

The Marine Fisheries Ordinance, 1937.

An ordinance to regulate marine fisheries.

Article 1. - Title and commencement. - This ordinance may be cited as the Marine Fisheries Ordinance and shall come into force on publication in the Gazette.

Article 2. - Definitions. - In this ordinance, unless the context otherwise requires:

"Craft" includes every description of ship, boat or other floating craft;

"Fish" means any aquatic animal whether mamalian or not, and includes shell fish;

"Fishing" means any method of catching fish, and the taking by any means of the marine products set out in Schedule I hereto;

"Local authority" means the person appointed as such by the Minister of Animal Resources for the purpose of carrying out the provisions of this ordinance and shall include any person to whom by the terms of such appointment the powers of the Local Authority may be delegated.

Article 3. - Fishing craft to have licences. - No craft shall be employed for the purpose of fishing in territorial waters unless a valid licence, hereinafter referred to as a fishing craft licence, shall have been issued under this ordinance in respect of such craft.

Provided that craft employed as aforesaid by persons fishing by way of sport only shall not be reason solely of such employment require a licence as aforesaid.

Article 4. - Fishermen to have permits. - No person shall engage in or be employed in fishing in territorial waters unless he is the holder of a valid permit, hereinafter referred to as a fishing permit, issued under this ordinance for such purpose.

Provided that:

- (a) a person who takes fish with a line from the shore shall not require a permit;
- (b) no member of the crew of a duly licensed craft shall require a permit;
- (c) no passengers in craft fishing therefrom by way of sport only shall require a permit.

Article 5. - Issue and duration of licences and permits. - Fishing craft licences and fishing permits under this ordinance shall be issued by the Local Authority on payment of the fees set out in Schedule II hereto, and unless previously forfeited or otherwise determined, shall expire on the 31st day of December next following;

Provided that the Local Authority may in respect of any craft the owner of which does not live in the Sudan refuse at his discretion to issue a fishing craft licence and in respect of any other craft or person may for good cause shown refuse to issue a fishing craft licence or fishing permit.

Article 6. - Closed areas. - The Minister of Animal Resources may, for the better conservation and development of fisheries, by order published in the Gazette, declare any part of territorial waters to be a closed area.

Article 7. - Restriction of fishing in closed areas

- (a) No person shall fish in a closed area otherwise than for the sole purpose of sport unless he has previously obtained the permission in writing of the Local Authority.
- (b) The Local Authority may grant such permission subject to such terms and conditions as he shall think fit, and may refuse such permission at his discretion and without assigning any reason.

Article 8. - Powers of search, examination and arrest. - Every police officer, customs officer, or other person duly authorized in that behalf by the Local Authority may, for the purpose of enforcing this ordinance or any regulations made hereunder

- (a) board and search any craft found in territorial waters or any craft which he has pursued continuously from territorial waters into the high seas and which he, on reasonable grounds, suspects to have been employed for the purpose of fishing in territorial waters;
- (b) require any person on board any such craft engaged in or employed in fishing in territorial waters or whom he, on reasonable grounds, suspects to have been so engaged or employed to exhibit his fishing permit, apparatus and catch;
- (c) where there is reasonable suspicion in the case of any such craft that an offence has been committed, take the alleged offender, the craft, apparatus and catch without summons, warrant or other process to the nearest or most convenient police station or post. The craft and apparatus may be detained pending trial and the catch may be sold and the proceeds of the sale impounded.

Article 9. - Power of Local Authority to amend schedules and make regulations.

~ (1) The Local Authority may from time to time by order alter or amend or revoke the schedules hereto and shall have power to make, issue and amend regulations not inconsistent with this ordinance;

- (a) requiring all licensed craft to be marked in a certain way;

- (b) regulating the procedure for the issue of fishing craft licences and fishing permits and laying down forms for such licences and permits;
- (c) regulating the conditions on which licences and permits may be issued under this ordinance including, with the consent of the General Manager of the Sudan Railways and the Director of Customs, conditions as to landing of catches;
- (d) restricting fishing in certain seasons;
- (e) prescribing limits to the size of fish or marine products of named species which may be taken;
- (f) prohibiting any method of fishing;
- (g) generally for carrying any of the purposes and provisions of this ordinance into effect and for the safeguarding and development of the fisheries of the Sudan and for the protection of persons engaged in fishing;

and may prescribe penalties including the cancellation, suspension or endorsement of any licence or permit issued under this ordinance for the breach of such regulations.

(2) All such orders and regulations shall be laid upon the table of each House of Parliament.

Article 10. - Offences and penalties. - (1) Any person who acts in contravention of or fails to comply with any of the provisions of this ordinance shall be guilty of an offence against this ordinance and shall be liable to a fine not exceeding LS. 50 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The Court may also order the confiscation of any craft, apparatus or catch employed in the commission of, or derived from any offence under this ordinance and the cancellation of or suspension for such time as the Court thinks fit or endorsement of the date and nature of the offence on a fishing craft licence issued in respect of any such craft or any fishing permit issued to any person guilty of any such offence as aforesaid.

Article 11. - Court by which offences triable - (1) Offences against this ordinance shall be triable by the Court of a Magistrate of the second class summarily or non-summarily.

(2) Offences under any regulation duly made under Section 9 of this ordinance shall be triable by the Court of a Magistrate of the second class summarily or non-summarily.

SCHEDULE I.

Pearls and mother of pearl.
Trochus shell (Kokian).
Edible sea slugs (beche de mer).
Tortoise shell.
Sponges.
Ambergris.

SCHEDULE II

FEES

The following fees shall be charged on the issue and renewal of fishing craft licences and fishing permits under this ordinance:

Fishing Craft Licences *

Craft under 2 tons register	050 m/ms per craft per annum
Craft of 2 tons register and above	050 m/ms per ton per annum

(If taken out after June 30th half fees will be charged)

Fishing Permits

Nil

* Fees amended, text not available