

UNITED KINGDOM OF LIBYA

LAW No.8 of 1962

REGULATING FISHING

We, Idris I, King of the United Kingdom of Libya,

The House of Elders and the House of Representatives have approved the following Law and we do hereby endorse and promulgate

PART I

INTRODUCTORY PROVISIONS

Article 1

Fishing may be conducted in Libyan territorial waters except in areas where fishing is prohibited by order of the Nazir of Communications of the Province concerned.

Article 2

An office, to be known as the Maritime Fishing Office, shall be established in each of the Ports of Benghazi and Tripoli, and shall be charged with the responsibilities stipulated under this Law.

Article 3

A Fisheries Department shall be established within the Ministry of Industry, with a subordinate Advisory Committee on which the Provinces shall be represented. The Advisory Committee shall be charged with the consideration of subjects relative to the promotion and development of the fishing industry and to the consumption of its produce on a larger scale, with particular reference to the following:-

a) Conduct of research work and the collection and publication of information and statistics in respect of fisheries and fishing, marketing and processing of fish.

b) Formulation of sound policies and regulations for the fishing industry.

c) Provision of guidance and direction to the most up-to-date ways and means employed in fishing and in the handling, preservation, transportation and processing of fish; advice and assistance towards increased production and more extensive marketing; encouragement for fishermen to comply with such directions and training for labour employed in fisheries.

d) Proposal of the necessary measures for helping fishermen and providing them with modern implements and equipment.

e) Encouragement and assistance towards the establishment and administration of fishery cooperatives.

f) Consultation and cooperation, when necessary, with the competent foreign and international organizations with a view to realizing the above purposes.

g) Proposal of regulations deemed necessary for fostering, protecting, administering, exploiting and improving fisheries and attendance to other issues related to fishing or the fish industry.

## PART II

### ISSUE OF FISHING LICENCES

#### Article 4

No one may fish for commercial purposes unless he holds a fishing licence. Authorization for fishing shall be established either by a special licence or by concession of fishing rights in all or certain maritime areas.

The licence shall be issued in accordance with provisions in this Law. Tunny fishing shall be in accordance with the terms and conditions stipulated in a special Regulation to be issued by the Minister of Industry after consultation with the Nazirs of Communications in Cyrenaica and Tripolitania.

#### Article 5

The fees to be collected for the issue of fishing licence to vessels and fishermen shall be fixed by order of the Minister of Industry after consultation with the Provinces.

#### Article 6

Fishing for commercial purposes may be conducted only by fishing vessels registered in Libya in accordance with the provisions of the Libyan Maritime Law. Foreign vessels may not fish except when such fishing is by virtue of conventions to which Libya is a party and after they have obtained authorization for fishing from the Nazir of Communications of the Province concerned, or by his authorized representative, with the approval of the Minister of Industry.

When such agreements do not exist the Nazir, or his authorized representative, may permit the issued of a number of licences to foreign vessels if he considers that this entails an economic advantage to the country and provided that the prior approval of the Ministry of Industry has been obtained.

#### Article 7

Applications for licences shall be submitted to the Maritime Fishing Office in the Province concerned. The applicant shall comply with the following requirements:-

a) He must be of Libyan nationality or permanently residing in Libya in accordance with provisions of the Libyan Law before this Law came into force.

b) If he has five or more boats employed in fishing his name must be registered in the commercial register.

#### Article 8

Applications for licences shall include the following details:

a) Name, surname, nationality and place of residence of the applicant and whether the vessel is owned or chartered by him.

c) Name, nationality, port and number of registration of the captain whom the applicant wishes to employ and the number names and addresses of fishermen and seamen engaged on the vessel.

#### Article 9

The Nazir of Communications, or his authorized representative, shall issue a separate licence for each vessel on the responsibility of the licensee without involving thereby any responsibility on the issuing authority, be it towards the seamen or anybody else.

The maximum number of crew for each vessel shall be indicated on the licence which the captain shall produce whenever requested to do so by a competent official. The fishing licence shall be carried on the vessel.

#### Article 10

Licences shall be granted to fishermen only when they answer to conditions of qualification which shall be set out in bylaws.

Provisions dealing with issue of fishing licences to fishermen who carry out their work without using boats, including amateurs, shall also be made in the bylaws.

#### Article 11

Without prejudice to provisions contained in this Law foreign vessels whose owners apply for fishing permits shall be subject to the following conditions:-

1. The application should be submitted through the Consul of the State to which the vessel belongs, or by his authorized representative, through the Ministry of Foreign Affairs and the Ministry of Industry.
2. Official testimonials, endorsed by the Consul, shall be submitted indicating the following.
  - a) That the vessel is sea-worthy, and its machinery is in a sound condition.
  - b) That the vessel conforms with sanitary requirements and has on board the medical supplies necessary for first aid treatment.
  - c) That the vessel is stocked with wholesome food provisions which are kept in hygienic larders, and that it undertakes to buy such provisions in Libya for the duration of its operations in Libyan territorial waters.
  - d) That the crew have undergone medical examination by the competent authorities of the country to which the vessel belongs.
  - e) That the owner of the vessel has contracted insurance against accidents with accredited insurance agencies in his country or in Libya and that the extent of responsibility for such insurance covers Libya.



#### Article 12

Licences shall expire on the 31st December of the year in which they are issued. They may be renewed for further periods provided that application for renewal is made before the date of expiry of the licence.

The licensee may not abandon his obligations under his licence without permission from the issuing authority.

### PART III

#### FISHING VESSELS AND THEIR INSPECTION

#### Article 13

The owner shall provide fishing vessels with adequate and reliable boats and equipment for the rescue of crew members and the licence shall not be given except after these have been inspected. The Captain shall make sure of the presence of these boats and equipment before his vessel takes to sea.

The bylaws shall determine the conditions governing allocation of rescue boats.

#### Article 14

Without prejudice to provisions made under Article 11 of this Law every fishing or rescue vessel with a capacity of more than five tons shall be presented for inspection before the licence is granted. Inspection shall be carried out after the vessel has been fitted in order to make sure that the following conditions were met:-

- a) That its machinery and equipment are in good condition
- b) That spare parts for the engine and fishing gear are available.
- c) That fishing gear is available and fit for use.
- d) That food provisions are adequate and stored in hygienic places.
- e) That crew members are medically fit.
- f) That the medicine chest contains the drugs and medical supplies which may be needed for the vessel's crew

#### Article 15

Inspection of vessels shall be conducted as follows :

- a) A marine surveyor shall undertake inspection of the vessel, navigational apparatus and rescue boats and their equipment.
- b) An engineer surveyor shall examine the vessel's engine and all its instruments and machinery.
- c) A Medical Officer delegated by the port authorities shall check on the health of sailors and fishermen and make sure that the medical chest contains the necessary drugs and medical supplies.

on the bows, to be spaced as prescribed by the Port Administration, indicating that they are rigged for fishing. The letter (C) shall be added if the vessel is licensed to operate in Cyrenaica and the letter (T) if licensed to operate in Tripolitania.

These characters shall be painted on the fore-sides of the vessel, to the satisfaction of the Fishing Office concerned, in addition to any other marks required by Law. They shall be kept in a neat condition, written in bold and visible Arabic and Roman characters. Vessels may not be committed to service before the above characters and marks have been painted and these characters and marks may not be erased or concealed.

#### PART IV

#### FISHING CONDITIONS AND RULES

##### Article 17

It is forbidden to fish by means of explosives, poisonous or drugging substances or by any other means prohibited under the bylaws.

##### Article 18

Transport or pleasure boats may not fish for commercial purposes.

##### Article 19

Vessels holding licences from one of the two Provinces (Tripolitania and Cyrenaica) may fish in the waters of the other Province.

##### Article 20

Fishing vessels shall use lights at night and comply with the code of signals prescribed by the Port Administration to indicate whether they are cruising, operating or at anchor.

##### Article 21

The Minister of Industry, after consultation with the Nazir of Communications of the Province concerned, shall issue regulations providing for the following :-

a) Technical conditions to be satisfied by fishing boats of different shapes and sizes; rescue, fire control and fish preservation facilities, etc. with which they should be provided, and the number of their crew and their respective duties.

b) Machinery and equipment which may be employed in fishing.

c) Meshes and types of nets, whose specifications may not be violated.

d) Prohibition of the use of substances detrimental to public health or to the conservation of fish stocks.

e) Minimum size limits of fish beyond which no fish may be landed.

f) Prohibition or limitation of fishing of certain kinds of fish, oysters and shell-fish for a definite period of time or permanently.

g) Prohibition of damage to sea weed and plants considered necessary for fish spawning and regulating exploitation of such weed and plants.

h) Absolute prohibition of fishing by means of certain implements for a definite or indefinite period of time in all or any area to be defined according to circumstances.

## PART V

### THE CREW

#### Article 22

Every fishing vessel shall have a Captain in command. Conditions for qualification, duties and responsibilities of the Captain shall be stipulated in the bylaws.

#### Article 23

If a seaman or fisherman fails to report on his vessel after having been notified of its sailing time the owner may revoke his contract.

#### Article 24

If a dispute in connection with fishing arises, the Fishing Office shall be the competent authority to conciliate between the owner, captain, seamen and fishermen. If it fails to settle the dispute amicably a relevant report shall be written and submitted to the court concerned for a ruling. The report must be submitted within two weeks from the date on which the complaint is filed. Unless such action is taken the case shall not be considered by the court.

## PART VI

### ACCIDENTS AND CASUALTIES

#### Article 25

The owner shall insure the seamen, fishermen and captain against labour accidents and casualties arising therefrom. The vessel shall not be licensed except after the owner's payment of insurance premiums has been confirmed in writing by the Social Insurance Institution. The Nazarat of Communications shall endorse the fishing licence indicating that insurance has been effected.

#### Article 26

The captain and owner of the vessel shall promptly notify the Fishing Office of all accidents and injuries befalling the vessel or occurring on board in order that appropriate action may be taken.



#### Article 27

Conditions whereunder the owner is liable to payment of medical treatment expenses and wages on behalf of the captain, seamen and fishermen in the event of sickness or injury shall be determined by regulation.

#### Article 28

When the Port Medical Officer establishes that a captain, seaman or fisherman is medically unfit for practising his respective profession or trade he shall be forbidden to do so and his licence shall be revoked.

The captain, seaman or fisherman in question may contest the doctor's decision by submitting a petition to a Board which shall be set up by order of the Nazir of Health. The owner may also contest the doctor's decision before this Board, if he considers that such captain, seaman or fisherman is fit for service, within fifteen days from the date of notification of the doctor's decision.

#### Article 29

When an injured seaman or fisherman dies, the Captain shall take his corpse immediately to the nearest port where a Government authority is to be found. The captain shall submit to the competent authorities, in writing, a detailed report on the circumstances and cause of the accident and the Port Police authorities shall detain the vessel and whoever is on board and guard its engines in order that an enquiry may be conducted to investigate and find out the cause of the accident. The vessel shall be forbidden from taking to sea except by permission from the Prosecution, to be given after the inquiry has been concluded. Investigation shall be carried out, and the case dealt with, promptly.

### PART VII

#### CRIMES AND CONTRAVENTIONS

#### Article 30

Without prejudice to any severer penalty imposed under any other law, the violation of any of the provisions of this Law, or of regulations made thereunder, on the part of the owner, captain, seamen, or fishermen of the vessel, or any other person, shall be punishable by imprisonment for a period not exceeding six months and a fine not exceeding one hundred pounds, or by one of these penalties.

If fishing has been conducted by means of explosives, poisonous or drugging substances or by any other harmful and prohibited means the penalty shall be doubled, the vessel together with any fish on board shall be confiscated and the licence revoked.

#### Article 31

Fishing gear and instruments and fish caught shall be confiscated in the following cases :

- a) If fishing took place without authorization.
- b) If fishing was carried out in areas or during seasons closed to fishing.

c) If fishing took place in a concessioned area wherein the violator does not have the right to fish.

d) If fishing was conducted by means of prohibited machinery and instruments.

#### Article 32

When passing a sentence of conviction the court may order suspension of the vessel's licence for a period not exceeding six months. If the vessel was not licensed the court shall automatically impose on the owner and captain jointly an indemnity equivalent to three times the amount of licence fees. Such indemnity shall be collected by administrative procedure.

The Department concerned may detain the vessel for the duration of suspension pending licensing, at the expense and responsibility of its owner.

#### Article 33

Officials of the Maritime Fishing Office, to be appointed by order of the Nazir of Communications of the Province concerned, shall be invested with judiciary police powers to deal with offences provided for by this Law or by regulations made thereunder.

Officials of the Maritime Fishing Office who detect contraventions shall be entitled to a bonus, to be determined by order of the Nazir of Communications.

#### Article 34

The Minister of Industry, after consultation with the Nazir of Communications of the Province concerned, shall issue the necessary regulations for the application of this Law.

#### Article 35

All legislation inconsistent with the provisions of this Law are hereby repealed. This law shall come into force on the date of its publication in the Official Gazette.

IDRIS

Dar Es Salam on 21 Zul Qidah 1381

corresponding to 26 April 1962

Ahmed Own Sof  
Acting Minister of Industry

Mohamed Othman Es Seid  
Prime Minister

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Published on 31 May 1962  
(official Gazette No. 6)