


Content

Title :	The Fisheries Act 
Date :	2015.07.01
Legislative :	<ol style="list-style-type: none"><li>1. The full text of 49 Articles promulgated by the Nationalist Government on November 11, 1929, which became effective from July 1, 1930.</li><li>2. Article 2, Article 3, Article 18, Article 19, Article 34, Article 38, Article 39, and Article 47 amended and promulgated by the Nationalist Government on August 05, 1932.</li><li>3. The full text of 65 Articles amended and promulgated by the President on April 30, 1970.</li><li>4. Article 2 amended and promulgated by the President on January 06, 1986.</li><li>5. Amended and promulgated on February 1, 1991 by Presidential Order Hua-Tsung (1) Yi-Tzu No. 0670.</li><li>6. Article 2, Article 45, Article 48 and Article 69 amended and promulgated by Presidential Order Hua-Tsung (1) Yi-Tzu No. 09100120990 on June 19, 2002.</li><li>7. Article 7-1 and Article 53-1 added, Article 8 amended and promulgated by Presidential Order Hua-Tsung (1) Yi-Tzu No. 09100243580 on December 18, 2002.</li><li>8. Article 41 amended and promulgated by Presidential Order Hua-Tsung (1) Yi-Tzu No. 09700002351 on January 09, 2008.</li><li>9. Article 11-1 and Article 64-1 added, Article 64 amended and promulgated by Presidential Order Hua-Tsung (1) No. 10100264231 on November 28, 2012.</li><li>10. Article 69-1 added and promulgated by Presidential Order Hua-Tsung (1) No. 10200088111 on May 8, 2013.</li><li>11. Article 39-1, Article 41-1, Article 41-2 and Article 64-2 added, and Article 41, Article 43, Article 44, Article 60, Article 64 and Article 65 amended and promulgated by Presidential Order Hua-Tsung (1) No. 10200156101 on August 21, 2013.</li><li>12. Article 69-2 added and promulgated by Presidential Order Hua-Tsung (1) No. 10400013341 on 4 February 2015.</li><li>13. Article 40-1, Article 40-2, Article 63-1 and Article 63-2 added, and Article 57 and Article 68 amended and promulgated by Presidential Order Hua-Tsung (1) No. 10400075341 on July 1, 2015.</li></ol>
Content :	<p>Chapter 1 General Principles</p> <p>Article 1 This Act is enacted to conserve and rationally utilize aquatic resources, to increase fisheries productivity, to promote sound fisheries development, to guide and assist the recreational fishery, to maintain the orderly operation of the fisheries, and to improve the livelihood of fishermen.</p> <p>Matters not covered by this Act shall be governed by the provisions of other acts and regulations.</p> <p>Article 2 For the purpose of this Act, the term "competent authority" or "competent authorities" means the Council of Agriculture of the Executive Yuan at the central government, municipal governments at municipalities, and county/city governments at counties/cities.</p>

#### Article 3

For the purpose of this Act, the term “fishery” or “fisheries” means the industries of catching/harvesting, or of cultivating aquatic organisms, as well as the associated industries of processing, transportation, and marketing.

#### Article 4

For the purpose of this Act, the term “fishery operator” means the fishing right holders, the fisheries access privilege holders, or any other persons who engage in fisheries operation in accordance with the provisions of this Act.

For the purpose of this Act, the term “fishery employee” means any crew members of fishing vessels or any other persons who catch/harvest, or cultivate aquatic organisms for any fishery operator.

#### Article 5

Only nationals of the Republic of China may qualify as fishery operators. However, such limit is not applicable to any foreign national approved by the central competent authority to operate fisheries by means of cooperation with any fishery operator of the Republic of China.

#### Article 6

Any person who intends to operate fishery in the public waters or non-public waters adjacent thereto shall obtain approval given and fishing license issued by the competent authority prior to the operation.

#### Article 7

The competent authority may collect fees from applicants for the issuance of fishing licenses. The guidelines of granting license and the amount of the fees shall be prescribed by the central competent authority.

#### Article 7-1

The competent authorities at all levels shall not issue fishing licenses in the event that any of the following circumstances occurs:

- (1) Any fishery operator whose fishing license has been revoked by the fisheries competent authorities.
- (2) Any fishery operator whose vessels are forfeited by the courts or confiscated by the customs for engaging in illegal activities such as smuggling.
- (3) Any fishery operator who assumed a vessel that is imported without permission from the central competent authority.
- (4) Any fishery operator who is presently restrained or suspended the right to operate any fishery in accordance with Article 10 of this Act.
- (5) Any fishery operator whose fishing license is under the administrative disposition of suspension.
- (6) Any fishery operator who has not paid for the pecuniary fine in accordance with this Act.
- (7) Any fishing vessel whose previous fishery operator violates the provisions of this Act or regulations promulgated pursuant to this Act before the alteration of vessel ownership takes place, but who has yet been imposed punishment by the competent authorities.

#### Article 8

The building, modification, or chartering of any fishing vessel used by a fishery operator for the fishery operation shall obtain permission from the competent authority.

The exportation or importation of any fishing vessel shall obtain permission from the competent authority before being processed in accordance with regulations provided by the competent trade authorities.

The qualifications, conditions, application procedure and any other standards to be followed for the building, modification or chartering of any fishing vessel as referred to in paragraph 1, and the rights of exportation and importation as referred to in the preceding paragraph, shall be prescribed by the central competent authority.

#### Article 9

For the purposes of exploiting or conserving aquatic resources, or for the need of public interests, the competent authority may impose restrictions or conditions when giving approval to any fishery operation.

#### Article 10

Any fishery operator who violates the provisions of this Act or any other regulations promulgated pursuant to this Act, the central competent authority may restrain or suspend the operator's right to operate any fishery, or render administrative disposition of suspending his/her fishing license for not more than one year. Where the violation is considered gross, the central competent authority may withdraw the approval of the fishery operation or revoke the fishing license of the fishery operator.

Any fishery employee who violates this Act or any other regulations promulgated pursuant to this Act, the central competent authority may suspend the Certificate of Fishing Vessel Officer or Fishing Vessel Crew Identification for not more than one year. Where the violation is considered gross, the central competent authority may revoke the Certificate of Fishing Vessel Officer or Fishing Vessel Crew Identification.

#### Article 11

Where any of the following circumstances occurs, the competent authority shall revoke the approval of the fishery operation:

- (1) Any fishery operator who does not have any justification for not being able to undertake his/her fishery operation for more than one year as from the date of approval was given, or who suspends his/her fishery operation for more than two years without being approved from the commencement of the operation.
- (2) Any fishery operator who applies and is approved to operate fishery as a national of the Republic of China loses his nationality of the Republic of China.
- (3) Any applicant who obtains the approval of the fishery operation by fraud or illicit means.

Without stating justification and being approved by the competent authority, any fishery operator shall not suspend his fishery operation for more than one year. When the suspension ceases, the operator shall report the resumption of fishery operation to the competent authority for perusal. Any unreported case shall be

considered as not resumed.

#### Article 11-1

Any fishery operator' s fishing vessel whose fishing license or approval of fishery operation has been revoked, shall not leave port, except those have re-applied and been granted for fishing license by the competent authorities.

Any fishery operator' s fishing vessel, whose fishing license has been suspended or the right to operate fishery has been restrained or suspended, shall not leave port during the period of such administrative disposition.

Where any fishing vessel has left port before the punishment imposed by the central competent authority pursuant to Article 10, paragraph 1 or Article 11, paragraph 1, or leaving port in violation of the provisions of the preceding two Paragraphs, the central competent authority shall command the vessel to return to port within the designated time limit.

Where any fishing vessel leaving port in violation of the provisions of paragraph 1 or 2, the central competent authority may commission the authority of Coast Guard to take appropriate measures to prevent the vessel from leaving port or command it to return to port immediately; In case of any resistance, the authority may take compulsory measures.

#### Article 12

For the purposes of maintaining the orderly operation of fishing vessels and safety of navigation and operation, the central competent authority shall prescribe regulations on the management of crew members of fishing vessels.

#### Article 13

For the purposes of adjusting the fisheries structure, the competent authority may establish a fisheries advisory committee, which consists of experts, scholars, fisheries associations, and officials from relevant government agencies. The fisheries advisory committee shall be organized, functioned, and operated in accordance with regulations prescribed by the central competent authority.

#### Article 14

The competent authority shall, by the types of fishery, respectively adopt and promulgate regulations on the facilities of fishing grounds, methods of catching, harvesting and cultivating, as well as on fishing gears and any other matters as deemed necessary.

### Chapter 2 Fishing Right Fishery

#### Article 15

For the purpose of this Act, the term "fishing right" means any of the following rights:

- (1) Set net fishing right: the right to set up underwater rocky cliffs, build fences or install fishing gears within a specific water area for catching or harvesting aquatic animals.
- (2) Demarcated fishing right: the right to partition a specific water area for operating aquaculture.
- (3) Exclusive fishing right: the right to use a specific water

area to form a fishing ground for fisheries access privilege holders to operate one of the following fisheries:

- (a) Catching or harvesting aquatic organisms.
- (b) Aquaculture.
- (c) Catching or harvesting aquatic animals with anchored fishing gears within the waters at a depth of twenty-five meters or less.

Only fishermen' s associations or fisheries production cooperatives can qualify as exclusive fishing right holders as referred to in the preceding paragraph.

#### Article 16

For the purpose of this Act, the term "fisheries access privilege" means the right to operate fishery within the area of the authorization of exclusive fishing right.

#### Article 17

The competent authority shall, according to the production of fishery resources and taking into account minerals exploration and exploitation, navigation, irrigation, environmental protection, and other public interests, make an integrated plan with respect to the fishing right fishery in public waters and shall elaborate and regularly publicize relevant programs annually, as well as accept applications for fishing rights.

The programs as referred to in the preceding paragraph may be revised according to practical needs, and the revision shall be promulgated.

#### Article 18

Set net and demarcated fishing rights shall be granted in accordance with the following order of priority:

- (1) Any fishery operator or fishery employee whose household registered in the township/town /city /district where the fishing ground is located.
- (2) Any fishermen' s association or fishery production cooperative registered in the township /town /city /district where the fishing ground is located.
- (3) Any fishery operator or fishery employee whose household registered in the municipality /county /city where the fishing ground is located.
- (4) Any fishermen' s association or fishery production cooperative registered in the municipality/county/city where the fishing ground is located.
- (5) Any non-fishery operator or non-fishery employee whose household registered in township town/city/district where the fishing ground is located.
- (6) Any non-fishery operator or non-fishery employee whose household registered in municipality/county/city where the fishing ground is located.
- (7) Any fishery operator or fishery employee whose household registered in other municipalities/counties/cities.
- (8) Any non-fishery operator or non-fishery employee whose household registered in other municipalities/counties/cities.

Any fishery operator applying for continuous operation before the expiration of his fishing right shall not be subject to limit of the order of priority as referred to in the preceding paragraph.

#### Article 19

Any fishermen' s association or fishery production cooperative

approved to operate exclusive fishing right shall draft rules on fisheries access and report to the competent authority for approval.

Fisheries access undertaken by any non-member of fishermen's association or fishery production cooperative shall be concluded by a contract separately.

#### Article 20

The fishing right shall be considered as a right in rem. Except as this Act otherwise provides, the provisions of the rights in rem of real property in the Civil Code shall, mutatis mutandis, apply.

#### Article 21

The creation, acquirement, alternation, and loss of fishing right will not effect until the recordation has been made.

In rendering administrative disposition pursuant to Articles 10, 11 and 29 regarding set net fishing right, demarcated fishing right and exclusive fishing right, the competent authority shall also register such administrative disposition to the respective fishing right.

In processing the registration of fishing rights, the competent authority may charge the applicant registration fees. The regulations on registration and the amount of fees shall be prescribed by the central competent authority.

#### Article 22

In matters regarding to fishing rights whose jurisdiction residing in court for the place where the real property is located, the place where the real property is located should be the municipality or city/county whose coast closest to the fishing ground.

#### Article 23

Exclusive fishing right shall not be the subject of any other rights or juridical acts other than entitling the holders to have fisheries access.

#### Article 24

Set net fishing right and demarcated fishing right shall not be the subject of any other rights or juridical acts except for succession, transfer, and mortgage.

#### Article 25

Unless approved by the competent authority, no mortgage shall be created over the fishing right as referred to in the preceding article, nor shall such right be transferred unless otherwise arises out of a compulsory execution and the approval of the competent authority has been duly granted.

A fishery operator or fishery employee shall be preferred to be the transferee of the compulsory execution and the transfer as referred to in the preceding paragraph.

Except as otherwise provided in a contract, the working articles grounded within a fishing ground over which a mortgage has been registered shall be deemed as the subject of the mortgage created.

#### Article 26

Except as the competent authority otherwise approves, the fishing right shall neither be merged nor subdivided.

#### Article 27

Unless consented by at least two-thirds of the other joint-holders who hold their respective percentage shares, the joint-holders of set net fishing right, demarcated fishing right or fisheries access privilege shall in no event dispose of their respective percentage shares.

The provision of the preceding paragraph shall, mutatis mutandis, apply to the fishing right jointly held by public bodies.

#### Article 28

The term of fishing rights shall be as follows:

- (1) Set net fishing right: 5 years.
- (2) Demarcated fishing right: 5 years.
- (3) Exclusive fishing right: 10 years.

Upon the expiration of the term as referred to in the preceding paragraph, the fishing right holder may be preferred to apply for renewing the respective right.

#### Article 29

The competent authority may alter or revoke its approval to fishing right or suspend the operation of any fishing right, if any of the following circumstances occurs:

- (1) Requirements of national defense.
- (2) Economic utilization of land.
- (3) Conservation of aquatic resources.
- (4) Requirements of environmental protection.
- (5) Navigation and anchorage of any vessel.
- (6) Laying of underwater pipelines and cables.
- (7) Exploration and exploitation of minerals.
- (8) Requirements of other public interests.

Before rendering any administrative disposition as referred to in the preceding paragraph, the competent authority shall publicize such disposition in advance and notify all fishery operators concerned.

Where the administrative disposition as referred to in paragraph 1, cause any loss to the fishery operator, the relevant competent authority or the party claiming alteration, revocation, or termination shall reconcile the operator to make appropriate compensation for the losses. Should the reconciliation fails, the central competent authority shall decide the content of the compensation.

#### Article 30

The fishery access privilege shall not be the subject of other rights or juridical acts except for succession and transfer.

#### Article 31

The term of a fishery access privilege that is not specified shall be valid for a term as that of an exclusive fishing right.

#### Article 32

An exclusive fishing right holder may collect fishery access fees from fishery access privilege holders. The amount of the fees shall be enunciated in the rules or the contract of fishing access.

#### Article 33

The fishing right holder may, with the consent of the land owner or land user, utilize the land or limit the removal of bamboo, timber, soil and stones from the land, if it is deemed necessary for the followings:

- (1) To build signs of the fishing ground.
- (2) To build or maintain necessary signs within the fishing ground.
- (3) To build beacons or other necessary facilities relating to fishing right.

#### Article 34

For the purposes of fisheries survey, site investigation, or the building of facilities as referred to in any subparagraph of the preceding article, the fishing right holder may, with the consent of the land owner and land user, access to the land or remove any obstruction from the land.

#### Article 35

If any of the circumstances as referred to in the preceding two Articles is deemed as necessary but fails to obtain consent, the fishing right holder may apply to the competent authority for approval and take the said action after the approval is granted. In case that approval is granted, the competent authority shall publicize it and notify the said land owner and user. Any loss incurred should be borne by the applicant through appropriate compensation.

### Chapter 3 Directed Fisheries

#### Article 36

For the purpose of this Act, the term "directed fishery" means the fishery authorized by the competent authority for the use of fishing vessels to catch or harvest aquatic organisms for commercial purposes.

The authorizations of fishery operation as referred to in the preceding paragraph shall include the types of fishery, operating period and operating areas, and such items shall be stipulated in the fishing license.

#### Article 37

The competent authority may impose restrictions on respective directed fishery regarding the total number and tonnage of the fishing vessels, operating areas, operating period and other matters, if any of the following circumstances occurs:

- (1) Conservation of aquatic resources.
- (2) Adjustment of fisheries structure.
- (3) Restriction of international fisheries agreements or fisheries cooperation with foreign countries.

#### Article 38

Where the restrictions imposed in accordance with the provisions of the preceding Article on the total number of fishing vessels within respective directed fishery requires the reduction of the



approved number of fishing vessels, the fisheries association of the particular directed fishery shall coordinate with the operators for the reduction. The operators who continue their operation shall compensate those who are restricted. Provided that those fishing vessels imposed restrictions may operate other types of fishery, no compensation needs to be given. Should no coordination be reached, the competent authority shall mediate between the relevant operators, and make a decision at its discretion if such mediation fails.

Where the restrictions as referred to in the preceding paragraph cause termination of the fishery operation and revocation of the fishing license, the competent authority shall make appropriate compensation accordingly.

#### Article 39

Any fishery operator whose fishing vessels and crew members operate in foreign bases shall obtain approval from the central competent authority. The central competent authority shall prescribe regulations governing such operations.

#### Article 39-1

Where a fishing vessel whose operating areas approved by the central competent authority contain the high risk areas being threaten by pirates or illegal armed force, the fishery operator may hire privately contracted armed security provided by the private maritime security corporations.

The fishery operator as referred to in the preceding paragraph shall report to the central competent authority for perusal with enclosure of relevant documents for each vessel. The central competent authority shall forward such information to the Ministry of Interior, Ministry of Finance, and Coast Guard Administration of Executive Yuan.

The fishery operator shall request the employed privately contracted armed security who is not a national of the Republic of China to embark or disembark the vessel abroad with the firearms, ammunitions or knives possessed or used by him/her, and shall not enter into the territory of the Republic of China other than the fishing vessel that has been reported for perusal to be safeguarded.

The high risk areas of threat as referred to in paragraph 1 shall be promulgated by the central competent authority.

The procedures of reporting for perusal, documents required to be attached such as the fishing licenses, employment plan and insurance plan, the regulations governing the management of privately contracted armed security and the firearms, ammunitions or knives possessed or used by them, the record of use and other requirements as addressed in paragraph 2, shall be prescribed by the central competent authority.

The central competent authority shall integrally collect the relevant information on private maritime security corporation for reference to the fishery operator.

#### Article 40

For the purposes of meeting the need of fisheries development and promoting fisheries cooperation with foreign countries, the central competent authority shall prescribe rules governing fisheries cooperation with foreign countries.

#### Article 40-1

Fishing vessels which intend to fish on the high seas or convention areas regulated by international fisheries organizations which the Republic of China has joined with agreements or arrangements shall obtain authorization from the central competent authority, and shall comply with management measures adopted by such international fisheries organizations.

Any of the fishing vessel referred to in the preceding paragraph shall not conduct any of the following activities:

- (1) Operating driftnet fishery on the high seas or convention areas regulated by international fisheries organizations which the Republic of China has joined with agreements or arrangements;
- (2) Fishing during closed season or in closed area promulgated by international fisheries organizations;
- (3) Providing its own catch certificate documents for other fishing vessels, or using catch certificate documents of other fishing vessels for selling catches caught by itself.

The qualifications for authorization, terms and conditions, required documents, procedures for application, management measures adopted by international fisheries organizations with respect to the following matters, as addressed in paragraph 1 of this Article, and other requirements shall be prescribed by the central competent authority:

- (1) The total number, tonnage and equipment of fishing vessels;
- (2) Operating areas and periods;
- (3) Fishing gears, methods, and mitigation measures for bycatch;
- (4) Restriction or prohibition on catch species;
- (5) Catch limit or quota;
- (6) Filling in logbooks and catch reports;
- (7) Marking of fishing vessels and fishing gears, and reporting of vessel positions;
- (8) Disposal of catches and management of landing;
- (9) Observation or inspection on fishing vessels operation;
- (10) Issuance of catch certificate documents.

Fishing vessels shall not transport catches caught by other vessels nor allow other vessels to transport catches caught by the fishing vessels themselves without authorization. The qualifications for authorization, terms and conditions, required documents, procedures for application, notification and procedures for transshipment of catches, inspection and other requirements shall be prescribed and implemented by the central competent authority, taking into consideration the management measures adopted by international fisheries organizations.

#### Article 40-2

The nationals of Republic of China, when employed on board foreign fishing vessels, shall not conduct any of the activities set forth in Article 40-1, paragraph 2 and 4, and shall not contravene management measures adopted by international fisheries organizations with respect to any subparagraph stipulated in paragraph 3 as well as notification and procedures for catches transshipment and inspection provisions of paragraph 4 of the same Article.

### Chapter 4 Recreational Fishery

#### Article 41

For the purpose of this Act, the term "recreational fishery" means

the fishery using fishing vessels for recreational purposes, or for passengers to catch or harvest aquatic organisms or to engage in sightseeing on the water or on islands or islets.

Any fishery operator engaging in recreational fishery as referred to in the preceding paragraph shall apply to the competent authority and can only operate after the license is granted.

The operating period of recreational fishery approved by the competent authority shall not be more than five years, and shall not exceed the validity period of vessel inspection and insurance.

Any fishery operator as referred to in paragraph 2 intends to continue its operation shall apply for the renewal of license at least three months prior to its expiration.

The regulations on the application, alternation, abolishment, renewal of fishing license for recreational fishery and other matters should be recorded on the license as addressed in paragraph 2, shall be prescribed by the central competent authority.

#### Article 41-1

The inspection, measurement, certified passenger quota, navigable waters, and other compliance matters of full-time or part-time recreational fishing vessels, shall be subject to the regulations prescribed by the shipping administration authority on passenger ship and passenger small ship.

Any recreational fishing vessels shall not carry passengers in excess of the passenger quota certified pursuant to the preceding paragraph, and shall not carry passengers outside the navigable waters specified pursuant to the preceding paragraph.

#### Article 41-2

Any fishery operator of recreational fishing vessel shall subscribe to liability insurance in accordance with the amount provided by the central competent authority, and shall subscribe to insurance covering injuries to passengers.

The beneficiary of the insurance policy as referred to in the preceding paragraph shall be limited to the insured party or his/her legal heir(s), without being subject to Article 135 of the Insurance Act applying mutatis mutandis to Article 105 and Article 107 of the same act.

Upon expiry of the insurance as referred to in Paragraph 1, the fishery operator shall obtain renewal.

#### Article 42

The recreational fishery operator shall obtain the consent of the exclusive fishery right holder and comply with the rules prescribed by the said holder prior to operate within the waters covered by the exclusive fishing right. The exclusive fishing right holder cannot withhold his consent without justification.

#### Article 43

Regulations governing the items of activities, methods of catching or harvesting aquatic organisms, time limit of being out at sea, operating areas, numbers of fishing vessel, tonnage and length of fishing vessel, procedures on the entering and leaving port for fishing vessels, qualifications of fishing vessel officer or

pilot, and other requirements, shall be prescribed by the central competent authority.

## Chapter 5 Conservation and Management

### Article 44

For the purposes of resources management and fisheries structure adjustment, the competent authority may promulgate regulations on the following matters:

- (1) Restriction or prohibition of the catching, harvesting, or processing of aquatic organisms.
- (2) Restriction or prohibition of the sale or possession of aquatic organisms or the products made therefrom.
- (3) Restriction or prohibition of the use of fishing gears and fishing methods.
- (4) Restriction or prohibition of fishing area and fishing period.
- (5) Restriction or removal of any object obstructing the migratory routes of aquatic animals.
- (6) Restriction or prohibition of placing or dumping of objects harmful to aquatic organisms.
- (7) Restriction or prohibition of placing or removal of protective objects necessary for the propagation of aquatic organisms.
- (8) Restriction or prohibition of transplantation of aquatic organisms.
- (9) Other matters as deemed necessary.

Any fishery operator violating any provisions of subparagraph 4 to 9 of the preceding paragraph, shall be imposed with administrative disposition by the authority that made the promulgation.

The municipal or county (city) competent authorities shall report to the central competent authority for approval prior to any promulgation pursuant to the provisions of paragraph 1.

### Article 45

For the purposes of conserving aquatic resources, the competent authority may designate and establish on aquatic organisms propagation and conservation zone.

The establishment of aquatic organisms propagation and the conservation zones shall be subject to the approval of the municipal competent authority. In the case of the county(city), the competent authority shall submit a management plan of the conservation zones to the central competent authority for approval and promulgate the establishment after being approved. In case of the establishment of conservation zone involving two or more provinces (municipalities), it shall be reported to the central competent authority for approval.

The municipal/county/city competent authority with jurisdiction over the conservation zone shall be responsible for the management of the conservation zone. Where the jurisdiction over the waters on which the conservation zone established is extended over two or more provinces/municipalities/counties/cities or is not clear, the central competent authority shall appoint an agency to manage the conservation zones.

### Article 46

For the purposes of conserving aquatic resources, the competent authority may undertake survey on respective directed fishery regarding its catch volume, operation conditions and sea

conditions.

In undertaking the investigation as referred to in the preceding paragraph, the competent authority may request the fishery operator or fishery employee to submit a report on catch volume, operation period, fishing gears, fishing methods and other relevant reports. The fishery operator or the fishery employee shall not refuse.

#### Article 47

The regulations governing the conservation and management of aquatic resources shall be drafted by the central competent authority and submitted to the Executive Yuan for approval.

#### Article 48

Aquatic organisms shall not be caught or harvested by the use of:

- (1) Toxic substances.
- (2) Explosives or other dynamites
- (3) Electricity or other narcotics.

The restrictions provided in the preceding paragraph shall not apply to those for experimental and research purposes and with permission from the central/municipal competent authority.

#### Article 49

When the competent authority deems necessary, it may designate an officer to the fishing vessel or other relevant sites of the fishery operator to inspect the operator's catch, fishing gears, account books, and other objects, as well as to question any relevant party who shall not refuse.

In carrying out the inspection as referred to in the preceding paragraph, where the officer finds any offense of crime regarding fisheries but is not in the position to request the judicial authority to proceed with search or attachment, the officer may provisionally seize the fishing vessel, the catch, or any other object that may serve as evidence of the crime committed. In case that any other violation of the provisions of this Act is found, the catch, the fishing gears and other objects may be sealed.

The seizure or seal undertaken in accordance with the preceding paragraph shall be witnessed by any person in charge of the fishing vessel or the site, or any other civil servant. An inventory shall be made in respect of the objects attached or sealed.

In carrying out the inspection, the officer as referred to in Paragraph 1 shall produce his/her identification and the authorization specifying the scope of inspection. Failure to do so, the person to be inspected may refuse such inspection.

#### Article 50

Where any dispute arises concerning the operation areas, fishing grounds, or the methods of catching, or aquaculture, the fishery operator may apply to the competent authority for mediation.

#### Article 51

Where there are more than one fishing methods used within the same fishing ground, the competent authority may, in consultation with fishery operators, prescribe rules for operation.

## Chapter 6 Fishery Development

### Article 52

For the purposes of facilitating accommodation of fisheries fund, the competent authority shall, in consultation with the authorities concerned, consult with financial institutions in providing various fishery loans.

Whenever necessary, the financial and the fisheries competent authorities may approve the establishment of fisheries financial institutions.

### Article 53

For the purposes of promoting fisheries investment and assuring fisheries security, the competent authority shall coordinate with the authorities concerned to conduct various fisheries insurance programs, or shall designate fishermen's associations or consult with public or private insurance institutions to undertake the programs.

### Article 53-1

For the purposes of protecting fishermen's lives and property safety, the competent authorities may prescribe regulations regarding salvage operations for fishing vessels in maritime distress, succors for fishermen and fishing vessels in distress, awards to motor-powered vessel owners, and insurance to fishermen in their sea operations.

### Article 54

For the purposes of assuring fishery security and maintaining the orderly operation within fishing areas, the competent authority shall conduct the following matters:

- (1) The construction and maintenance of fishing ports and fisheries infrastructures.
- (2) The disposition of patrol fleets to perform the duties of salvage, patrol, and fishery protection.
- (3) The establishment of fisheries radio broadcasting stations.
- (4) The establishment of safety facilities such as beacons, sign poles and weather forecasting systems.
- (5) The prescription of regulations governing the operation of fishing grounds and fishing vessels.
- (6) The requisition to the Ministry of Defense and other authorities concerned for necessary assistance and protection.

### Article 55

The competent authority may provide awards or incentives to those who have performed any of the following:

- (1) Improving facilities which are conducive to fisheries safety and salvage.
- (2) Improving fishing vessels, fishing gears, fishing methods or processing methods of fisheries products, with remarkable result.
- (3) Promoting fisheries education or conducting fisheries research, with remarkable result.
- (4) Exploiting fisheries resources which are conducive to fisheries development.
- (5) Any other performance with significant contribution to fisheries development.

The regulations governing the awards and incentives as referred to in the preceding paragraph shall be prescribed by the central

competent authority.

#### Article 56

For the purposes of promoting fisheries development, the government shall establish fisheries development fund. The competent authority shall propose the amount of the said fund to the Executive Yuan for approval, and duly appropriate its budget accordingly.

The Executive Yuan shall prescribe regulations governing the incomes and expenditures, custody and utilization of the fisheries development fund.

#### Article 57

For the purposes of coping with price fluctuation of fisheries products and stabilizing the market of fisheries products, the competent authority may take applicable guiding measures to maintain the stabilization of price and sustainable development of industries.

#### Article 58

Fishing vessels, fishing gears, or materials for fishing imported for the purposes of fisheries production, shall be exempted from or reduced from import duties in case such items are not manufactured domestically or the quantity of those domestically manufactured is insufficient to meet the demand. Any item imported by fisheries research institutes for experimental and research purposes shall be exempted from import duties.

The Executive Yuan shall decide and promulgate those items eligible for exemption or reduction of import duties and the applicable criteria as referred to in the preceding paragraph.

#### Article 59

Fuel for powered equipment used in fisheries shall be exempted from commodity tax. The Executive Yuan shall decide the standard of preferential price of the fuel for powered equipment used in fisheries.

### Chapter 7 Penal Provisions

#### Article 60

Any person who violates the provisions of any subparagraph of Article 48, paragraph 1 shall be subject to imprisonment for a period of not exceeding five years, short-term imprisonment, or in addition thereto a fine of not exceeding one hundred and fifty thousand New Taiwan Dollars.

Any person who violates the rules promulgated by the competent authority pursuant to subparagraph (1) and (2) of Article 44, paragraph 1 shall be subject to imprisonment not exceeding three years, short-term imprisonment, or in lieu thereof or in addition thereto a fine of not exceeding one hundred and fifty thousand New Taiwan Dollars.

#### Article 61

Any person who violates the rules promulgated by the competent authority pursuant to Article 44, subparagraph (3) shall be subject to imprisonment not exceeding six months, short-term imprisonment, or in lieu thereof or in addition thereto a fine of

not exceeding thirty thousand New Taiwan Dollars.

#### Article 62

Any person who undertakes any of the following activities shall be liable to short-term imprisonment or in lieu thereof a fine of not exceeding one hundred and fifty thousand New Taiwan Dollars:

- (1) Altering the fishing vessel's name or the registration number.
- (2) Removing, vitiating, or destroying the signs on any fishing grounds or fishing gears.
- (3) Setting up fences, buildings, or any fishing gears to obstruct the migratory routes of fish without permission.

#### Article 63

Where the representative of a juridical person, the agent or employee of a juridical person or natural person, or any other employee, in performing his duty, violates the provisions of Articles 60 to 62, the offender shall be punished pursuant to the provisions of the respective article. In addition thereto, the relevant juridical person or natural person shall be imposed with a fine for the amount as specified in the relevant article.

#### Article 63-1

In case of any of the following circumstances, the central competent authority shall impose punishment on fishery operators and fishery employees pursuant to Article 10:

- (1) Violating Article 40 for fishing in waters of foreign countries without authorization of the central competent authority.
- (2) Violating Article 40-1, paragraph 1, for fishing on the high seas or convention areas regulated by international fisheries organizations which the Republic of China has joined with agreements or arrangements without the authorization of the central competent authority.
- (3) Violating any subparagraph of Article 40-1, paragraph 2.
- (4) Violating provisions of Article 40-1, paragraph 4, for fishing vessels transporting catches caught by other vessels or allowing other vessels to transport catches caught by the fishing vessels themselves without authorization,

In case of any of the following circumstances, the central competent authority shall impose on fishery operators and fishery employees a fine between thirty thousand and three hundred thousand New Taiwan Dollars, or punishment pursuant to Article 10:

- (1) Violating management measures adopted by international fisheries organizations with respect to any subparagraph of Article 40-1, paragraph 3.
- (2) Violating the notification and procedures for catches transshipment and inspection provisions stipulated in Article 40-1, paragraph 4.

#### Article 63-2

Any national of Republic of China, when being employed on foreign fishing vessels and violating Article 40-2, shall be subject to a fine between thirty thousand and six hundred thousand New Taiwan Dollars.

#### Article 64

Any person who undertakes any of the following activities shall be liable to a fine of between thirty thousand and three hundred thousand New Taiwan Dollars:



- (1) Operating fisheries in violation of the provisions of Article 6.
- (2) Violating the administrative disposition imposed by the competent authority pursuant to Article 29, paragraph 1.
- (3) Continuing to operate fisheries after his fishing license has expired and application for renewal of the license has not been duly approved.
- (4) Not being inspected or measured pursuant to provisions of Article 41-1, or carrying passengers in excess of the assenger quota or outside the navigable waters as certified.

#### Article 64-1

Where any fishing vessel leaving port in violation of the provisions of Article 11-1, paragraph 1 or 2, the fishery operator or vessel owner shall be liable to a fine of between sixty thousand and three hundred thousand New Taiwan Dollars.

Where any fishing vessel that does not return to port within the designated time limit pursuant to Article 11-1, paragraph 3, the fishery operator or vessel owner shall be liable to a fine of between sixty thousand and three hundred thousand New Taiwan Dollars, and the fine may be repeatedly imposed on a daily basis.

#### Article 64-2

Any fisheries operator who undertakes any of the following activities shall be liable to a fine of between sixty thousand and three hundred thousand New Taiwan Dollars:

- (1) Violating the provisions of Article 39-1, paragraph 2, for hiring privately contracted armed security without reporting to the central competent authority for perusal in advance.
- (2) Violating the provisions of Article 39-1, paragraph 3, for that the privately contracted armed security who is not a national of the Republic of China and employed by the fishery operator, does not embark or disembark the vessel abroad with the firearms, ammunitions or knives possessed or used by him/her, or enters into the territory of the Republic of China other than the fishing vessel that has been reported for perusal to be safeguarded.

#### Article 65

Any person who undertakes any of the following activities shall be liable to a fine of between thirty thousand and one hundred and fifty thousand New Taiwan Dollars:

- (1) Violating the restrictions or conditions imposed pursuant to Article 9.
- (2) Violating matters as promulgated pursuant to Article 14.
- (3) Violating the provisions or restrictions pursuant to Article 36 or Article 37.
- (4) Failing to apply for license pursuant to Article 41, paragraph 2.
- (5) Failing to renew the license and continuing to operate recreational fisheries in violation of the provisions of Article 41, paragraph 4.
- (6) Violating any of the provisions of subparagraph (4) to (9) of Article 44, paragraph 1.
- (7) Refusing, evading, or obstructing an inspection carried out pursuant to Article 49, paragraph 1, or refusing to answer to the officers' queries without good cause or making false statement.
- (8) Violating the regulations prescribed pursuant to Article 54 subparagraph (5).
- (9) Violating the orders issued by the competent authority pursuant to this Act.

#### Article 66

Any person who undertakes any of the following activities shall be liable to a fine of between fifteen thousand and seventy-five thousand New Taiwan Dollars:

- (1) Violating the provisions of Article 11, paragraph 2 in suspending operation for more than one year without approval.
- (2) Refusing, evading or obstructing the inspection carried out pursuant to Article 46, paragraph 1, or violating the provisions of Article 46, paragraph 2 by refusing to submit a report.
- (3) Violating the rules for operation prescribed pursuant to Article 51.

#### Article 67

Fines imposed in accordance with this Act not paid within the designated time limit shall be transferred to the court for compulsory execution.

#### Article 68

In addition to the punishment imposed pursuant to Article 60, Article 61, Article 62, subparagraph (3), Article 63-1, Article 64, and Article 65, subparagraph (1) to (3), (6) to (8), the catches or fishing gears involved may also be confiscated or forfeited. In addition to the punishment imposed pursuant to Article 63-1, paragraph 1, the fishing vessels involved may also be forfeited. In case the whole or part of such catch, fishing gears, or fishing vessels cannot be confiscated or forfeited, the value of such catch, fishing gears or fishing vessels shall be collected.

### Chapter 8 Supplementary Provisions

#### Article 69

The regulations for registration and management of inland aquaculture shall be prescribed by the municipal/county/city competent authority.

The municipal/county/city competent authority may plan and set up an aquaculture production area in which the environment is appropriate for developing aquaculture or presently fish farms concentrated. The regulations for the establishment and management shall be prescribed by the central competent authority.

Any aquatic organisms that involved in genetic breeding and transference shall run prior field tests and safety assessments before promotion and utilization. The regulations on the field test and breeding management of genetic bred and transferred aquatic organisms shall be prescribed by the central competent authority.

#### Article 69-1

In the event that the Republic of China has signed fisheries agreement (or arrangement) for the overlapping exclusive economic zones with any neighboring country, any fishing vessel and fisheries employee of that country operating in the area within the agreement (or arrangement), shall comply with the requirements of that agreement (or arrangement).

The requirements of the agreement (or arrangement) as referred to in the preceding paragraph, shall be promulgated by the central competent authority and published in the government gazette.

Article 69-2

Starting from 1 January 2009 till this Act amended on 22 January 2015 becomes effective, during which the foreign crew members were hired by fishery operators without obtaining national health insurance cards, such foreign crew members are exempted from Article 9 of the National Health Insurance Act.

Article 70

The central competent authority shall prescribe the enforcement rules of this Act.

Article 71

This Act shall enter into force on the date of promulgation.

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Data Source : MONISTRY OF AGRICULTURE Laws and Regulations Retrieving System