

**Fishing**  
**Fisheries Ordinance**

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## Fishing

### Fisheries Ordinance

No. 6 of 1937<sup>(1) (\*)</sup>

1. This ordinance will hereinafter be called the Fisheries Ordinance, 1937.

Short Name

2. The following expressions in this Ordinance will be afforded the interpretations listed alongside, unless the written context obligates a different interpretation: -

Interpretation

“Catch” includes fish taken or destroyed in contravention of Section 5;

“Fish” means any aquatic animal, whether piscine or not and includes sponges, shell fish, crustaceans, turtles and aquatic mammals;

“Taking Fish” includes any lawful method of catching fish;

“Israel” includes that part of the ocean adjacent to the coast, extending out to six nautical miles, measured at low tide;

Offshore Waters  
Law- 1956

“The Licensing Authority” means any authority vested with the power to issue licenses and permits under this Ordinance;

“Fishery Officer” means any official of the Fishery Services in Israel.

3. (1) The Minister of Agriculture or any official duly authorized by the Minister to grant a license to take fish, or any particular species of fish in Israel, if, in the opinion of the official, the granting of a license should not be precluded for reasons of public safety or for reasons of the applicant’s past history, characteristics or conduct:

Licenses to Take  
Fish  
Law - 1980

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Provided that -

A. Subject to the provisions of sub-section (2) of this section, the Minister of Agriculture or any official duly authorized by the Minister, will not grant a license to take fish in Israel, to any person operating or manning any fishing vessel registered in any port or place outside of Israel;

B. The Minister of Agriculture is at liberty, at his discretion and subject to the conditions he deems fitting, grant licenses to suitable persons to take fish, or any particular species of fish, exclusively in that part of Israel as specified in that license.

(2) The Minister of Agriculture may, if, in his opinion, it is

expedient to do so, taking into account the particular circumstances of the matter, grant, at his discretion, and subject to the conditions he deems fitting, a special license of any of the types stipulated in subsection (1) of this section, to any person operating or manning any fishing vessel registered in any port or place outside of Israel.

(3) A license to take fish in Israel issued under this Ordinance and which is not a license to take fish only in a particular geographical area of Israel or a special license issued according to subsection (2) of this section, will not be valid for more than one year. The license will be, subject to the provisions of proviso (a) of sub-section (4) of this Ordinance, a personal license for the person in whose name it is issued and will not be transferable.

(4) No one is permitted to take fish in Israel unless he possesses a license to fish in Israel, issued pursuant to this Ordinance:

Provided that -

A. Anyone who takes fish with a rod and line from the shore and anyone whose name appears on a license issued to a company or to a cooperative association or on a license to take fish only in a particular geographical area of Israel or on a special license issued pursuant to subsection (2) of this section, will not be obligated to obtain such a license;

B. Nothing in that stipulated will be construed as allowing anyone who has been granted a license to take fish in Israel pursuant to this ordinance, or any person who takes fish with a rod and line from the shore, to take fish in any geographical area regarding which the Minister of Agriculture has granted a special license to some other individual.

Fisheries Ordinance, 1937

3A. (1) No one may employ any vessel for purposes of taking fish, except under a license granted pursuant to this section and subject to the conditions pertaining to that license, should such exist. For the purpose of this section, a vessel will be deemed to be employed for purposes of taking fish, when it is operated under the power of its own engine and is equipped with fishing devices that work properly.

Granting of  
Licenses to Vessels  
Law - 1980

(2) The Minister of Agriculture or any official duly authorized by the Minister is at liberty, at his discretion, to grant the registered owner or owners of any vessel registered in Israel, a license, in the prescribed manner and after payment of the prescribed fees, authorizing the use of that vessel for the purpose of taking fish and the official is at liberty to attach conditions to that license regarding the geographical area in which it is permitted to take fish with respect to that vessel, as well as regarding the manner of the use thereof, and any other conditions that may be deemed necessary to be imposed.

Law - 1980

4. (1) The Minister of Agriculture or any official duly authorized by him, is at liberty to issue a permit to suitable persons operating or manning a fishing vessel registered in a port or a place outside of Israel, to offload fish in Israel;

Permit to Offload  
Fish

Provided that the Minister of Agriculture or any official duly authorized by the Minister will not issue a permit to any person who is the master of any such vessel, to offload fish in Israel before such person has given his written consent, on behalf of the owner of the vessel, to comply with the pertaining regulations in force regarding Israeli vessels regarding the minimum size of the mesh in the net used and regarding the minimum size of the fish that are allowed to be offloaded on land.

(2) The permit to offload fish in Israel will not be valid for more than one year and the permit will be issued personally to the person in whose name it was issued and will not be transferable.

5. No one is allowed to take fish or kill fish or to attempt to take fish or kill fish by using dynamite or any other explosive material or by using any noxious or toxic substance.

Prohibition of the  
Use of Dynamite

6. For the purpose of complying with the provisions of this order, any Fisheries Official, police officer, customs official or any Israeli Government official authorized to do so by the Minister of Agriculture, is empowered -

The Authority of  
Fisheries Officials,

A. To require any person engaged in taking fish to show his license, his permit, his equipment and his catch of fish;

B. To board any vessel regarding which there is reason to believe it is engaged in taking fish and to search it and inspect any catch of fish or fishing equipment on such vessel;

(C) To arrest, without a warrant, any person regarding whom the official has reason to suspect that has committed an offence or is in the process of committing an offense against this Ordinance or any regulations established pursuant thereto: Provided that if the arrest is carried out by a person who is not a police officer, the arrested person will be handed over, as soon as reasonably possible, to the custody of a police officer at a police station;

(D) To require every person who has fish in his possession, to provide information about the source of his catch;

(E) To seize or impound any vessel or equipment, which the official has reason to suspect of having been used in an offense of violating this Ordinance or any regulations established pursuant thereto; and such official is at liberty to seize any catch of fish that, in whole or in part, he has reason

to suspect was obtained as a result of a violation of this Ordinance or any regulations established pursuant thereto and to impound any catch or part of a catch that he has reason to suspect that was thus obtained; and he is at liberty to immediately confiscate any fish that are part of the catch and that are smaller than the minimum size designated for taking fish of the species in question and take them out of the possession of the perpetrator, in the same manner, which may be authorized in general, or in a special manner by the Chief Fisheries Officer or any entity acting on his behalf; and he is at liberty to sell any fish that has been seized and to impound the proceeds of the sale.

7. If the holder of a license or permit issued pursuant to this ordinance is convicted of any violation of the license or permit or of any violation of this ordinance or any regulations established pursuant thereto, the Licensing Authority may revoke the license or the permit or to terminate the validity thereof for the period that the Licensing Authority deems fitting.

Cancellation and  
Suspension of the  
Validity of Licenses  
and Permits

8. (1) Any vessel or equipment proven to have been employed in an offense against this Ordinance or any regulations established pursuant thereto and a catch of fish, in whole or in part, which was proven to have been obtained as a result of such an offense and which were not confiscated in accordance with paragraph (e) of section 6 and all or any part of the proceeds obtained from the sale of any fish, which were sold in accordance with the above paragraph, and which were proven to have been obtained as a result of such an offense, may be confiscated -

Additional  
Provisions with  
Respect to

(a). According to an order of a court, before which a person was convicted of the offense; or

(b). By order of a magistrate - who has jurisdiction in the area where, according to the claim, the offense was committed - which was issued at the request of the Chief Fisheries Officer.

(2) Any vessel, equipment or catch of fish, seized pursuant to paragraph (c) of section 6 and not sold nor confiscated pursuant to that paragraph or confiscated pursuant to subsection (1) of this section, and any proceeds of sale, seized pursuant to that paragraph, will be automatically confiscated if not claimed by their owner within three months from the date of seizure; However, if a claim has been filed as stated above, the Chief Fisheries Officer will submit, with all due haste, a request for an order pursuant to paragraph (a) or pursuant to paragraph (b) of subsection (1); and where an order for confiscation is refused, the court or the magistrate, who refuses to issue the order, is at liberty to order the release of the vessel, the

equipment or the proceeds of the sale (unless they were released earlier) to any person establishing title thereto, to the satisfaction of the court or the magistrate .

(3) Subject to the provisions of paragraph (e) of section 6, any confiscated vessel, equipment or catch of fish will be sold, and the proceeds will be credited to the general revenues of the Government. Any proceeds of sale confiscated will likewise be credited the revenues of the government.

8a. Whomsoever has been authorized under this Ordinance, is at liberty, upon exercising his authority, to consider reducing the impact upon the welfare of animals as defined in the Animal Cruelty Prevention Law (Protection of Animals) 1994, and to promote the objectives of the stipulated law.

Considerations of Protection of  
Animals when Applying Authority  
(Amendment no. 3) 2015

9. (1) The Minister of Agriculture is at liberty to legislate regulations as follows, and post legislation, may amend or revoke them:

Regulations

(a). Regulations prohibiting practicing in any manner or method or the employment of any equipment or device or materials that may affect the existence or development of any species of fish;

(b) Regulations that prescribe geographical areas and seasons in which taking fish is prohibited or restricted, whether entirely or with respect to a particular species;

(c) Regulations that prescribe the sizes of fish of a particular species which are permitted to be taken;

(d) Regulations that determine the size of the nets or net mesh which are permitted to be employed for taking fish in Israel or in any particular geographical part thereof;

(e) Regulations that prescribe the authority of the people who will issue licenses and permits and the procedure related to the granting of licenses and permits and the revoking thereof and the termination of the validity thereof and prescribing the application forms, licenses and permits and the conditions to be ascribed to the licenses and permits;

(f) Regulations prescribing the fee levied for the granting of licenses and permits;

(g) Regulations regulating any other matter regarding the preservation, protection and maintaining of a fish species, as is deemed necessary;

(h) The regulations enacted to ensure that fishing vessels operate according to international conventions to which Israel is a party;

Law - 1980

(i) Regulations pertaining to any other matter concerning the implementation of this Ordinance.

Law - 1980

(2) Regulations pertaining to paragraphs (h) or (i) of subsection (1) require the approval of the Economic Committee of the Knesset.

Law - 1980

10. (1) Any person -

Offenses and

(a). who is required to hold a license and takes or attempts to take fish or is in possession of fishing devices under circumstances that prove to the court before which he was brought to justice, that he intended to use the device for purposes of taking fish without obtaining a license pursuant to this Ordinance, or

(b) who holds a license and takes or attempts to take fish or is in possession of fishing devices under circumstances that prove to the court before which he was brought to justice, that he intended to use the device for purposes of taking fish in any geographical area for which the Minister of Agriculture granted an exclusive license to another person, or

(c) who is a person who operates or mans any vessel registered in a port or in a place outside of Israel and he offloads fish in Israel not according to the permit to do so, issued pursuant to this Ordinance or not according to the terms and conditions of such permit,

will be accused of an offense and will be expected, if convicted, to serve a term of imprisonment not exceeding three months or to a fine not exceeding fifty pounds or to both penalties together.

(2) Where any fishing vessel that is not registered in a port or place in Israel is found taking fish within the territorial waters of Israel, without a special license issued by the Minister of Agriculture pursuant to Section 3 (2) of this Ordinance, the master of the vessel as well as its owner, if it is will be proven that he was an accomplice to the offence, will be accused of the offense and will be liable, if found guilty, to -

(a) a fine not exceeding five hundred pounds, and where the captain and the owner of the vessel are both found guilty, the fine is imposed on both together and on each of them severally, or

(b) to a term of imprisonment not exceeding 6 months, or

(c) both penalties together,

And, in addition, the fishing equipment employed by that vessel, may be confiscated and destroyed, under a court order.

(3) Any person -

(a) who takes fish or collects fish or destroys fish or attempts to take or destroy any fish by using dynamite or other explosive material or by using any noxious or toxic

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substance, or

(b) who is found in possession of dynamite or other explosive substance or a noxious or toxic substance for reasons that prove to the court before which he is brought to judgement that he intended to use dynamite or the other explosive substance or the noxious or toxic substance for purposes of taking or killing fish,

(c) who possesses, transports, presents for sale or sells a commercial quantity of fish collected or taken by the use of an explosive substance or in which a toxic substance or other noxious substance is found, unless he proved that he was not aware of the fact and could not have known that the catch in his possession contain such substance; For this purpose, "commercial quantity" — a quantity weighing more than 5 kilograms,

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Will be charged with an offence and will be liable -

(i) upon a first offence, to a term of imprisonment not exceeding three months or to a fine not exceeding twenty pounds, or to both penalties together;

(ii) upon a second offence -

(a) to a term of imprisonment of one year;

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(b) Furthermore, unless the court ordered in some particular case not to do so, if that person held a license or permit issued pursuant to this Ordinance, his license or permit will be revoked and no new license nor permit will be issued to that person for a period of of three years from the date on which he was convicted for the second time or for a lesser period, as ordered by the court and, if such person's name is listed on any license issued to a company or cooperative society or on a license to take fish exclusively in a particular geographical area in Israel or on a special license issued pursuant to section 3 (2) of this Ordinance, his name will be deleted from the license and will not be re-registered in such license for the above stated period;

(iii) upon a third or subsequent offence -

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(a) to a period of imprisonment of two years;

(b) Furthermore, unless the court ordered in some particular case not to do so, if that person held a license or permit issued pursuant to this Ordinance, his license or permit will be revoked and no new license nor permit will be issued to that person for a

period of of six years from the date on which he was convicted for the third time or subsequent time or for a lesser period, as ordered by the court and, if such person's name is listed on any license issued to a company or cooperative society or on a license to take fish exclusively in a particular geographical area in Israel or on a special license issued pursuant to section 3 (2) of this Ordinance, his name will be deleted from the license and will not be re-registered in such license for the above stated period;

(4) Any person who is in possession of fish and fails to provide any information regarding the origin thereof to one of the officials stipulated in section 6 of this Ordinance, who serve in their capacity according to paragraph (d) of that section, will be liable, if convicted, to a fine not exceeding ten pounds.

(5) Any person who commits any offense against this Ordinance or any regulations legislated pursuant to it, for which no penalty is expressly prescribed, or who holds a license pursuant to this Ordinance and fails, in any way, to comply with the terms and conditions of his license, will be charged of an offense and will be liable, upon conviction, to a fine not exceeding twenty pounds.

11. When imposing a fine for an offense under this Ordinance or regulations legislated pursuant thereto, the court may order to award a reward, as the court deems fitting, to any person or persons who provided information that led to the conviction of the offender, as well as to any official or officials in government service who were active in the detection and imprisonment of the person or persons who were convicted, provided that the reward, under no circumstances, will be more than half of the fine imposed.

Rewards

12. The Fisheries Ordinance is hereby repealed.

Cancellation

13. The District Commissioner and the Chief Fisheries Officer may together, by means of a notice to be published at any time, restrict the fishing activities of any licensed fisherman or fishermen (despite anything stipulated in his or their fishing license or despite any conditions ascribed to the license), to fixed times or to fixed geographical areas and (or) to specific methods, whether by setting a queued sequence for fishing or by any other manner.

Restriction of  
Fishing Activities  
by Setting a  
Sequence

