



THE REPUBLIC OF THE UNION OF MYANMAR
2nd SESSION OF AYEYARWADY REGION PARLIAMENT

**AYEYARWADY FRESH WATER FISHERIES
LAW, 2018**

(AYEYARWADY REGION HLUTTAW LAW NO. 4/2018)

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Unofficial Translation

AYEYARWADY FRESH WATER FISHERIES LAW, 2018

(AYEYARWADY REGION HLUTTAW LAW NO. 4/2018)

MM 1379 10TH WANNING OF TAZAUNGBONE

4TH APRIL 2018

Ayeyarwady Region Parliament, enacts this law.

Chapter – I

Title and Definition

1. This Law shall be called 2018 Ayeyarwady Region Freshwater Fisheries Law.
2. The following expressions contained in this Law shall have the meanings given hereunder: _
 - (a) '**Region**' means Ayeyarwady Region;
 - (b) '**Regional Government**' means Ayeyarwady Region Government;
 - (c) '**Minister**' means the member of Regional Government, Minister of the Ministry which administers all matters of freshwater fisheries;
 - (d) '**Department**' means the Fisheries Department which carries out all matters related to freshwater fisheries in the Region, Districts and Townships;
 - (e) '**Director of Department**' means the director of Region, District, Township of the Fisheries Department;
 - (f) '**Fish**' means all aquatic organisms living the whole or a part of their life cycles in the water, their spawns, larvae, fry's and seeds. This expression also includes aquatic plants, their seedlings and seeds;
 - (g) '**Fishery Product**' means fish, living things, their waste, shells, bones, skins (scales), fish that are processed, aquatic species,

aquatic plants and non-living things that are extracted from fresh water fishing grounds. This expression also includes turtles and their eggs, crocodiles and their eggs, crabs, ambergris, conch shell, mollusc shell, mussels, coral rags, sponge, moss, rapids and sea leech;

(h) '**fishery**' means carrying out operations relating to fish for the purpose

of systematic management, production on a commercial scale, conservation and for development. This expression also includes operations such as fishing, aqua culturing, exploring, research, stocking, propagating, processing, transporting, storing, marketing;

(i) '**Fishing**' means catching, collecting, attracting, pursuing, stupefying and killing of fish. This expression also includes works in support of and preparatory to fishing operations;

(j) '**Fishing Implement**' means things and equipment that are used in fishing. This expression also includes implements in support of the fishing;

(k) '**Fishing Vessel**' means any vessel engaged in fishing. This expression also includes vessels carrying out fishing operation and crafts in support of the fishing;

(l) '**Vessel**' means any vessel that can move with or without machine;

(m) '**Refrigerating Factory**' (**Cooling Plant**) means the factory in which fish are cleansed, refrigerated, stored and maintained to preserve them clean and fresh;

(n) '**Transforming**' (**Processing**) means altering or processing the original form and condition of fish by any means. This expression also includes production by cleansing, ice coating, cooling, chopping up, smoked fish, salting (of fish), of fish paste (Nga Pi),

dried fish, dried prawn, fish sauce, pickled fish, pickled prawn, salted fish, tinned fish, ground fish, applying hot fermentation to fish and production of foodstuff and others from fish and so on;

(o) '**Freshwater Fisheries Waters**' means waters, pond, course, river, stream and lake which is of a permanent or temporary nature and in which fish live and thrive and which is situated within the inland boundary along the sea coast of the Region. This expression also includes a leasable fishery (Inn), reserved fishery (Inn), fisheries waters in which in the territory of the Region, waters in an area belonging to any government department, inland tidal places, waters on an island, crocodile nets and turtle banks in which turtles and crocodiles lay their eggs and brackish waters. Furthermore, waters on the inland side of the straight line drawn from one extreme end of one bank to the extreme end of the other bank of the river mouths (estuary) and creek mouths contiguous to the sea are freshwater fisheries waters;

(p) 'Leasable Fisheries' (Inn) mean:

- (1) Leasable Fishery that are leased or granted;
- (2) Fisheries that are reserved (Reserved Fishery);
- (3) Lease that are common property or common fishing ground (Open Fishery);
- (4) Lease that are protected (Protected Fishery);

(1) '**Leasable Fishery (Inn)**' means the fishery Inn (lot) in which rights of fisheries are permitted with a lease license with conditions set by the Department on boundaries, fish species, fishing implements, fishing seasons and fishing methods.

(2) '**Reserved Fishery**' means the fishery Inn (lot) in which fishery is permitted with the prescribed rules

and regulations of seasonality or conditions or restricted reserved. This expression also includes fishery that is reserved for conducting fishery research.

(3) '**Open Fishery**' means the fishery for which license can be issued to any number of people to carry out fishing or given free of tax through conditions set by the Department on certain boundaries, fishing implements and fishing methods.

(4) '**Protected fishery**' means the fishery that is protected by order of the Department from any fisheries except those permitted for purpose of conducting fishery research. This expression also includes Reserved Inn.

(q) '**Leasable Grant**' means a Grant issued by the Department to operate fishery in a leasable Inn.

(r) '**Long-term Leasable Fishery**' (Kyeedine Inn) means the fishery for which fishing is permitted for 3 years excluding the auctioned year for fish stocking, preserving stocks, renovating the Inn in order to prevent from damaging with purpose of sustainable good productivity.

(s) '**Licence**' means a licence issued by the Department to operate fisheries in any fresh water fishing grounds except leasable fishery (Grant Inn) and 'Long-term leasable fishery (Kyiedine Inn). This expression includes fishing implements licence.

(t) '**Tender licence**' means the permit to operate fishery in the tender fishing lots that are allocated in fresh water fisheries waters.

(u) '**Tendered Fishery Lot**' means a fishing lot in fresh water area that is leased through auction for operating a fishery.

(v) '**Tender fishing lot**' means a fishery that is granted permit to

operate a fishery with a prescribed implement, by licencing on number of gears, in the fishing lots identified in fresh water areas through Open-bid Auction System.

(w) **'The period of Operating Fishery'** means the period during which senior Inn Fishers operate fishery, the period of fish-migration to spawn and fry and the period during which fisherman of floodplain area are permitted to fishing.

(1) 'The period during which senior Inn Fishers operate fishery' means the period permitted to operate which is contained in the terms and conditions of each fishery;

(2) 'The period of fish- migration to spawn and fry' (Breeding Season)" means the period during which fishing is not permitted stipulating terms and conditions not to cause extinction of "fish migrating to spawn and fry".

(3) "Period during which fisherman of floodplain area are permitted to fishing" means the remaining period during which fishing is permitted to operate fishery in fresh water fishery waters by making use of tax-free implements permitted by the Department excepting state- owned fishery, reserved fishery, sanctuary fishery or fishery permitted under tender and the period during which senior Inn Fishers operate fishery, period of fish-migration to spawn and fry in any freshwater fishery.

(x) **'Fresh water Fishery Territory'** means the territory which were prescribed to be fishery, lake or area as government grant fishery, reserve fishery, fishery waters permitted by license, tender fishery, lake area, creek area, pond area

precisely identified by the territorial map ; (However, excluding the grant- government land and private land, paddy land, farmland, orchard excepting grant-deep water ponds(□□□□□□□□□□).)

- (y) **‘Fishery that is permitted to operate with licence’** means fisheries waters other than areas prescribed by the Department to be government -grant fishery, long-term leasable fishery, reserved fishery, where fishing rights are granted under fishing implements license or granting tender license by demarcating fishing plots or by other means.
- (z) **‘Authorized Fishery Operator’** means the person who has obtained a licence or a leasable grant licence.
- (aa) **‘ Fisherman’** means the person who operates fishery or fishery-related work full time or part time.
- (bb) **‘Floodplain Area Fisherman’** means the fisherman who carries out fishing in the common fishing area or the permitted area entitled to the floodplain area fisherman in accord with the prescribed terms and conditions, set out by the department.
- (cc) **‘Refund’** means fees and duties which should be refunded in respect of the remaining portion of the fishery season, out of the fees and duties paid by the lessor or the tender licensee, if permission to operate a fishery is suspends or revoked for the good faith of the State, but not for violation of the terms and conditions of the lease or tender license.
- (dd) **‘Township Fishery Supervising Committee’** means the committee formed with the approval of the Minister in accordance with this law.

- (ee) **‘Community Fishery Association’** means the group of fishers that is formed by those who wish to conduct community fisheries, election of committee members, and registered at the Department of Fisheries.
- (ff) **‘Committee’** means the committee elected among the members of community fishery association to manage matters related to community fishery.

Chapter II

Aims and Objectives

- 3. The aims and objectives of this law are the followings: _
 - (a) To further development of fisheries and community fisheries associations systematically;
 - (b) To prevent extinction of fishes and depletion fishery resources and conserve with significance;
 - (c) To protect destruction of freshwater fishery waters and natural environment;
 - (d) To secure the tax and revenue collection due to the Regional government;
 - (e) To manage and take action the fishery in accord with law;
 - (f) To support food, clothing and shelter of local fishers and communities;

- (g) To fair and balance the extraction of fish and fishery resources;

Chapter III

Application for Lease and Tender License Relating to Fisheries and Issue Thereof

4. A person desirous of operating a fishery in any leasable fishery (Grant-Inn) shall purchase by a system of competitive bidding in an auction in the manners prescribed; excepting fishery waters granted with approval of the regional government.
5. A person desirous of operating a fishery in any freshwater fisheries waters other than a leasable fishery (Grant-Inn) shall operate in the manners prescribed by payment of the fishing implement license fee or by obtaining a tender license.
6. A person desirous of transforming (processing) fish, business of sale and purchase, collection and transport of aquatic products or refrigerated storage factory (cooling plants) shall operate by obtaining license in accord with the stipulations.
7. Director of the Regional Fishery Department, if it is in accord with the stipulations, issue license for transforming (processing) fish, business of sale and purchase, collection and transport of aquatic products or refrigerated storage factory, with the approval of the Minister.

8. Director of the Regional Fishery Department shall, only when permission is granted by the Regional government through the Minister, issue the following lease grant or licence; -

- (a) Submitting application for long-term lease;
- (b) Establishment of cooling plants;
- (c) Establishment of processing plants;
- (b) Submitting application to operate fishery with foreign currency in any freshwater fishery waters.

9. The relevant Head of Fishery Department shall allocate fishing lots, on matter related to applications are made for tender-licencing and community leasable fisheries (inn) by community fishery associations, by obtaining the approval of the Minister through Director of the Regional Department.

10. The relevant Head of the Fishery Department shall issue leasable grant or tender licence with approval of the Minister in accord with Section 9.

11. Officer-in-charge of the relevant township department, through supervision of the Township Fishery Supervising Committee, shall issue fishing-implements licence in accord with the stipulations, on matter related to application of fishing-implements licence to operate fishery in fresh water fishery waters excepting leasable fishery grant and tender licence.

12. Township Head of the Fishery Department shall -

(a) issue Fisher ID card in accord with the stipulations, if application is submitted for registration as regards workers who will be used in his business operation;

(b) issue the license in the event that floodplain area fishermen submit application to obtain licenses to operate fishery in open fishery and floodplain fishery plots;

(c) Township Head of the Fishery Department, through the supervision of Township Fishery Supervising Committee, may issue registration with the permission of the District Head of Department, in the event that community fishers desirous for establishment of community fishery associations submit application in such regards;

(d) Township Head of Fishery Department shall, for transporting fisheries or aquatic products from one region to another' issue 'Trans- pass Permit.

Chapter IV

Payment of Tax and Fees

13. A person who has purchased the leasable fishery by auction shall pay the fishery rent which is the auction fee and a person who has been granted a tender license shall pay the tender fee and license fee in full on cash-down basis.

14. A person who has obtained a fishing implement license in any freshwater fisheries waters other than a leasable fishery shall pay the license fee due in full on cash-down basis.

15. A person who has obtained license to operate fishery business shall :-

- (a) If a citizen, pays license fees, registration fees and other fees payable in domestically used currency;
- (b) If a foreigner or a company or an organization operated with foreign capital, pay license fees, registration fees

and other fees payable in foreign currency prescribed by the Department.

16. The Minister may, with regard to the following matters, exempt from paying taxes and fees:-

- (a) Fishery research carried out with the permission of the Department;
- (b) Fishery carried out as is necessitated for good faith of the State.

Chapter V

Duties and Rights of a person who has obtained Permission to Operate a Fishery

17. The person who is authorized to operate fishery shall have the duties as the followings: -

- (a) Pay the duties and fees payable, in the manner specified by the Department ;
- (b) Comply with the terms and conditions contained in the lease and orders and directives occasionally issued by the department;
- (c) Entitle to operate fishery in accord with the terms and conditions prescribed in the government-grant lease or license;
- (d) Cooperate with the department on research works relating to fishery;
- (e) Appoint, on board his vessel, only those fishermen who are registered in the Department ;

- (f) Operate fishery with care that doesn't harm others' businesses and interests;
 - (g) The person who is authorized to operate fishery shall conserve the natural environment in certain areas.
18. The person who is authorized to operate fishery shall have the rights as the followings: -
- (a) Operate fishery in accord with the terms and conditions prescribed in the government-grant lease or license;
 - (b) Apply to let draw the refund if in accord with the terms prescribed.

Chapter VI

Duties and Powers of the Minister

19. The duties of the Minister are as follows: -
- (a) Managing and supervising and directing the fisheries in order to develop it systematically;
 - (b) Form Township Fisheries Supervising Committees;
 - (c) Undertake duties on fisheries related matters occasionally assigned by the regional government.
 - (d) Supervise the duties of Officers-in-charge.
20. The powers of the Minister are as follows : -
- (a) Classifying or altering the types of government-grant fishery, long-term leasable fishery (Kyeedine), reserved fishery, protected fishery, fishery waters permitted to operate under license and fishery waters operated by community fishery associations, with the approval of the Regional Government ;

- (b) Discharge the necessary budget in accordance with financial procedures for operating research, education, field inspection and disciplinary matters with approval of the regional government;
- (c) Grant permission on operating fishery in fresh water fishery waters with government lease grant or tender licence;
- (d) Suspending, revoking or cancelling any government-grant lease or license for the good faith of the state or has obtained in an improper manner or has sufficient reason;

21. The Minister may delegate his powers conferred under this Law to the Director of Department of the Region.

Chapter VII

Duties and Powers of the Director of Regional Department of Fisheries

22. The duties and powers of the Director of Regional Department are as follows: -

- (a) Managing and supervising, directing and awareness raising of the fisheries in order to develop the sector systematically;
- (b) Supervise the duties of Heads of District , Township Departments and Township Fishery Supervising Committees;
- (c) Undertake duties on fisheries related matters occasionally assigned by the regional government and the Minister.

- (d) Permit registration of Township Fishery Supervising Committee which includes members elected by community fisheries association, in accord with terms and condition of the law, by assigning the relevant Township Officer of the department as secretary.

23. The Director of Regional Department shall carry out the followings:-

- (a) Determining the rates of license fee according to the type of fishing implements;
- (b) Determining the prohibited species of fish, size, fishing implements, fishing season, place and methods of fishing, with approval of the Minister;
- (c) Determining or occasional altering license fee, fresh fish fee, boat fee, registration fee and other taxes and fees;
- (d) Determining the tenure of license and the terms and conditions contained in the government-grant lease and license to be abided by the person granted to operate fishery ;
- (e) Assign duties on inspecting of aquatic products and foods whether the production, commercialization and storing of such are in standard practice of procedures;
- (f) Determining, alteration and cancellation of tender fishing lots;
- (g) Determining, transfer, alteration and cancellation of fishery blocks and types of fishing implements of a government-grant lease;
- (h) Determining the tenure of license and the government-grant lease;

- (i) Extending the period of fishing, with the approval of the Minister, in the event that fishing is to be operated after the expiry of grant period as stipulated;
- (j) Identification of any new areas of leasable Fishery or Tender fishing lot by informing the minister;
- (k) Enlisting in a blacklist to any license-holder for operating fisheries who fails to comply with stipulations, sections, rules and regulations and directives in this law;
- (l) Issuing licenses on refining, processing and commercialization of fisheries and aquatic products.

24. In a case where action is taken for violation of any provision of this Law, the Director of Regional Department shall, with the approval of the Minister, carry out as follows: -

- (a) Suspending, revoking or cancelling the Government-grant lease or tender license or fishery licence;
- (b) Confiscating, disposing of or administering as may be appropriate the fishing vessels, vehicles fishing implements and other exhibits as state own property;
- (c) Returning to the person who has obtained permission to operate the fishery or to the owner on furnishing sufficient security, the fishing vessel and fishing implements or permitting the resumption of the operation.
- (d) Permitting the person who has obtained permission to operate the fishery or the owner to redeem the fishing vessel and fishing implements on payment of appropriate time;
- (e) Causing the proceeds of the sale and the fines to be deposited in the bank.

25. Powers of the Director of Regional Department are as follows:-

- (a) Issuing a copy of government-grant lease or tender license to the applicant after causing the prescribed fee to be paid when a license-holder applies for a copy of the license upon the license issued by the Department being destroyed or lost;
- (b) Issuing licenses on commercialization of fisheries and aquatic products, refining and processing of fisheries;
- (c) With approval of the regional government, developing mapping on demarcation of leasable fishery (Grant Inn), reserved fishery and open fishery areas, by engaging government departments concerned, to be appropriate with the present period;
- (d) In order for development of the fishery sector, the department may identify a leasable fishery area (Inn) or a tender lot in each district as research area or tender lot, with approval of the Minister;
- (e) The relevant township officer of the department shall levy on revenue of leasable fishery tax, tender licence tax, licence fees, fine and charges in regard of zero remaining balance.

Chapter VIII

Establishment of Community Fishery Association and Registration

26. The rights to form community fishery association, establish internal rules and bylaws to operate community fisheries in the Region, shall be granted.

27. Community fishery associations shall form 'Community Fishery Supervising Committee' that includes elected members of community fishery associations to manage the work related to community fishery.

28. The Township Officer-in-charge shall assist a community fishery association formed systematically.

29. Communities desirous of forming a community fishery association shall make application for right of registration at the relevant Township Department in the manners prescribed.

30. The Township Officer-in-charge shall, after obtaining the approval of the District Officer-in-charge, register the right to operate a community fishery on condition of certain rules and regulations are met.

31. The Township Officer-in-charge shall execute rules on the right to operate fisheries, areas, season and legal fishing implements; also execute the rules and regulation that each leasable fishery (INN) shall follow.

32. Township Community Fishery Supervising Committee shall inspect the implementation being carried out by community fishery associations.

33. If any disputes occur among the members, the committee shall take the matter for arbitration; if disputes occur between the Community Fishery Associations, the District Officer-in-charge, with the certain Township Fishery Supervising Committee shall arbitrate the matter.

34. The Township Officer-in-charge shall dissolve the registration of a Community Fisheries with approval of the Township Fishery Supervising Committee, in case any of the followings occurs;-

- a. If members of Community Fishery Association express any desire not to continue community fisheries;

- b. If a community fishery association is dominated by any individual or an organization for their vested interests, (or) cause any major conflict, (or) create such (or) threatening to happen such;
- c. Failure to operate in accordance with laws, rules and regulations.

Chapter IX

Inspection and Taking Action Thereof

35. The Head of Department or the team led by the Head of Department may undertake the followings: -

- (a) Stopping, boarding, entering into, inspecting and searching without warrant any fishery business including any fishing vessel, vehicle, fishing implement and government-grant fishery, reserve fishery and fishery leased by tender in any freshwater area, collecting or commercializing which is assigned to him or in the freshwater fishery waters in the Region assigned specifically to him by the Minister;
- (b) Requisitioning, photo documenting taking copies of or confiscating necessary documents including the government-grant lease and license required to be kept at the work-site;
- (c) Interrogating, examining and directing the person authorized to operate fishery and fishermen;
- (d) Seizing the fishing vessel, vehicle, fishing implements, fishes and other exhibits found therein in the case of violations of any of the prohibitions under this Law;
- (e) Destroying materials that are related to the violation at the cost of the person who violates the law; If fail to apply, the

department shall remove or destroy such materials by having the violator and taking action against that person in case of any denial.

(f) Arresting and prosecuting any person who violates any of the provision of this Law;

(g) Depositing in the bank after the processed of the sale of the fishes and other things seized which are subject to speedy decay;

Chapter X

Application for refund & Issuing the refund

36. A person who has obtained a lease or long term leasable fishery (Kyeedine) or tender license may apply for a refund to relevant township Officer-in-charge in accord with prescribed procedures if any of the followings occurred:

- (a) suspending or revocation of any Grant-Inn, Long term leasable fishery, or tender lot for good faith of the region or the Union;
- (b) fishery production is damaged or destroyed by any natural disaster or any reliable causes.

37. Application for refund shall not be valid in event of any of the followings:

- (a) Fishery production is damaged not due to major natural disasters, but regular floods, high tide or erosion;
- (b) Grant-Inn, long-termed leasable Fishery (Kyeedine Inn) destroyed due to sand deposition;

(c) Damages that are caused in Grant-Inn, long-termed leasable Fishery (Kyeedine Inn) due to the use of explosives, chemical means or any other destructive agents or the use of similar destructive elements or agents;

(d) Thievery or larceny or on fish.

38. The District Officer-in-charge shall, on the application for refund made in accordance with section (36), conduct investigations in accord with prescribed procedures on its authenticity and put forward (submit) the case to the Director of the Regional Department attached to the findings with his remarks.

39. The Director of Regional Department shall submit the case to the Minister on the application made in accordance with section (38), after conducting examinations on the submitted case in accord with prescribed procedures with his remarks.

40. The Minister shall either permit or dismiss the case on application in accord with section (39) after conducting examinations.

(a) The Director of Regional Department shall notify the District Officer-in-charge for issuing the refund or dismissal of refund the after receiving permit from the Minister;

(b) The District Officer-in-charge shall send the instruction to the Township Officer-In-charge in accord with sub-section

(a);

(c) The Township Officer-in-charge shall inform the relevant applicant in accord with sub-section (b);

(d) The Township Officer-in-charge shall issue the refund.

41. The Township Officer-in charge shall submit a report to the Director of Regional Department through District Officer-in-charge after issuing the refund.

Chapter XI

Dissolution of the Right of operating Fisheries

42. The dissolution of the right of operating fisheries shall be carried out in case of any of the followings: -

- (a) the term of permit expired;
- (b) revocation or cancellation of fishing license , long-termed lease license (Kyeedine Inn), tender license or fishing implement license;
- (c) Investigation found by the Township Officer-in-charge that fishery is no longer being operated;
- (d) Any one who has obtained the fishing license, no longer desire to continue fisheries and return the license of lease, tender, fishing implements or a fishery;
- (e) Enlisted in a black list.

Chapter XII

Appeals

43.(a) If dissatisfied with an order or decision passed by the Head of Township Department in respect of a fishing implement license, an appeal may be filed with the relevant District Head of

Department within 30 days of the receipt of such order or decision ;

(b) The District Head of Department may confirm, set aside or alter the order or decision passed by the Township Head of Department under sub-section (a);

(c) If dissatisfied with an order or decision passed by a District Head of Department, an appeal may be filed with the Director of Department of the Region within 30 days of the receipt of such order or decision;

(d) In an appeal filed, the Director of Department of the Region may confirm, set aside or alter the order or decision passed by the District Head of Department. No appeal shall be filed on an order or decision passed by the Director of Department of the Region.

44. (a) If dissatisfied with an order or decision passed by the District Head of Department in respect of a lease license, long-termed lease licence (Kyeedine Inn), tender licence or any others relating to fisheries management, an appeal may be filed with the Director of Department of the Region within 30 days of the receipt of such order or decision;

(b) The Director of Department of the Region may confirm, set aside or alter the order or decision passed by the District Head of Department;

(c) If dissatisfied with an order or decision passed by the Director of Department of the Region, an appeal may be filed with the Minister within 30 days of the receipt of such order or decision.

(d) The Minister may confirm, set aside or alter the order or decision

passed by the Director of Department of the Region. No appeal shall be filed on an order or decision passed by the Minister excepting an order or decision in respect of long-termed lease (Kyeedine Inn).

(e) If dissatisfied with an order or decision passed by the Minister in respect of long-termed lease, an appeal may be filed with the regional government within (30) days of the receipt of such order or decision. The order or decision of the Regional Government shall be final and conclusive.

45. (a) If dissatisfied with an order or decision passed by the District Head of Department in respect of government-grand lease or fishery operated with foreign currency in fresh water fisheries, an appeal may be filed with the Director of Department of the Region within 30 days of the receipt of such order or decision.

(b) The Director of Department of the Region may confirm, set aside or alter the order or decision passed by the District Head of Department;

(c) If dissatisfied with an order or decision passed by the Director of Department of the Region, an appeal may be filed with the Minister within 30 days of the receipt of such order or decision.

(d) The Minister may confirm, set aside or alter the order or decision passed by the District Head of department or the Director of Department of the Region.

(e) If dissatisfied with an order or decision passed by the Minister, an appeal may be filed with the regional government within (30) days of the receipt of such order or decision. The order or decision of the Regional Government shall be final and conclusive.

Chapter XIII

Prohibitions

46. No person shall, without government-grant lease or long-termed grant lease or license issued in accord with this law, engage in fishery.

47. No person shall do the following in any freshwater fisheries :

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- (a) Catching fish or causing mischief with explosive substance, poison, chemicals and dangerous material of a like nature ;
- (b) Any electric-shock fishing or destructive acts;
- (c) Catching fish by a prohibited method and fishing implements ;
- (d) Catching fish of a prohibited species and size;
- (e) Catching fish during a prohibited period (close season) and at a prohibited place (close area).

48. No one shall use, produce or possess any electronic fishing implements.

49. No one shall, after purchasing by fishery auction or after being granted tender license, long term leasable fishery license (Kyeedite Inn) fail to pay within the prescribed period fishery tax, tender fee and license fee, without the permission of the Department.

50. No one shall erect, construct, place, maintain or use any obstruction such as a dam, bank, weir or V-shape fishing trap in a freshwater fisheries waters without the permission of the Department.

51. A person who has obtained permission to operate a fishery shall not violate any condition contained in a government-grant

lease, long term leasable fishery license (Kyeedine Inn), tender license or fishing implement license.

52. No one shall do the following in the fishery or within the boundary of such fishery ponds or creek: -

- (a) Cutting undergrowth or setting in fire habitat of fish, breeding grounds;
- (b) Impairing the natural condition of a main fishery creek (Inn) so as to disrupt the flow of water in it;
- (c) Placing bush or by growing water hyacinth without the permission of the department;
- (d) Growing plants or crops that may damage lease (Inn) fisheries;

53. No one shall, in the freshwater fishery waters do anything to disturb the fish and other creatures or to pollute the water.

54. Any one shall engage with the departments in doing things such as altering the quality of water, the volume of water or water-course or canal-digging in the government-grant fishery, reserve fishery and creeks and streams contiguous thereto.

55. No one shall, excepting the one who has obtained the government-lease grant, enter into and catch fish in research fishery Inn, long-term leasable fishery (Kyeedine Inn) where species of fish are preserved and local fishes are bred.

56. No one shall process, commercialize, transport, store, merchandize, distribute, sell, export, import to any of the followings;

- (a) Fish products (Aquatic products) that are toxic, harmful to health or damage environment, to consumers.
- (b) Fish products (Aquatic products) that are damaging to the quality wholly or partially or unfit for human consumption by adding

colouring agents, chemical agents or any adulterated or contaminated ones.

(c) Fish products (Aquatic products) that are inserted with any mineral or external materials to be weighty.

57. No one shall culture or attract fish, prawns, etc; in aquarium farm or mari-cultured aquarium fish farm or with fortified embankment in fresh water fisheries waters;

58. No one shall culture or possess prohibited fish species.

Chapter XIV

Penalties

59. Whoever has been convicted for violation of any provision of section 46:-

(a) If the matter is the violation of not having a fishing gear license, the offender shall be punished with fine which may not be exceeded than kyats 50000/- or with imprisonment for a term which may not be exceeded than (6) months or both.

(b) If the matter is the violation of not having lease license, tender license or fishing implement license, the offender shall be punished with fine which may not be exceeded than kyats 300,000/- or with imprisonment for a term which may not be exceeded than (2) years or both.

60. (a) Whoever commits any provision contained in sections 49, 50, 52, and 53 shall, on conviction, be punished with fine which may not be exceeded than kyats 100,000 or with imprisonment for a term which may not be exceeded than (1) year or both.

(b) Whoever commits any provision contained in sections 56 and 58, shall, on conviction, be punished with fine which may not be exceeded than kyats 200,000 or with imprisonment for a term which may not be exceeded than (2) years or both.

(c) Whoever commits any provision contained in sections 54 and 55 shall, on conviction, be punished with fine which may not be exceeded than kyats 300,000 or with imprisonment for a term which may not be exceeded than (3) year or both.

61. If a lease-holder, long-termed lease licence holder, tender license-holder or license-holder of fishing implement is convicted for violation of the provision contained in section 51 : -

(a) If the matter is the violation of any term and condition contained in fishing implement license, the offender shall be punished with fine which may not be exceeded than Kyat 30,000/- or with imprisonment for a term which may not be exceeded than (3) months or both.

(b) If the matter is the violation of any term and condition contained in government-grant lease licence or long-termed lease licence or tender license, the offender shall be punished with fine which may not be exceeded than Kyat 50,000/- or with imprisonment for a term which may not be exceeded than (6) months or both.

(c) If the matter is the violation of any term and condition contained in government-grant lease or long-termed lease, the offender shall be punished with fine which may not be exceeded than Kyat 300,000/- or with imprisonment for a term which may not be exceeded than (3) years or both.

62. Whoever commits any provision contained in section 47 and 48 shall, on conviction, be punished with fine which may be

maximum Kyat 200000/- or with imprisonment for a term maximum (2) years or both.

63. Whoever commits any provision contained in section 57 shall, on conviction, be punished with fine which may be maximum kyat 1,500,000/- or with imprisonment for a term which may be maximum (3) year or both.

64. Whoever supports or conspires the violation of any provision in this law shall, on conviction, be punished in accord with penalty stated in this law.

65. Whoever attempt to violate any provision in this law shall, on conviction, be punished half the maximum penalty stated in this law.

66. If a person convicted of any offence under this Law commits the same offence again, he shall be punished with twice the quantum of punishment prescribed.

Chapter XV

Miscellaneous

67. The provision contained in sub-section (1) of section 403 of the Code of Criminal Procedure providing that if conviction or acquittal is passed for an offence, it shall not be liable to be tried again, shall not be applicable as regards action taken by the Minister under this Law.

68. Notwithstanding that any provision remains in force in the existing law, the order passed by a court shall not be applicable on the act taken by the Minister under this law.

69. The relevant Myanmar police force shall assist the seek of the Officer-in-charge of the Department in carrying out his duties and powers.

70. The department may submit a report or other related documents or any such materials on procedures carried out on matter of disposing the materials and evidence related to a case being charge at court, that are not in the position to be transported to court, and not necessary to proof at court.

71. No prosecution or suit shall lie against any public servant by criminal code or civil acts, for anything which is done in good faith in pursuance of this Law.

72. With respect to freshwater fishery business of the Ayeyarwady Region, the existing Freshwater Fishery Law, Lease Acts, the fishery law and Rules and Regulations thereof, laws and procedures, orders and instructions and directives shall be in force on condition that those do not contradict this Law.

73. The cases filed and submitted under this Law for prosecution are determined to be cognizable offense which can be taken action by the Myanmar Police Force.

74. The government departments concerned shall exercise coordination with the Department if canals, irrigation canals, farmers' canal, community canals, are to be built through any lease Inns.

75. The Minister shall, with the approval of the Regional Government, designate lease fishery period of senior Inn-owners (lease-owners), breeding season period, flood plain period in accord with the law.

76. If any case of disputes occurred in fresh water areas which is sharing with other states or regions, the decision of the Union

Minister for Ministry of Agriculture, Livestock and Irrigation shall be final and conclusive.

77. In discharging matters related to fisheries in the Region, if necessary, assistance from Union Ministry of Agriculture, Livestock and Irrigation may be rendered.

78. For implementing the provisions of this Law: -

- (a) The Minister shall, with approval of the Regional Government issue by-Law and directive as may be necessary.
- (b) The Minister shall, with the approval of the Regional Government, issue necessary procedures, orders and directives.

79. Ayeyarwady Fresh Water Fisheries Law (Law No: 2/2012) and (1/2013) shall be abolished by this law.

I, hereby, sign this law in accordance with the constitution of the Republic Of the Union Of Myanmar.

(Sd.)

Hla Moe Aung

Chief Minister

Ayeyarwady Region Government