

FISHERIES (AMENDMENT) ACT, 2018-#

CHAPTER #

**Act
of 2018**

FISHERIES (AMENDMENT) ACT

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CHAPTER #
FISHERIES (AMENDMENT) ACT

An Act to amend the Fisheries Act so as to regulate fishing of flyingfish in the waters of [state] and other matters.

Commencement. [Date]

Short title. **1.** This Act may be cited as the Fisheries (Amendment) Act 2018.

Interpretation. **2.** In this Act—
 “close time” means a specified period during which fish to which it applies may not be fished, and “closed time” or “closed season” has a similar meaning;
 “fish” includes flyingfish [and any other particular species for which coverage is desired], corals and any species of other marine fauna, and parts of fish;
 “Fisheries Officer” means the person for the time being holding the office of Fisheries Officer and includes any officer of the Fisheries Division of the Ministry of [insert appropriate Ministry];
 “fishery” with respect to any fish, includes,
 (a) any of its species, populations, assemblages and stocks, whether the fish is fished or not,
 (b) any place where fishing may be carried on,
 (c) any period during which fishing may be carried on,
 (d) any method of fishing used, and
 (e) any type of fishing gear or equipment or fishing vessel used;
 “fish habitat” means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas;
 “fishing” means fishing for, catching or attempting to catch fish by any method;
 “Minister” means the Minister of [Ministry name];
 “prohibited area” means an area declared by the Regulations made under section 4 to be a prohibited area.

Application of Act. **3.** This Act shall extend to all waters in the fishing zones of [State], all waters in the territorial sea of [State] and all internal waters of [State] as defined in [respective legislation].

Regulations.

4. The Minister may, for the purposes of the conservation and protection of marine biodiversity and with respect to any area of [State] fisheries waters that he or she specifies, make regulations

- (a) for the proper management and control of the seacoast and inland fisheries;
- (b) respecting the conservation and protection of fish;
- (c) respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;
- (d) requiring the sale, offering or exposing for sale or the purchase of fish or any variety thereof to be made in the presence of Fisheries Officers in a designated area or areas;
- (e) for restricting the size of fish that may be taken, and prohibiting the sale or exposing for sale of such as are under such size as may be prescribed by the regulations;
- (f) respecting the operation of fishing vessels;
- (g) respecting the use of fishing gear and equipment;
- (h) for prescribing the size of mesh, form, and dimensions of nets or appliances for fishing;
- (i) respecting the marking, identification and tracking of fishing vessels;
- (j) respecting the designation of persons as observers, their duties and their carriage on board fishing vessels;
- (k) respecting the issue, suspension and cancellation of licences and leases;
- (l) requiring registration of persons and vessels and licensing of persons;
- (m) respecting the terms and conditions under which a licence and lease may be issued, including the appropriate fees or exemptions therefrom;
- (n) respecting any records, books of account or other documents to be kept under this Act and the manner and form in which and the period for which they shall be kept;
- (o) respecting the manner in which records, books of account or other documents shall be produced and information shall be provided under this Act;
- (p) respecting the obstruction and pollution of any waters frequented by fish;
- (q) respecting the conservation and protection of spawning grounds;
- (r) respecting the export of fish or any part thereof from [State];
- (s) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those powers and duties;
- (t) declaring any area to be a prohibited area;

- (u) where a close time, fishing quota or limit on the size or weight of fish has been fixed in respect of an area under the regulations, authorizing persons referred to in paragraph (s) to vary the close time, fishing quota or limit in respect of that area or any portion of that area;
- (v) establishing a list of aquatic invasive species;
- (w) respecting the control of aquatic invasive species, including regulations
 - (i) respecting the prevention of the spread of such species,
 - (ii) respecting the possession of members of such species, and their import, export and transport,
 - (iii) respecting the release of members of such species into [State] fisheries waters,
 - (iv) respecting the handling of members of such species, or
 - (v) requiring any person to keep any record, book or other document containing any information relevant to the control of such species, and respecting where, how and how long they are to be kept; and
- (x) prohibiting fishing of one or more species, populations, assemblages or stocks of fish;
- (y) prohibiting the sale, offering or exposing for sale or the purchase of fish or any variety thereof either absolutely or at such times and within such areas as may be prescribed;
- (z) prohibiting any type of fishing gear or equipment from being used;
- (aa) prohibiting any type of fishing vessel from being used;
- (bb) prescribing classes of persons in respect of whom the prohibitions set out in paragraphs (x) to (aa) apply; and
- (cc) prescribing types of fishing vessels in respect of which the prohibitions set out in paragraphs (x) and (z) apply.
- (dd) prescribing and approving anything that is required or authorized by this Act to be prescribed or approved.

Considerations
for decision
making.

5. Except as otherwise provided in this Act, when making a decision under this Act, the Minister may consider, among other things,

- (a) the application of a precautionary approach and an ecosystem approach;
- (b) the sustainability of fisheries;
- (c) scientific information;
- (d) community knowledge;
- (e) social, economic and cultural factors in the management of fisheries; and
- (f) the preservation or promotion of the independence of licence holders in commercial inshore fisheries.

Duty of Fisheries Officer.	6. It is the duty of the Fisheries Officer and any person authorised in writing by him so to do, subject to any general or special directions given by the Minister, to carry out the provisions of this Act.
Unlawful sale or possession.	7. No person shall process, buy, sell, be in possession of or market, any fish that has been caught in contravention of this Act or the regulations.
Serious harm to fish.	8. (1) No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a fishery, or to fish that support such a fishery.
Exception.	(2) A person may carry on a work, undertaking or activity without contravening subsection (1) if <ul style="list-style-type: none"> (a) the work, undertaking or activity is a prescribed work, undertaking or activity, or is carried on in or around prescribed [State] fisheries waters, and the work, undertaking or activity is carried on in accordance with the prescribed conditions; (b) the carrying on of the work, undertaking or activity is authorized by the Minister and the work, undertaking or activity is carried on in accordance with the conditions established by the Minister; (c) the serious harm is produced as a result of doing anything that is authorized, otherwise permitted or required under this Act; or (d) the work, undertaking or activity is carried on in accordance with the regulations.
Regulations.	(3) The Minister may, for the purposes of paragraph (2)(a), make regulations prescribing anything that is authorized to be prescribed.
Authority to enter.	9. (1) An Fisheries Officer may, for a purpose related to verifying compliance with this Act, enter any place or premises, including a vehicle or vessel — other than a private dwelling-place or any part of any place or premises, including a vehicle or vessel, used as a permanent or temporary private dwelling-place — in which the Fisheries Officer believes on reasonable grounds that <ul style="list-style-type: none"> (a) there is anything that is detrimental to fish habitat; or (b) there has been carried on, is being carried on or is likely to be carried on any work, undertaking or activity resulting or likely to result in <ul style="list-style-type: none"> (i) serious harm to fish that are part of a fishery, or to fish that support such a fishery, (ii) the deposit of a substance in water frequented by fish or in any place under any conditions where the substance or any other substance that results from the deposit of the substance may enter any such water.

Powers on entry.	(2) The Fisheries Officer may, for a purpose related to verifying compliance with this Act, examine any substance or product in the place or premises, take samples of it and conduct tests and measurements
Stopping and detaining vessel or vehicle.	(3) A Fisheries Officer may, for the purpose referred to in subsection (1), require any vessel or vehicle to be stopped, require it to be moved to a place where an inspection can be carried out and detain it for a reasonable time. The operator of the vessel or vehicle shall comply with the requirements.
Inspection.	<p>10. (1) Subject to subsection (2), for the purpose of ensuring compliance with this Act and the regulations, a Fisheries Officer may enter and inspect any place, including any premises, vessel or vehicle, in which the Fisheries Officer believes on reasonable grounds there is any work or undertaking or any fish or other thing in respect of which this Act or the regulations apply and may</p> <ul style="list-style-type: none"> (a) open any container that the Fisheries Officer believes on reasonable grounds contains any fish or other thing in respect of which this Act or the regulations apply; (b) examine any fish or other thing that the Fisheries Officer finds and take samples of it; (c) conduct any tests or analyses and take any measurements; and (d) require any person to produce for examination or copying any records, books of account or other documents that the Fisheries Officer believes on reasonable grounds contain information that is relevant to the administration of this Act or the regulations.
Duty to assist.	<p>(2) The owner or person in charge of a place that is inspected by a Fisheries Officer under subsection (1) and every person found in the place shall</p> <ul style="list-style-type: none"> (a) give the Fisheries Officer all reasonable assistance to enable the Fisheries Officer to carry out the inspection and exercise any power conferred by this section; and (b) provide the Fisheries Officer with any information relevant to the administration of this Act or the regulations that the Fisheries Officer may reasonably require.
Disposition of samples.	(3) A Fisheries Officer who takes a sample under paragraph (1)(b) may dispose of it in any manner that the Fisheries Officer considers appropriate.
Inspection, seizure and forfeiture of nets.	<p>11. (1) The Fisheries Officer and any person authorised in writing by him may inspect and measure any fishing net which he may see in any part of [State], whether or not the same has been seen in actual use, and may, without warrant, enter into or upon any premises between the hours of seven o'clock in the morning and five o'clock in the afternoon in or upon which there shall be any fishing net visible for the purpose of inspecting and measuring the same.</p>

(2) If the Fisheries Officer or any person authorised in writing by him is satisfied that the construction of such fishing net contravenes the provisions of the law for the time being set forth in any regulation made under this Act, he may cause such net to be conveyed to the nearest convenient place where the same may be measured.

(3) If on inspection or measurement it is found that the construction of such net contravenes the law as aforesaid, it shall be seized and taken before a Magistrate, who, upon being satisfied of such contravention, shall declare the same to be forfeited; and the Magistrate may declare and order such forfeiture notwithstanding that no person has been charged in relation to or in connection with such net with having committed an offence against any regulation made under this Act.

(4) Where a net has been seized under this section, and no person at the time of the seizure is found in possession of the same, the order for its forfeiture shall not be declared by the Magistrate until the expiration of one month after its seizure, or until, before the expiration of such month, the owner or other person entitled to the possession of the net comes forward to claim the same and has been given an opportunity of showing cause why it should not be forfeited.

(5) The Magistrate shall cause every fishing net forfeited as aforesaid to be delivered to the Police for the purpose of being destroyed, and the police officer in charge of the Police Station where any such fishing net is delivered shall forthwith destroy the same.

Entry by
Fisheries
Officer.

12. In the discharge of his duties, any Fisheries Officer or other person accompanying him or authorized to such effect by the Fisheries Officer may enter on and pass through or over private property without being liable for trespass.

Arrest.

13. Any Fisheries Officer or Police officer may arrest without warrant a person who that Fisheries Officer or Police officer believes, on reasonable grounds, has committed an offence against this Act or any of the regulations, or whom he finds committing or preparing to commit an offence against this Act or any of the regulations.

Seizure of
fishing vessel,
etc.

14. A Fisheries Officer may seize any fishing vessel, vehicle, fish or other thing that the Fisheries Officer believes on reasonable grounds was obtained by or used in the commission of an offence under this Act or will afford evidence of an offence under this Act, including any fish that the Fisheries Officer believes on reasonable grounds

- (a) was caught, killed, processed, transported, purchased, sold or possessed in contravention of this Act or the regulations; or
- (b) has been intermixed with fish referred to in paragraph (a).

Requirement to provide information.	<p>15. (1) The following persons may be required under this Act to provide information or to keep records, books of account or other documents:</p> <ul style="list-style-type: none"> (a) any person who engages in fishing; (b) any person who purchases fish for the purpose of resale; (c) any owner, operator or manager of an enterprise that catches, cultures, processes or transports fish; and (d) any agent or employee of a person referred to in paragraphs (a) to (c).
Information that may be required.	<p>(2) A person referred to in subsection (1) may be required to provide information or to keep records or other documents relating to any of the following matters:</p> <ul style="list-style-type: none"> (a) the number, sex, size, weight, species, product form, value or other particulars of any fish caught, cultured, processed, transported, sold or purchased; (b) the time and place at which any fish was caught or landed and the person, enterprise or vessel by which the fish was caught or landed; (c) the time and place at which any fish was purchased and the person, enterprise or vessel from which the fish was purchased; (d) the vessels, gear and methods used and the number of persons employed for the purpose of catching fish; (e) the buildings, equipment, products and methods used and the number of persons employed for the purpose of culturing or processing fish; and (f) any other matter relating to the proper management and control of fisheries or the conservation and protection of fish.
Duty to keep books.	<p>(3) A person referred to in subsection (1) shall keep any records, books of account or other documents that may be required by the regulations or by the terms and conditions of any lease or licence issued to the person under this Act and the records, books of account or other documents shall be kept in the manner and form and for the period prescribed by the regulations, lease or licence.</p>
Duty to provide information.	<p>(4) A person referred to in subsection (1) shall, on the request of any Fisheries Officer, provide the Fisheries Officer, or any authority designated by the Fisheries Officer, with any information relating to a matter mentioned in subsection (2) that the Fisheries Officer may request.</p> <p>(5) A person referred to in subsection (1) shall, in accordance with the regulations and the terms and conditions of any lease or licence issued to the person under this Act, provide a Fisheries Officer or any authority designated in the regulations, lease or licence with any information relating to a matter mentioned in subsection (2) that the regulations, lease or licence requires.</p>

Obstruction.	16. No person shall obstruct or hinder a Fisheries Officer who is carrying out duties or functions under this Act.
False statements.	17. (1) No person shall make a false or misleading statement, whether orally or in writing, to a Fisheries Officer, any authority designated by a Fisheries Officer or any authority designated in the regulations who is carrying out duties or functions under this Act.
False statements in licence application.	(2) No person shall make a false or misleading statement, whether orally or in writing, in an application for a lease or licence under this Act.
False records.	(3) No person shall produce for examination or copying by a Fisheries Officer or any authority designated by a Fisheries Officer any records, books of account or other documents that contain false or misleading information.
Forfeiture of things.	18. (1) Where a person is convicted of an offence under this Act, the court may, in addition to any punishment imposed, order that any thing seized under this Act by means of or in relation to which the offence was committed, or any proceeds realized from its disposition, be forfeited to the Crown.
Forfeiture of fish.	(2) Where a person is convicted of an offence under this Act that relates to fish seized pursuant to section 14, the court shall, in addition to any punishment imposed, order that the fish, or any proceeds realized from its disposition, be forfeited to the Crown.
Forfeiture where ownership not ascertainable.	(3) Where the ownership of any fish or other thing seized under this Act cannot be ascertained at the time of the seizure, the fish or thing is thereupon forfeited to the Crown.
Disposal of forfeited things.	19. Any fish or other thing forfeited to the Crown under section 18 shall be disposed of as the Minister directs.
Offences committed at sea.	20. Any offence against this Act committed at sea is deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.
Punishment not otherwise provided for.	21. Except as otherwise provided in this Act, every person who contravenes this Act or the regulations is guilty of <ul style="list-style-type: none"> (a) an offence punishable on summary conviction and liable, for a first offence, to a fine not exceeding [number] thousand dollars and, for any subsequent offence, to a fine not exceeding [number] thousand dollars or to imprisonment for a term not exceeding one year, or to both; or

(b) an indictable offence and liable, for a first offence, to a fine not exceeding [number] thousand dollars and, for any subsequent offence, to a fine not exceeding [number] thousand dollars or to imprisonment for a term not exceeding two years, or to both.

Due diligence defence.

22. No person shall be convicted of an offence under this Act if the person establishes that the person

(a) exercised all due diligence to prevent the commission of the offence; or

(b) reasonably and honestly believed in the existence of facts that, if true, would render the person's conduct innocent.

Additional fine.

23. Where a person is convicted of an offence under this Act and the court is satisfied that as a result of committing the offence the person acquired monetary benefits or monetary benefits accrued to the person, the court may, notwithstanding the maximum amount of any fine that may otherwise be imposed under this Act, order the person to pay an additional fine in an amount equal to the court's finding of the amount of those monetary benefits.

Lease or licence cancelled, etc.

24. Where a person is convicted of an offence under this Act in respect of any matter relating to any operations under a lease or licence issued pursuant to this Act or the regulations, in addition to any punishment imposed, the court may, by order,

(a) cancel the lease or licence or suspend it for any period the court considers appropriate; and

(b) prohibit the person to whom the lease or licence was issued from applying for any new lease or licence under this Act during any period the court considers appropriate.

Orders of court.

25. Where a person is convicted of an offence under this Act, in addition to any punishment imposed, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order containing any one or more of the following prohibitions, directions or requirements:

(a) prohibiting the person from doing any act or engaging in any activity that may, in the opinion of the court, result in the continuation or repetition of the offence;

(b) directing the person to take any action the court considers appropriate to remedy or avoid any harm to any fish, fishery or fish habitat that resulted or may result from the commission of the offence;

- (c) directing the person to publish, in any manner the court considers appropriate, the facts relating to the commission of the offence;
- (d) directing the person to pay the Minister an amount of money as compensation, in whole or in part, for the cost of any remedial or preventive action taken by or caused to be taken on behalf of the Minister as a result of the commission of the offence;
- (e) directing the person to perform community service in accordance with any reasonable conditions that may be specified in the order;
- (f) directing the person to pay the Crown an amount of money the court considers appropriate for the purpose of promoting the proper management and control of fisheries or fish habitat or the conservation and protection of fish or fish habitat;
- (g) directing the person to post a bond or pay into court an amount of money the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement mentioned in this section;
- (h) directing the person to submit to the Minister, on application by the Minister within three years after the date of the conviction, any information respecting the activities of the person that the court considers appropriate in the circumstances; and
- (i) requiring the person to comply with any other conditions that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences under this Act.

Debt due to the Crown.

26. Where the court makes an order under this Act directing a person to pay an amount of money as compensation or for any other purpose, the amount and any interest payable on that amount constitute a debt due to the Crown and may be recovered as such in any court of competent jurisdiction.

Who shall be liable.

27. Unless otherwise specified, every proprietor, owner, agent, tenant, occupier, partner or person actually in charge, either as occupant or servant, shall be deemed to be jointly and severally liable for any penalties or moneys recovered under any provision of this Act or the regulations.

Powers of Fisheries Officers — waters and territory of foreign state.

28. Subject to the consent of a foreign state and any conditions that it may impose, every power that may be exercised, and every duty or function that may be performed in [State] by a Fisheries Officer under this Act may be exercised or performed on or over the waters that are subject to the jurisdiction of a foreign state or on the state's territory, or in a port of the

foreign state, in relation to any fishing vessel that is subject to the jurisdiction of [State].

Application of
Act to High
Seas.

29. The provisions of this Act and the regulations that apply to any or all of [State] fisheries waters, without anything in the context of those provisions indicating that they apply to any specified area of [State] fisheries waters, shall, in relation to any fishing vessel or aircraft on or over the High Seas that is subject to the jurisdiction of [State], or any act or thing done or omitted to be done on, from or by means of any such fishing vessel or aircraft, be deemed to extend and apply to the High Seas.

Reference to
externally
produced
material.

30. (1) A regulation made under this Act may incorporate by reference material produced by a person or body other than the Minister, including by a government, a government agency or an international body.

Jointly produced
material.

(2) A regulation made under this Act may incorporate by reference material produced jointly by the Minister and a government or government agency for the purpose of harmonizing the regulation with other laws.

Internally
produced
standards.

(3) A regulation made under this Act may incorporate by reference technical or explanatory material produced by the Minister, such as specifications, test methods, procedures, construction standards, operational standards, safety standards and performance standards of a technical nature.

SUBSIDIARY LEGISLATION

FLYINGFISH FISHERIES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

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FLYINGFISH FISHERIES REGULATIONS

made under section 4

The Minister in exercise of the powers conferred on him by section 4 of the Fisheries (Amendment) Act 2018, makes the following regulations:

- Citation. **1.** These Regulations may be cited as the Flyingfish Fisheries Regulations.
- Interpretation. **2.** In this Regulation—
 “**Act**” means the Fisheries (Amendment) Act 2018.
 “**document**” means a fisherman’s registration card, a vessel registration card or a licence.
 “**approved Fisheries Organisation**” means an organisation which is approved by the Minister and which is established to promote the activities of fisherman undertaken in conformity with the Act and these Regulations including the activities required under Section 15 of the Act.
- Application. **3.** (1) These Regulations apply to the management and control of the species of fish set out in Schedule I and found in or taken from all waters in the fishing zones of [State], all waters in the territorial sea of [State] and all internal waters of [State] as defined in [respective legislation].
- Use of vessel to fish. **4.** (1) No person shall use a vessel, and no owner of a vessel shall permit another person to use the vessel, in fishing for any species of fish referred to in these Regulations unless
 (a) a vessel registration card has been issued in respect of the vessel;
 (b) the use of the vessel to fish for that species of fish is authorized by a licence; and
 (c) subject to subregulation (2), the person who is using the vessel is named in the licence referred to in paragraph (b).
 (2) Where a licence is issued authorizing the use of a vessel to fish for a species of fish and an operator is not named in the licence, any registered fisherman may operate that vessel to fish for that species.
- Conditions for transport of fish. **5.** (1) Subject to subregulation (2), no person shall use a vessel, and no owner of a vessel shall permit another person to use that vessel, to transport any species of fresh fish referred to in these Regulations unless
 (a) a vessel registration card has been issued in respect of the vessel; and
 (b) the use of that vessel to transport that species is authorized by a licence.

(2) Subregulation (1) does not apply where the vessel used in transporting fresh fish is the vessel that was engaged in the catching of that fish.

Use of vessel to transport fish.

6. No person who is fishing under the authority of a licence that does not specify the use of a specific vessel shall permit a vessel to be used to transport any species of fresh fish caught under the authority of that licence unless the use of that vessel to transport that species is authorized by a licence.

Fishing.

7. (1) No person shall fish for any species of fish set out in Schedule I unless

- (a) he holds a fisher's registration card; and
- (b) he is authorized, pursuant to subregulation (2), to fish for that species.

(2) A person is authorized to fish for a species of fish if that person is

- (a) the holder of a licence for that species;
- (b) on board a vessel and is named as the operator of that vessel in a licence that authorizes the use of that vessel to fish for that species;
- (c) accompanying a person referred to in paragraph (a) or (b); or
- (d) on board a vessel the owner of which is the holder of a licence that authorizes the use of that vessel in fishing for that species and an operator is not named in the licence.

Application for document.

8. (1) An application for a document is to be made to the Minister on a form supplied by the Minister and accompanied by the appropriate fee.
(2) The fee for a document set out in column I of an item of Part I of Schedule II is the fee set out in column II of that item.
(3) Where, pursuant to subregulation (1), the Minister receives an application for a document from a person who is a member in good standing of an approved Fisheries Organisation, the Minister may exempt the person from the appropriate fee or portion thereof.

Registration.

9. (1) Where, pursuant to Regulation 8, the Minister receives an application for a fisher's registration card or a vessel registration card, he may issue that card.
(2) Where, pursuant to subregulation (1), the Minister issues a fisher's registration card to a person or a vessel registration card in respect of a vessel, that person or vessel is registered with the [Ministry or Department].

Grounds for refusing licence.

10. The Minister may refuse to issue a licence to fish, to process or buy fish products if the Minister is not satisfied that it is in the public interest to issue the licence having regard to the supply of fisheries resources available, the presence of existing under-utilized processing capacity or

any other factor that, in the opinion of the Minister, is relevant to determining the public interest.

Fisheries management order.

11. (1) The Minister may, if he or she is of the opinion that prompt measures are required to address a threat to the proper management and control of fisheries and the conservation and protection of fish, make a fisheries management order with respect to any aspect of fisheries in any area of [State] fisheries waters specified in the order

- (a) prohibiting fishing of one or more species, populations, assemblages or stocks of fish;
- (b) prohibiting any type of fishing gear or equipment or fishing vessel from being used;
- (c) limiting the fishing of any specified size, weight or quantity of any species, populations, assemblages or stocks of fish; and
- (d) imposing any requirements with respect to fishing.

Conditions.

(2) The Minister may impose any conditions that he or she considers appropriate in the order.

Application of order.

(3) The fisheries management order may provide that it applies only to

- (a) a particular class of persons, including
 - (i) persons who fish using a particular method or a particular type of gear or equipment, and
 - (ii) persons who use fishing vessels of a particular class; or
- (b) holders of a particular class of licence.

Duty to comply.

12. Every person or holder to whom a fisheries management order applies shall comply with it.

Duration.

13. (1) A fisheries management order issued under Regulation 11 shall be in effect for the term specified in the order, which shall not exceed [45] days from the day on which the order is issued.

Renewal of order.

(2) If the Minister is of the opinion that prompt measures continue to be required to address the threat referred to in subregulation 11(1), he or she may renew the order for a term that does not exceed [45] days from the day on which it is issued.

Amendment of order.

14. (1) The Minister may amend a fisheries management order, other than its term, if he or she is of the opinion that the measures specified in the order are inadequate to address the threat referred to in subregulation 11(1).

Revocation of order.

(2) If the Minister is of the opinion that the measures specified in the order are no longer necessary to address the threat or if the threat no longer exists, he or she may revoke the order.

Notice.

15. (1) Notice of a fisheries management order shall be given to the persons or holders to whom it applies, in the prescribed manner.

If notice not given.	(2) If notice is not given, then the contravention of a fisheries management order is not an offence under the Act unless, at the time of the contravention, reasonable steps had been taken to bring the substance of the order to the notice of the persons or holders to whom it applies.
Inconsistency.	16. If there is an inconsistency between a fisheries management order and any regulations made under the Act, orders issued under those regulations or conditions of any lease or licence issued under the Act, the fisheries management order prevails to the extent of the inconsistency.
Nets.	<p>17. (1) The nets to be employed in the territorial waters of [State] shall be the following and no others:</p> <ul style="list-style-type: none"> (a) <i>Monofilament Nets for catching Flying fish</i>— Diagonal stretched mesh not to be less than one point seven five inches; (b) <i>Cast Nets for catching Bait</i>—Length not to exceed six feet. Mesh not to be less than half an inch square; (c) <i>Gar Seines for catching fish other than Cavalli or Jack fish</i>—Length not to exceed five hundred and forty feet. Width not to exceed twelve feet at centre. Mesh not to be less than half an inch square; (d) <i>Seines for catching Cavalli</i>—Length not to exceed seven hundred and fifty feet. Width not to exceed thirty-six feet in centre. Mesh not to be less than one and seven-eighth inches square; (e) <i>Seines for catching Jack fish</i>—Length not to exceed six hundred feet. Width not to exceed twenty-four feet at centre. Mesh to be not less than half an inch square; <p>(2) The use of any such net for a purpose other than that specified in subregulation (1) shall be unlawful.</p> <p>(3) The onus of proving that a net in which are found fish which it is unlawful to take in any such net has not been unlawfully used shall be on the person using the same.</p>
Use of monofilament nets and mesh.	<p>18. (1) A person who uses monofilament mesh or monofilament nets for catching Mullet shall not bring to shore any species of fish other than Mullet, in excess of fifteen per cent of the weight of the catch.</p> <p>(2) A person shall not carry on board a vessel at the same time, monofilament mesh or monofilament nets, with a diagonal stretched mesh of less than four point two five inches and mesh or nets of another size.</p>
Sardine.	19. No Sardine shall be sold except to a <i>bona fide</i> fisherman for the purpose of bait.
Prohibition.	20. (1) No fish shall be taken within the area lying between a line drawn from [protected area defined between two or more points], and the shore.

(2) No fish shall be taken anywhere between [protected area defined between two points] or from the sea between the said places for a distance of one-half of a mile seawards from low water-mark.

Dragging a net or seine.

21. Every person dragging a net or seine other than those specified in Regulation 17 shall remove all fish from such net or seine in water not less than three feet in depth.

Restrictions on operation of certain boats/vessels.

22. (1) A person operating a commercial multi-gear boat shall not do so within a distance of two nautical miles from the coast line.

(2) A person operating an artisanal vessel or a vessel for recreational purposes shall be permitted to do so within a distance of two nautical miles from the coast line.

Suspension or cancellation of licence.

23. The Minister may suspend or cancel any lease or licence issued under the authority of these Regulations, if

- (a) he or she determines that any provision of that lease or licence was not complied with;
- (b) he or she determines that the lease or licence holder has, with respect to the lease or licence, entered into an agreement that contravenes any provision of the Act or of the regulations; or
- (c) the lease or licence holder is in default of payment of a fine in relation to a contravention of the Act and the proceeds of the fine belong to [the organ of government] or to any other person or entity.

Research and training.

24. These Regulations do not apply to any person who holds a licence or other relevant permission from the Minister to undertake research and training within the areas covered by these Regulations.

SCHEDULE I
(Regulation 7)

Common and Scientific Names of Fish and Marine Plants

PART I

Anadromous Fish

Item	Column I Common Name	Column II Scientific Name
1	Cavalli	<i>[Scientific names in Latin]</i>
2	Flyingfish ([types])	
3	Jack Fish	
4	Mullet	
5	Sardine	
6	Etc.	

SCHEDULE II
(Regulation 8)

Fees for Licences and Registration Cards

PART I

Fees Other Than Commercial Fishing Licence Fees

Item	Column I Document	Column II Fee (\$)
1	Fisher's Registration Card	[50.00]
2	Vessel Registration Card	[50.00]
3	Commercial Licence to fish for:	
	(a) [type of fish] from a vessel 19.8 m or more in overall length but less than 30.5 m in overall length	[200.00]

PART II

Fees for Commercial Fishing Licences Which Authorise Taking Specific Quantities of Fish

Item	Column I Species	Column II Waters	Column III Fee per tonne (\$)
1	[Type of fish]	Any waters	[50.00]