SCHEDULE I

(Regulation 3)

<i>Column I</i>	<i>Column II</i>
<i>Aquaculture Enterprise</i>	<i>Annual Licensing Fee or Renewal Fee Rs. Ct.</i>
Category "A"	
(i) Fin Fish Culture in Seasonal Tanks	
Up to 05 hectares	500.00
More than 05 hectares	1,000.00
(ii) Freshwater and Brackish water pond culture of fish, crabs and freshwater prawns of extent not exceeding 1 hectare	200.00

SCHEDULE I (Continued)

(Regulation 3)

<i>Column I</i>	<i>Column II</i>
<i>Aquaculture Enterprise</i>	<i>Annual Licensing Fee or Renewal Fee Rs. Ct.</i>
Category "A"	
(iii) Small scale ornamental fish production (up to 10,000 per annum)	200.00
(iv) Pond culture of post larvae up to fingerling level of extent 0.5 hectares	250.00
(v) Pond culture of post larvae up to fingerling level of extent 0.5 - 01 hectares	500.00
(vi) Pond culture of post larvae up to fingerling level of extent more than 01 hectares	1,000.00
Category "B"	
(i) Cage culture of extent not exceeding 0.1 hectare	300.00
(ii) Pen culture of extent not exceeding 0.1 hectare	500.00
(iii) Sea weed culture of extent not exceeding 0.1 hectare	300.00
(iv) Raft culture not exceeding 0.1 hectare	300.00
(v) Medium scale ornamental fish production (up to 10,000 - 100,000 per annum)	1,000.00
Category "C"	
(i) Freshwater pond culture of extent 0.1 hectare up to 4 hectares	500.00 per ha.
(ii) Brackish water pond culture of fin fish and crabs up to 1 hectare	750.00 per ha.
(a) Brackish water pond culture of shrimp up to 1 hectare	1,000.00
(iii) Shrimp hatcheries annual post larvae production 5 million	1,000.00
(a) Shrimp hatcheries annual post larvae production each one million above 5 million	3,000.00
(iv) Fresh water fish and prawn hatchery	
(a) Post larvae production 5 million per annum	2,000.00
(b) Post larvae production each one million above 5 million	1,000.00
(v) Cage culture of extent 0.1 hectare up to 4 hectares	1,000.00
(vi) Pen culture of extent 0.1 up to 4 hectares	1,000.00
(vii) Sea weed culture of extent 0.1 hectare up to 4 hectares	1,000.00
(viii) Raft culture of extent 0.1 hectare up to 4 hectares	1,000.00
(ix) Ornamental fish production 0.1 million up to 1 million	1,500.00

SCHEDULE I (Continued.)

Category "D"

	<i>Rs. Ct.</i>
(i) Brackish water pond culture of fin fish and crabs 1 hectare and above	750.00 per ha.
(a) Brackish water pond culture of shrimp 1 hectare and above	1,000.00
(ii) Fresh water pond culture of fin fish and crab culture above 4 hectares	500.00
(iii) Cage culture of extent 4 hectares and above	3,000.00
(vi) Pen culture of extent 4 hectares and above	3,000.00
(v) Sea weed culture of extent 4 hectares and above	3,000.00
(vi) Raft culture 4 hectares and above	5,000.00
(vii) Ornamental fish production above 1 million per annum	3,000.00
(viii) Holding facilities for exporting fish and aquatic plants	2,000.00
(ix) Local sales centers of ornamental fish and aquatic plants	500.00
(x) Other aquaculture systems	2,000.00

In addition to this, an inspection fee of Rs. 1,000 will be charged per one hectare or less Rs. 200 will be charged per each hectare above one hectare.

SCHEDULE II

(Regulation 4)

(Office use only) :  
Application No. :  
Date received :

APPLICATION FOR AQUACULTURE MANAGEMENT LICENCE

(To be submitted in Triplicate)

1. Name of Enterprise : .....
2. Type of aquaculture system: .....
3. Full name and address of applicant : .....  
.....  
(a) Permanent address : .....  
(b) Temporary address : .....  
(c) Postal address : .....  
Telephone No. ....  
Fax No. : .....

4. Location of the enterprise (Location map / route sketch) :

4.1 Address : .....

4.2 Name of the local authority : .....

4.3 Grama Seva Division/Divisional Secretariat : .....

5. Type of investment :

(i) individual/joint venture/any other : .....

(ii) Amount of capital investment : .....

Local : .....

Foreign : .....

6. Date of commencement of operations : .....

Furthermore, 20% of the above license fee will be charged for a year for opening and operation of an aquaculture enterprise without a valid license.

7. Number of employees at the site –

(i) Permanent/Casual/skilled/Semi-skilled/Unskilled .....

(ii) Consultants are available or not .....

8. General description of the enterprise :

8.1 Land

(i) Owned (Give deed No.) .....

(ii) Leased (Permit No.) .....

(iii) Land use within 0.5 km. radius : .....

(iv) List of existing industries within 1 km. radius : .....

8.2 Water

(i) Source of water (ground/stream/lagoon/river/sea) : .....

(ii) Water requirement : .....

(iii) Final discharge point of water : .....

8.3 Species cultured and targeted total annual production : .....  
(other annexure can be used if necessary)

8.4 Details of holding facilities : .....

8.5 Culture methodology : .....

9. Environmental Recommendation

9.1 Environment Protection Licence No : ..... Under Part 4 (a) of  
the National Environment Act/Environment Enactment of North Western Province No. 12 of 1990)

8A

10. Environmental Impact Assessment (EIA) initial Environment Examination (IEE) approval if applicable (under part 4(c) of the National Environment Act) .....
11. Approval, of the Coast Conservation Department if applicable : .....
12. Approval from relevant local authority : .....
13. Plan for monitoring the project : .....
14. Expansion of the enterprise : .....
15. If there is a history of diseases of the farm ? .....

I hereby certify that the particulars furnished by me in this application are true and correct. I am aware that if any particulars herein are found to be false or incorrect, my application will be refused and the licence if issued will be cancelled.

Date : .....  
Signature of the Applicant.

Recommendation : .....  
Fisheries Inspector/Aquaculture Extension Officer

.....  
District/Regional Aquaculture Extension Officer

*For office use only :*

License Application No. ....

Date : .....

1. Reference plans, reports and other documents received : .....
2. Details of any additional information requested : .....
3. If licence is granted :
  - (i) No. of licence :
  - (ii) Date of licence :
  - (iii) Validity period From : ..... To : .....
4. Conditions attached (if any) :
  - (i)
  - (ii)
  - (iii)
5. If the licence is refused reasons for refusal to grant licence :

Date : .....  
Signature & Designation of the Licensing Officer.



SCHEDULE III

(Regulation 7)

FORM OF LICENCE

AQUACULTURE MANAGEMENT LICENCE

1. M/s ..... of (address) is hereby authorized to set up and operate a .....of extent ..... capacity ..... situated ..... within the area of authority of the Municipal Council/Urban Council/Pradeshiya Sabha/ ..... in accordance with the conditions of this licence.

2. This licence is issued under the Aquaculture Management Regulations of 2009.

3. This licence shall be valid from ..... to ..... unless it is earlier cancelled or suspended.

4. This licence is subject to the general terms and conditions stated hereunder and to the additional terms and conditions stated herein.

Conditions :

- a. ....
- b. ....
- c. ....

GENERAL TERMS AND CONDITIONS

1. The licence shall be valid for a period of 1 year from the date of issue. An application for renewal of the licence may be made at least one month prior to the date of expiry of the licence.

2. The licensee shall permit the Director-General or any other officer authorized in writing by him at any reasonable hour to enter the premises in respect of which the licence is issued to examine, and inspect any equipment or the facility, or to take samples of fish, etc., or to take photographs.

3. The holder of the licence shall comply with any requirement communicated from time to time by the Director-General in regard to the submission of quarterly reports.

4. The licence is valid only for the type and nature of the aquaculture enterprise as stated in the application for the grant or renewal licence.

5. No alteration or extension of the enterprise shall be made without prior approval of the Licensing Officer.

6. Contravention of any condition of the licence is an offence punishable under the licensee has contravened any of the provisions of the Fisheries and Aquatic Resources Act, No. 2 of 1996.

.....  
Director-General/Licensing Officer.

Date : .....

SCHEDULE IV

(Regulation 14 and 15)

APPLICATION FOR RENEWAL OF LICENCE

1. Name and location of the farm : .....
2. Name and address of the applicant : .....
3. Previous licence :
  - (i) issued on : .....
  - (ii) Valid until : .....
4. Declaration of previous license in the case of change of ownership : Proposed changed/alterations/expansion of the enterprise : .....
5. Details of monitoring reports submitted to the Director General : .....
6. Any other additional information : .....

.....  
Signature of the Applicant.

Date : .....

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