

A NEW FISHERIES BILL FOR GUYANA

by

W. Edeson
Consultant
Fisheries Law Advisory Programme

Legal Office
FAO

PREFACE

In 1977 the Government of Guyana enacted legislation extending the limits of its exclusive fisheries jurisdiction to 200 nautical miles. The legislation also dealt with the regulation of foreign fishing operations in the new 200 mile zone. Guyana signed the Third United Nations Convention on the Law of the Sea in December 1982, though it has not yet ratified the Convention. Meanwhile, general fishing operations remain regulated under the Fisheries Act of 1956, as amended.

In December 1984, the Government of Guyana turned to the FAO Fisheries Law Advisory Programme for assistance in undertaking a general review of its legislation relating to fisheries to ensure its consistency with the new Law of the Sea Convention, and in drawing up a comprehensive fisheries law that would provide a proper legal basis and framework for the rational management and development of fisheries in Guyana. In response to this request a fisheries legislation consultant, Mr. W. Edeson, visited Guyana on two separate occasions in May 1985 and January 1986 in order to consult with Government officials and other persons concerned.

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Cde Dhurjohn
Cde Legall
Cde Menon
Cde Pollydore

Ministry of Foreign Affairs

Cde Scotland

Commissioner for Lands

Cde Archer
Cde Earle
Cde Rutherford

Director of Public Prosecutions

Cde Jackman

Chief Cooperatives Officer

Cde Edgehill,

Guyana Defence Force

Lt. Colonel Hinds

Comptroller of Customs

Cde Burnett

Cde Jao

Cde Singh

Commissioner of Police

Cde Ragubir

Harbourmaster's Department

Cde Hing

Guyana Fisheries Ltd.

Cde Williams

Cde Gopaul

Cde Small

Cde Welcome

Guyana-Nichimo Net Co.

Cde Wray, Secretary

Greater Georgetown Fisheries Cooperative Society Ltd.

Cde Khan, Manager

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1. Legal background

The Cooperative Republic of Guyana has inherited the English common law, which continues to operate in Guyana subject to any constitutional and legislative changes that apply. Thus, the principles by which legislation is interpreted and drafted are the same as operate throughout the common law world. In addition to common law principles, some elements of Roman-Dutch law are capable of applying, being a legacy of its period as a Dutch colony, though this consideration is no longer of practical relevance.

The matter is regulated by the Civil Law of Guyana Act Cap 6:01. (No. 15 of 1916), which codifies certain portions of the Roman Dutch Law of the State and in other matters substitutes the English common law and principles of Equity. The Act (Sect. 2(3)) saves existing rights acquired under Roman Dutch Law, but from 1 January 1917, the Roman Dutch law shall otherwise cease to apply, (Sect. 3(a)) while the English common law at that date shall apply. (Sect. 3(b)). The Act also provides that the foreshore (defined as the shore of the sea and of tidal navigable rivers which is covered by medium high tide between the spring tides and the neap tides) the soil under tidal waters, and the seabed within territorial waters of Guyana shall be deemed to be State lands and may be dealt with in the same manner as any other lands under the State Lands Act (Sect. 4). As from 1 January 1917, the ownership of the foreshore and of all lands covered by public navigable rivers, or by arms of the sea or by territorial waters is vested in the State upon the same terms as to use and enjoyment by the public for navigation and fishing and by the owners of the adjoining lands for access to the sea for purposes of navigation, and upon the same terms for all other purposes, as in England. Thus, the public right of fishing, as it existed in the English common law, applies in Guyana, subject only to any subsequent legislative changes.

2. The Constitution

The constitutional texts for Guyana when it became independent from the United Kingdom were: the Guyana Independence Act, 1966 and the Guyana Independence Order, 1966. In 1970, Guyana became a Republic and a President was substituted for the Governor General. It was not until 1980, however, that a presidential system with considerable power attaching to the office was introduced.

The present constitution was enacted in 1980, and is described as the "Constitution of the Cooperative Republic of Guyana". The Constitution describes Guyana as "an indivisible, secular, democratic sovereign state in the course of transition from capitalism to socialism [to] be known as the Cooperative Republic of Guyana" (Sect. 1)

Chapter II of the present Constitution states the "Principles and Bases of the Political, Economic and Social System", and states certain objectives. Brief reference may be made to: Sect. 11, which entitles "cooperatives, trade unions, and all socio-democratic organisations of a national character" to participate in the various management and decision making processes of the State; Sect. 14 which states that "the supreme goal of the economic system which is being established in the State is the fullest possible satisfaction of the people's growing material, cultural and

intellectual requirements, as well as the development of their personality and their socialist relations in society"; Sect. 15 which requires the State to "revolutionise the national economy" (para 1) and that the national economy "will be based upon the social ownership of the means of production, and the eventual abolition of internal arrangements and relationships which permit the exploitation of man by man". Other paragraphs in Sect. 15 refer to the objectives of economic laws of socialism, the role of national economic planning, and the role of cooperativism as the dynamic principle of socialist transformation.

The organs of power under the Constitution are: The Parliament; the National Congress of Local Democratic organs; the Supreme Congress of the People; the President; and the Cabinet.

The Parliament (i.e. the President and the National Assembly - Sect. 51) has the power to make, subject to the Constitution, "laws for the peace, order and good government of Guyana".

In addition to the references to cooperativism in the Constitution, the Local Democratic Organs Act, 1980, in Sect. 4, allows the Minister of National Development to divide Guyana into 10 regions and into sub-regions, districts, communities, neighbourhoods and (finally) cooperative units.

The National Security Miscellaneous Provisions Act (Cap. 16:02) gives the President power in time of war, threatened subversion and other emergency to make regulations for the purpose of dealing with that situation. (Section 30 (1)).

One power (Sect 30 (2) (C)) permits regulations to be made with respect to "control of the harbours, ports and territorial waters of Guyana, and the movements of vessels", while another paragraph allows for

(g)" amending any law, suspending the operation of any law, and applying with or without modification any law, other than the Guyana Independence Order, 1966."

3. International Law and Agreements

Guyana has signed, but has not to date ratified the Law of the Sea Convention, 1982. It has signed two agreements on fisheries - with Jamaica and Suriname - though these remain unratified. Currently, therefore, no fishing agreements are in force.

Guyana has not acceded to the Geneva Conventions on the Law of the Sea, 1958. On becoming independent, the government sent a letter to the Secretary General of the United Nations indicating that Guyana would continue to be bound by agreements entered into on its behalf by the United Kingdom until Guyana has indicated its intention not to be bound. It is uncertain, therefore, whether Guyana is bound by the 1958 Conventions.

In addition to being a member of the United Nations, Guyana is also a member of the Food and Agriculture Organisation, the International Maritime Organisation, the Economic Commission for Latin America and the Caribbean and the International Oceanographic Commission/Unesco. It participates in the United Nations Environment Programme.

It is also a member of CARICOM (the Secretariat of which is based in Georgetown), SELA (Systema Economica America Latina), and OLDEPESCA (Organisation Latino Americano de Desarrollo de Pesca). It is not a member of the Organisation of American States.

4. Legislation concerning Fisheries

There are two distinct sets of laws regarding fisheries in Guyana. First there is the Fisheries Act 1956, as amended, and regulations enacted under it, which is primarily concerned with inland fisheries and fisheries within "territorial limits" (Sect. 36), which now extend out to the limits of the twelve mile territorial sea of Guyana. Secondly, the Maritime Boundaries Act, 1977 which permits the President to proclaim an EEZ, and establishes a 200 mile fishing zone.

The Fisheries Act is still the principal legislation for local fishermen. It has sections dealing with the registration of fishing vessels, and providing for the inspection of vessels, the issuance of a licence number, its display on a fishing boat, etc., as well as provisions concerning change of possession, alterations to the register, etc. In addition to registration of vessels, the Act provides for the licensing of individual fishermen, and for a licence to export fish. Finally, fishery officers may be appointed (members of the police force not below the rank of Sergeant are automatically given the powers of fishery officers), and these officers are given certain enforcement powers, including the power to stop and search any vessel which is suspected of being used in fishing contrary to the Act or regulation, search and examine fishing stakes, and seize and detain vessels or stakes, etc. suspected of being used contrary to the Act.

(The range of persons qualified as Fishery Officers was expanded considerably in 1977 by the Maritime Boundaries Act, Sect. 43, and now includes members of the Guyana Defence Force, members of the Police Force, officers of the Customs and Excise Dept., and other persons appointed for the purposes of the Act).

A regulation making power is provided, covering such matters as: forms of application for registration and licensing, fees, facilitating identification of holders of licences and certificates of registration, particulars to be recorded in respect of fishing boats, controlling generally or specifically the taking of fish either throughout Guyana or in any specified water or area, the stocking of waters with fish, and the establishment and control of fish hatcheries, controlling the methods of taking fish, including traps, limiting the number of fish that can be taken, the provision of information for statistical purposes, providing for safety and welfare of fishermen, regulating or prohibiting certain types of fishing methods, regulating and controlling the marketing of fish, prescribing minimum sizes for fish caught, prescribing areas and periods of time within which particular fish may not be caught, and prohibiting the deposit or discharge of noxious substances. Prosecutions can only be instituted with the consent of the Director.

The Act was amended in 1969 by the Fisheries Amendment Act, which added a definition of Minister, and included in effect an exemption from holding a licence in respect of fishing by Amerindians. This was done by stating that the relevant subsection "shall not apply to any person who uses a line with not more than three hooks attached thereto, or who fishes in the interior". "Interior" is defined as "all that part of Guyana not less than twenty miles from the sea coast between Corentyne River on the east and the Pomeroon River on the west and includes the North West District". Other substantive amendments dealt with the duration of a licence (12 months), time for payment for a licence, refusal to issue a licence, and the provision of an appeal to the Minister within twenty-one days. Finally, all police officers, not just those of the rank of Sergeant and above, were given the powers of fisheries officers for enforcement purposes.

Fisheries Regulations, 1957

These regulations set out the form in which an application shall be made for the registration of a fishing boat, and for a licence to fish.

Exemptions from the licencing requirements are made in respect of persons using nets or structures not exceeding 20 feet, or lines with not more than three hooks, or who fish in the interior.

The Regulations also deal with the licensing of fish pens, export licences, the sale of fish, fishermen's rest rooms, mooring at the fish dock, landing fish and fishing equipment, etc. at the fish dock, provision of a watchman while alongside the dock, liability for damage to the fish dock and the use of ramps and grids.

Contravention of the regulations incurs a penalty of \$25 on summary conviction.

The first schedule sets out the forms of applications for registration of fishing boats, certificates of registration of fishing boats, applications for licences to fish, licences to fish, fish pen permits, and licences to export fish.

The second schedule exempts certain fish from distribution through the Fish Marketing Centre; the third schedule sets out licence fees and charges.

In 1959, the Fisheries (Amendment) Regulations were enacted, which required all fish landed at the Fish Marketing Centre to be subject to the approval of the superintendent and to wholesale. The Regulations also revised the licence fees and charges set out in the 1957 regulations.

The 1969 Regulations made largely technical changes to the 1957 regulations (changes of title to director, permits to expire on 31 December each year, etc.). Regulation 5 of the 1957 Regulations exempted nets and structures not exceeding 20 feet in length, or using a line with no more than three hooks attached thereto, or persons fishing in the interior. (See new Section 11(b) of the principal Act).

Fisheries (Aquatic Wildlife) Control Regulations made under Sect. 33 of the Fisheries Act.

These regulations authorise "a fishing officer" to issue a licence to any person to capture, collect, remove or slaughter any form of prescribed wildlife found in any waters of Guyana in such number and subject to such conditions as shall be set out in the licence". (Sect. 3(1)). A fee of G\$10 is prescribed in Section 3(2). "Prescribed aquatic wild life is defined as including "Manatees, Arapaima, Caymans, Water Dogs, Turtles".

Section 9 states that "the onus of proving that any prescribed aquatic wildlife -

- (a) has been captured or killed accidentally;
- (b) has been captured, removed, collected or slaughtered under a licence issued in accordance with these Regulations;
- (c) or the carcass thereof is the subject of private ownership;
- (d) or the carcass or flesh thereof has been examined by a food inspector and certified as fit for human consumption,

shall rest upon the person charged with the offence".

The penalty is, on summary conviction, a fine of up to G\$250, or six months imprisonment, and forfeiture of the licence. (Section 10).

Maritime Boundaries Act, 1977

The Maritime Boundaries Act, 1977 is a comprehensive Act covering, as well as fishing matters, important maritime jurisdictional issues for Guyana. It was one of the earlier comprehensive Acts enacted as a result of the developing consensus at UNCLOS III, in particular regarding the EEZ.

Part I (Sect. 3) of the Act enacts a twelve mile territorial sea measured from the low water line, or where the coast is broken by a river by a "straight line joining the two points where the low water line on the coast ends on either side of the river". (Sect. 7). The low water line is defined as the line of the mean low water springs as depicted on official charts (Sect. 8). Sect. 44 repeals the U.K. Territorial Waters Jurisdiction Act, 1878 insofar as it applies to Guyana.

Part II, on the Continental Shelf, confirms the pre-existing British Guyana (Alteration of Boundaries) Order in Council, 1954, which included the shelf within "the boundaries of Guyana" and further defines it as comprising "the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Guyana to the outer edge of the continental margin or to a distance of 200 miles where the outer edge of the continental margin does not extend up to that distance".

Part III, on the Exclusive Economic Zone, authorises the President to proclaim such a zone. In such a zone Guyana shall have "sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living". The Act also asserts that Guyana shall have "such other rights as are recognised by international law". Missing is any reference to duties, as is provided for in Art. 56(1)(c) of LOSC.

The Act also requires that no exploration or exploitation of the natural resources of the zone shall take place except in accordance with an agreement with the Government of Guyana or licence, or letter of authority from the relevant Minister. The President may also extend any enactment to the EEZ, and such enactment will have effect "as if the exclusive economic zone is part of the territory of Guyana.

So far, no EEZ has been proclaimed by Guyana.

Part IV provides for a fishery zone which extends 200 miles from the territorial sea base lines, though not including the territorial sea itself. This zone, unlike the EEZ, does not depend upon proclamation, and it is the basis on which the current 200 mile fishing zone rests.

The Part provides a detailed legal regime for fishing. The Minister is authorised to regulate (by Order) the conduct of fishing operations including ancillary operations, and the marking of fishing boats and fishing gear. An order would apply to all Guyanese fishing boats wherever they may be and to all foreign fishing boats within the fishery zone. For non-compliance with such an Order, there may be imposed a penalty of G\$1,000 on summary conviction, or G\$2,000 for subsequent convictions. The Act makes provision for access to the fishery zone by foreign boats only by the country in which they are registered being designated for that purpose by the Minister responsible for fisheries. A foreign boat not registered in a country for the time being so designated is not to enter the fishery zone except for a purpose recognised by international law or in accordance with a convention between Guyana and the country of designation, and it is to leave the zone as soon as the purpose is fulfilled, as well as not fishing while within the zone.

A breach renders "the master" of the boat liable upon summary conviction to a fine of G\$200,000, as well as forfeiture "of any fishing gear" found in the boat. Likewise, fishing for scientific research requires an arrangement between Guyana and the foreign government.

The Act also has enforcement provisions: Fisheries Officers appointed under the Fisheries Act are officers for the purposes of this Act. They are given power to board fishing boats, examine fish, gear and documents while on board, and where it appears that an offence has been committed, they may without warrant, "seize the boat together with any net, line, stake, instrument or appliance suspected to have been used in the commission of an offence and detain any person found on board". The fisheries officer is to bring such vessel, thing or person to the most convenient port as soon as practicable to lay a complaint and persons detained are to come before a court of summary jurisdiction.

The court may order any "boat, net, line, stake, instrument or appliance to be disposed of in such manner as the court may think fit". Likewise, fish seized may be sold and the proceeds either forfeited to the State, or handed to the person who caught the fish where no prosecution is made or is unsuccessful. Where any person on board a fishing boat within the zone, or on any Guyanese fishing boat outside the zone fails to comply with any requirement imposed by a Fisheries Officer, or prevents another from complying or assaults or obstructs a fisheries officer, such a person is guilty of an offence and liable on summary conviction to a fine of G\$2,000.

There is also a power to prevent interference with fishing operations, though it is limited to controlling Guyanese fishing boats, or to fishing boats belonging to a country which is party to a Convention with Guyana. It is not clear whether that is intended to embrace only bilateral fisheries agreements, or more broad based Conventions such as LOSC.

There is a General Part (V) and amongst the provisions here, are: a Presidential power to alter the seaward limits of the territorial sea, the continental shelf, the EEZ, and the fishery zone; adjacent maritime boundaries and maritime zones are to be negotiated by agreement, and pending such agreement, are not to extend beyond the line every point of which is equidistant from the nearest point on the baseline from which the breadth of the territorial sea of Guyana is measured; and the issue of charts delineating the territorial sea. A certificate from the Minister responsible for lands and surveys that a particular chart is for the time being an authorised and accurate chart is admissible as conclusive evidence of the matter stated in the certificate.

Section 39 deals with offences by companies and permits proceedings against "every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company" though an exception is made for individuals who had no knowledge or had exercised all due diligence to prevent the commission of the offence.

The regulation making power (Sect. 41) covers many matters, of which the following could be relevant to fisheries: "(a) regulation of the conduct of any person in the territorial sea, the continental shelf, the exclusive economic zone, or the fishing zone" (c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone". Others concern the preservation of the marine environment, and the authorisation of marine scientific research.

The charging of fees for fisheries is not specifically covered. Section 41(2)(g) refers to "fees in relation to licences and letters of authority referred to in Part II and Part III, or for any other purposes". Parts II and III concern the continental shelf and the exclusive economic zone, but as no such zone has yet been proclaimed, fees would have to be justified under "any other purposes".

Regulations concerning fees have been enacted, and are: the Maritime Boundaries (Fishery Zone Fees) Regulations, 1977 (No. 12) and the Maritime Boundaries (Fishery Zone Fees) (Amendment) Regulations, 1977 (No. 14). The former sets out the fees payable by the "owner" (defined as including the person having for the time being the principal charge and care of a fishing boat): Regulation 5 imposes a fine of G\$10,000 and imprisonment up to six months. The second set of regulations amend the earlier principally by allowing the payment of fees in instalments on arrangements satisfactory to the Chief Agricultural Officer, and by re-enacting the fees payable in the earlier regulations, as well as providing more fees. These are set out in a schedule to the regulations (No. 14) and are:

1. Any fishing boat operating in the fishery zone but not doing so from a base in Guyana G\$100,000
2. Any foreign owned fishing boat exceeding 100 feet in length operating in the fishery zone from a base in Guyana G\$ 50,000
3. Any foreign owned fishing boat less than 100 feet in length operating in the fishery zone from a base in Guyana G\$ 12,500
4. Any Guyanese owned fishing boat exceeding 100 feet in length operating in the fishery zone from a base in Guyana G\$ 5,000
5. Any Guyanese owned fishing boat less than 100 feet in length operating in the fishery zone from a base in Guyana G\$ 2,500

5. Legislation Concerning Safety of Fishing Vessels

There are two Acts that are relevant here. Inland fishing vessels are dealt with under the River Navigation Act Cap 50:01 (1891). The Act applies (Sect. 2) to vessels "used for the navigation of any river or lake in Guyana which has not less than three quarters of its length, measured at the water line, covered with decking". Section 12 provides: "Nothing in this Act shall affect boats belonging to Amerindians and used by them solely for their own purposes", though certain regulations concerning lighting may apply below the first falls. Regulations can be made under Sect 7(1) concerning navigation of rivers which would apply to fishing vessels as well. No specific regulation making power refers to fishing vessels.

Regulations have been enacted under Sect. 7 dealing inter alia with river navigation covering inspection and certificating of vessels and boats, passenger vessels and boats, certificating of captains, steersmen, and bowmen to be employed in charge of boats, control of navigation of boats and vessels used on parts of rivers obstructed by rapids and other aspects. These would apply generally to river fishing vessels.

The Commissioner for Lands has primary responsibility for the control of river navigation.

A major source of difficulty in Guyana results from the presence of fishing stakes in the mouth of the Demerara River and in the Harbour area of New Amsterdam. These stakes have been in place for a long time. The Harbour master and the Fisheries Department were unclear where the authority should lie in dealing with these stakes. These stakes constitute a hazard to navigation, either because in some instances they are located in the shipping channels, or because they were close to those channels in places where boats would be stopping and liable to drift into them. A clear example of the latter is found just below the Demerara bridge where certain large boats have to wait for it to open in order to pass through.

The principal legislation dealing with harbours is the Transport and Harbours Act Cap 49:04, the purpose of which is to establish a transport and harbours department to manage and control the railways and government vessels and to control and regulate the use of the harbours of Guyana. Two harbours are defined in the Act, these being Georgetown and New Amsterdam. Other areas used as harbours, but not proclaimed, are: Essequibo/Pariko, Linden and Morawhanna. In addition, Sect 34 refers to pilotage districts, including the harbours referred to (in the case of Georgetown, a wider area is defined) which may be established by regulations. The regulations making power (Sect. 49), in paragraph (i) of subsection (2) refers to "the removal of obstructions to navigation in pilotage districts", while paragraph (j) refers to "the regulation of traffic in the harbours for securing the safety of vessels and the prevention of accidents". It is thought that para (i) and probably also para (j) would authorise the enactment of regulations covering the erection of nets that come within the pilotage districts. Furthermore, Sect 42 makes it an offence to make "fast or [use] a fishing net, line, seine, or other similar thing near any stelling within a harbour", and authorises the seizure and destruction of these items.

The Transport and Harbours Act is also the source of authority to issue certificates of seaworthiness for vessels to navigate in a harbour and a licence to act as a master of a vessel in a harbour. (Harbours Regulations 1939, and 1970 Sects 3 and 8). This requirement of seaworthiness applies to marine fishing vessels that "leave or navigate" in the waters of any harbour, though this does not apply to vessels holding a valid certificate of seaworthiness issued by "a competent authority outside of Guyana" (Sect. 692)(a)).

6. Licensing and Registration of Vessels

Vessels engaged in the coasting trade, as defined in the Customs Act (Cap 82:01) are subject to the licensing Provisions of that Act. Section 16 defines coasting trade as "all trade by sea or by air from one part of Guyana to any other part thereof", though an exception is made for vessels and aircraft arriving from overseas, and trading at several ports. (Sect. 169). Section 171 authorises the Minister to prescribe by regulation for the licensing of ships in the coasting trade. This has been done under Customs regulation (Part XIII - Forms not Elsewhere Provided for Sect 144), and Form C.47 which is set out in the Regulations states, inter alia, "Licence is hereby granted to the _____ tons _____ Master owned by _____ to trade coastwise, from this date until the 31st day of December, 19___, subject to the law regulating the coastwise trade of Guyana."

In the Customs Act (Sect 2) Guyana is defined to include "the islands adjacent to Guyana and forming part thereof", the dependencies of Guyana, all inland waters of Guyana, and "all territorial waters adjacent to Guyana, islands or dependencies. "Waters of Guyana" is defined to mean "any waters other than waters of the Corentyne River, within a space contained within an imaginary line drawn parallel to the shores or outer reefs of Guyana which appear above the surface at low water mark at ordinary spring tides and distant three miles therefrom". (See now the Maritime Boundaries Act, 1977, Sect. 2(2)), which extends the territorial sea to twelve miles.

Section 3 gives customs officers the same powers, authority and privileges as are given by law to members of the Police Force, ("for the purpose of carrying out the provisions of the customs laws").

Vessels which are capable of going overseas, including trawlers, are currently still registered under British merchant shipping legislation. The Comptroller of Customs is the local Registrar of British Ships and vessels are registered with British Registry Certificates and Numbers issued in U.K. The Registrar certificate issued is prescribed by the Commissioner for Customs and Excise with the consent of the Board of Trade (UK). (The Fisheries Act also provides for the registration of fishing vessels).

Section 65 permits the Comptroller to grant licences for small craft, which are defined as "ships not exceeding 100 tons burden". Regulations (Sects 178-190) have been enacted which are concerned with such vessels proceeding to ships which "have arrived in the waters of Guyana". Although not specifically directed at fishing vessels that would be small craft, it would seem to apply to them.

7. Custom duties

There is in operation a ban on the importation of fish, as a means of encouraging the use of locally caught fish, as well as enhancing the export of fish. For this purpose, even though the Act defines Guyana waters as extending up to 3 miles, (extended to 12 miles by the Maritime Boundaries Act, 1977) fish caught within the 200 mile exclusive fishing zone is not in practice treated as having being imported.

Shrimp, when exported, is subject to an export tax, which is 10% of the f.o.b. value, and payable in US\$. This tax does not apply to export to CARICOM countries.

Chapter 3 of the Import Schedule imposes an import duty on fish, crustaceans and molluscs (but not marine mammals (or meat thereof), fish unfit for human consumption, or caviar)). The rate of duty varies. Aquarium fish attracts a rate of 25%, fresh and frozen fish attracts a duty of 15%, though cod, mackerel Herring and Alewives (whether smoked, dried or salted) is free, though smoked salmon and other smoked fish is 10%.

Crustaceans (in particular shrimp and lobster) and molluscs carry a rate of 30% duty.

Finally, it should be noted that the Customs Act (Cap 82:01) in Sect. 263 places the burden of proof on the person charged regarding the payment of customs duties. Section 263 states:

"In any prosecution under the customs laws, the proof that the proper duties have not been paid in respect of any goods, or that the same shall have been lawfully imported or exported, or lawfully put into or out of any aircraft or ship, or lawfully transferred from one aircraft or ship to another aircraft or ship shall lie on the defendant".

8. Policing Laws

The Police Act (Cap 16:01) (10 August 1957) Sect. 3(2) states that the "Force shall be employed for the prevention and detection of crime, the preservation of law and order, the preservation of the peace, the repression of internal disturbance, the protection of property, the apprehension of offenders and the due enforcement of all laws and regulations with which it is directly charged and shall perform such military duties within Guyana as may be required of it by or under the authority of the Minister".

The police force is the primary law enforcement agency in Guyana, and although it would not be actively involved in marine enforcement, its members will be involved with offenders once they are brought ashore. Nonetheless, the Maritime Boundaries Act, 1977, Sect. 43 makes all members of the police force fishery officers for the purposes of the Act.

Defence Act (Cap.15:01)

The Act establishes the Guyana Defence Force (the GDF) which has responsibility for "the defence and maintenance of order in Guyana and with such other duties as may from time to time be defined by the Defence Board". The GDF makes arrests of vessels in Guyanese waters and hands over to the police or customs officials the vessel and crew as soon as it is reasonably practicable to do so. There is, however, no specific authorisation in the Defence Act for it to do so, the matter being covered by the Maritime Boundaries Act, 1977, Sect. 43 which gives members of the GDF the powers of fishery officers for the purpose of the Act.

9. Legislation concerning sea walls, and aquaculture and mariculture development

Much of the coastline of Guyana is below sea level. Because many of the fisheries cooperatives in Guyana utilise the seawall, and sluice gates areas for marketing fish, it is worthwhile mentioning briefly the legislation on sea defences. Also, this legislation will have some impact on aquaculture development.

First, the Sea Defences Act (Cap 64:01), which is aimed at securing the maintenance of the Sea, River and Outer Dams of Estates. This Act allows the Chief Officer of the Hydraulics Division of the Minister or Works to enter on any estate and inspect the sea, river and outer dams thereof (Sect 3), and he can require the owner to undertake certain repairs.

A regulation making power in Sect. 13 permits regulations concerning

- "(a) protecting the growth of underwood, shrubs, and trees, on or near the foreshore between high and low water marks;
- (b) the protection of land and soil between high and low water marks; and
- (c) generally, conserving the foreshore".

No regulations to date have been made.

The Act was enacted in 1883, and it was drafted with large plantations in mind. As these became sub-divided, it was impractical to expect small lot owners to maintain sea defences, hence the decision was made to make sea defence a State responsibility. In 1933, the Sea Defence Act (Cap 64:02) was enacted, which established the Sea Defence Board which is "charged with the care, maintenance, management and construction of the sea defences of Guyana". The Sea Defence Board is not functioning at the present time, and its responsibilities will in due course be transferred to Regional Democratic Councils. Until this happens, there is no mechanism whereby a mariculture application could be considered at the present time. An elaborate definition of "sea defences" is set out in the Act.

Three parts of the definition require specific mention. These are: that "sea defence" includes

- "(c) all land fifty feet landwards from the centre of any sea or river dam or sea or river wall ... and all land on the other side of such sea or river dam or sea or river wall in the direction of the sea or river to the toe of such sea or river dam or sea or river wall"
- "(d) any shell bank or reef, mud bank or reef, sandbank or reef, or other natural feature, which serves as a protection of the sea coast against the erosive action of the sea or which protects the bank of any river from the erosive action of the river current; and
- (e) all land fifty feet landward of the crest or top of any reef, bank or natural feature under paragraph (d) hereof, and all land on the other side thereof in the direction of the sea or river as far as the mean high water mark."

The significance of this is that under Sect. 12(1), "All sea defences which are or shall be in existence in any district shall by force of this Act become the property of the State".

In rivers, the sea walls come about one mile inland, and thereafter, the normal rule of ownership applies i.e. the adjacent landowner has title up to the median high tide (i.e. average high tide) - See Sect. 4, Civil Law Act, Cap. 6:01. Thus, as a general rule, there would be no right of access to the river bank for fishermen.

The Commissioner for Lands is, however, creating reserves 66 ft. wide along river banks whenever it alienates land with a view to creating a public right of access.

Acquisition of Lands for Public Purposes Act, Ca. 62:05.

This Act sets out the procedures by which land can be compulsorily acquired,

Land is defined (in Sect. 2) to include "all land whether covered with water or otherwise".

The land, however, must be acquired with a view to the construction of a "public work". (Sect. 4). Public work is not defined, but Sect. 3 states: "The Minister may by order declare any railway, tramway, road, canal, dock, harbour work, polder, building, dam, sluice, or drain, or any work, measure or undertaking of whatsoever description whether ejusdem generis with any of the foregoing or not, and whether to be constructed out of public funds or otherwise or by the Government or otherwise, to be a public work and may alter or vary any order so made".

Although aquaculture and mariculture projects are not specifically contemplated, it seems that Sect. 3 is sufficiently broad to encompass such projects as a "public work".

10. Legislation concerning Companies, Partnerships, Cooperatives and Public Corporation

The Companies Act (Cap 89:01) and the Partnership Act (Cap 89:02) are typical of that type of legislation found throughout the common law world.

Cooperative Societies Act (Cap 88:01)

This Act provides for the formation of and regulates the operations of cooperative societies. Section 3 establishes the office of Commissioner for Cooperative Development. This office provides some support to cooperatives, assisting them in running their affairs as well as performing a supervisory role. The act is typical of such legislation found throughout the common law world, though it is coming to assume greater significance in Guyana because the Government is actively encouraging the establishment of cooperatives. These would be registered under this Act. These cooperatives should not, from a legal viewpoint, be confused with the cooperative units envisaged under the Local Democratic Organs Act 1980 (see above).

In the fisheries sector, local fisheries cooperatives have come to play an important part. There are now 14 cooperatives which are:

Upper Corentyne Fishermen's Co-op Society Ltd.,
Corriverton,
Corentyn, Berbice

Corentyne Pin Seine Co-op Society Ltd.,
Whim Village,
Corentyne, Berbice

Rosignol/East Canje Fishermen's Co-op Society Ltd.,

Lower East Coast Fishermen's Co-op Society Ltd.,
Lusignan Village,
East Coast Demerara

Georgetown Fishermen's Co-operative Society Ltd.

West Bank Demerara Fishermen's Co-op Society Ltd.,
La Grange,
West Bank Demerara

Upper West Coast Demerara Fishermen's Co-op Society Ltd.,
13, Zeeburg Village
West Coast Demerara

Leguan Fishermen's Co-op Society Ltd.,
La Bagatelle,
Leguan Island,
Essequibo

Wakenaam Fishermen's Co-op Society Ltd.,
Ridge
Wakenaam Island,
Essequibo

Essequibo/Pomaroon Fishermen's Co-op Society Ltd.,
Essequibo Coast

Morawhanna Fishermen's Co-op Society Ltd.,
Morawhanna,
North West District

Lanaballi Fishermen's Co-op Society Ltd.,
Lanaballi,
Essequibo River

Moruca Fishermen's Cooperative Society Ltd.
Moruca

Public Corporation Act (Cap 19:05)

This Act provides for the establishment of public corporations.

Section 3 establishes the Guyana State Corporation (commonly known as GUYSTAC) which is a body corporate, and consisting of:

- (a) the President of the Corporation, who shall be the Minister (whereon is assigned responsibility for public corporations).
- (b) an Executive Vice President, appointed by the President of Guyana.

- (c) such Vice Presidents as may be appointed by the President of Guyana, qualified in or having shown a capacity in matters relating to agriculture, industry, trade, commerce, banking, finance, science, education, social welfare, and administration.
- (d) such number of Executive Chairmen as the President of Guyana may wish to appoint from paragraph (c).
- (e) not more than 3 other persons appointed by the President of Guyana.
- (f) two persons from among persons employed in public corporations and other bodies under the supervision and control of the Corporation.

The function of GUYSTAC is described in Sect. 5 as being inter alia to exercise supervision and control over public corporations and to facilitate economic development in Guyana.

In the fisheries sector, Guyana Fisheries Ltd. comes under the supervision of GUYSTAC, though it does not own any shares in Guyana Fisheries Ltd. (GFL is 97% government owned, 3% Japanese owned, and is established under the Companies Act). The future of GUYSTAC is currently under consideration.

11. Other legislation indirectly relevant to fisheries

Trade Act (Cap 91:01)

The Act permits the President to prohibit the importation or exportation of goods and to regulate prices, and to prohibit importation or exportation of goods except with a licence issued by the "Competent Authority" (Sect. 5). The Competent Authority is appointed by the Minister responsible for trade.

Penalties are imposed for breaches of the Act which are: on summary conviction, a fine of \$750 and 6 months imprisonment; on conviction on indictment, a fine of \$3,000 and 2 years imprisonment.

"Export" is defined as "to take, or to be concerned in taking out of Guyana or the territorial waters thereof, and exportation shall be construed accordingly".

"Import" means to bring, or to be concerned in bringing into, Guyana or the territorial waters thereof, and "importation" shall be construed accordingly".

This act has been used to prohibit the importation of fish into Guyana, thereby encouraging self reliance on local fisheries products.

Exchange Control Act Cap 86:01

This Act confers powers, and imposes duties and restrictions in relation to gold, currency payments, securities, debts, and on the importing, exporting, transferring and settlement of property. Securities in favour of persons resident outside Guyana require the permission of the Minister responsible for finance.

Interpretation and General Clauses Act Cap 2:01

This Act governs the interpretation of laws, other than constitutional instruments and applied laws.

"Applied laws" is defined in Sect. 5 as "an applied Act and any legislative instrument (other than the constitutional instruments) made thereunder otherwise than by an authority in Guyana, having effect or having had effect as part of the law of Guyana".

"Applied Act" (Sect. 5) means an Act of Parliament of the United Kingdom, having effect or having had effect as part of the law of Guyana."

The Act in other respects is typical of its kind of legislation found throughout the common law world.

There is also a Law Revision Act, Cap 3:02, which authorised an extensive revision of the statute laws. This has been carried out, and the results published as law in July 1973. The revision does not include "any applied law", hence laws of the U.K. Parliament applying to Guyana are not included in the revision. The revision is of a high standard and finding the statute law of Guyana is a relatively easy task. Another revision is underway and is close to completion.

Other Acts which would impinge on fisheries activities, though indirectly only, are: the Government Wharves Act (Cap 49:05), Shipping Casualties (Investigation and Prevention) Act (Cap 49:07) and the Law of Merchant Shipping Act. (Cap 49:01). The latter Act, which came into force in 1865, applied the law of England concerning merchant shipping to Guyana. Presumably, therefore, the 1984 Merchant Shipping Act U.K. would apply, as amended from time to time, even though the amendments made to the latter Act are stated to apply only to very few locations, which would not include Guyana as a matter of UK law.

12. The Need for a New Fisheries Law

At present, legislation concerning fisheries is split between two sets of laws. The Fisheries Act was drafted for the 1950's and 1960's, and in particular, with a limited objective of regulating fishing in a three mile territorial sea and internal and inland waters. The Maritime Boundaries Act of 1977 was one of the first national laws to give effect to the international law of the sea that was emerging at UNCLOS III, and it would be useful to provide now for a comprehensive Act that can reflect the final product of the Convention insofar as it concerns fisheries.

It is also necessary to ensure that the benefits of the fisheries provisions of the Convention become operative in domestic law, and further to provide for an effective management and enforcement regime for Guyana.

Because the new regime of fisheries involves the regulation of access by foreign vessels to a 200 mile zone as well as controlling local access, and because the administrative challenges thus presented are significantly different to the old fisheries regime, it is thought appropriate to repeal the old legal regime, as well as those parts of the Maritime Boundaries Act, 1977 which concern fisheries.

In the proposed law, provision is made for:

- fisheries management planning
- the possibility of regional and sub-regional co-operation in fisheries matters
- the establishment of an advisory board
- foreign and local licencing
- registration of vessels
- prohibited fishing methods
- marine reserves
- fish aggregating devices
- fish processing establishments
- a dispute settlement procedures, including a conciliation process
- aquaculture
- enforcement
- a regulation making power

In addition, regulations have been drafted to give detailed effect to many of the major aspects of the proposed law.

ANNEX I

DRAFT FISHERIES ACT

ACT NO. OF 198

FISHERIES ACT, 198_

ARRANGEMENT OF SECTIONS

SECTION

1. Short Title and Commencement -
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3. Appointment of Officers
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5. Fisheries Advisory Committee
6. Regional Co-operation in Fisheries
7. Fisheries Access Agreements
8. Foreign Fishing Vessel Licences
9. Test Fishing Operations
10. Stowage of Fishing Gear
11. Local Fishing Vessel Licences
12. Commercial Fishermen's Licences
13. Validity of Fishing Licences
14. Conditions of Fishing Licence
15. Fees, Royalties, etc.
16. Notice
17. Cancellation and Suspension of fishing licences
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AQUACULTURE

23. Aquaculture

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MARINE RESERVES AND CONSERVATION MEASURES

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41. Regulations
42. Exemptions
43. Savings
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AN ACT to provide for the promotion and management of fisheries in Guyana.

Enacted by the Parliament of Guyana.

SHORT TITLE AND COMMENCEMENT

1. (1) This Act may be cited as the Fisheries Act, 198 .
- (2) This Act shall come into force at such time as the President may, by Proclamation, specify.
- (3) The President may, by Proclamation, specify different dates for the commencement of the different provisions of this Act.

INTERPRETATION

2. In this Act -

"authorised officer" means any fisheries officer and any other person or category of persons designated as an authorised officer by the Minister under section 3;

"Chief Fisheries Officer" means the person appointed as Chief Fisheries Officer under Section 3;

"commercial fisherman's licence" means a commercial fisherman's licence issued under section 12;

"fish" means any aquatic animal, whether piscine or not, and includes any shellfish, turtle, mollusc, crustacean, coral, sponge, echinoderm, holothurian, its young and its eggs;

"fish aggregating device" means any man-made or partly man-made floating or submerged device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location;

"fish processing establishment" means any land, premises or other place on or in which fish are canned, dried, gutted, salted, iced, chilled, frozen or otherwise processed for sale by wholesale within or outside Guyana;

"fisheries officer" means the Chief Fisheries Officer, Fisheries Officer, or Assistant Fisheries Officer and any other officer appointed under Section 3;

"fishery" means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics;

"fisheries plan" means the plan for the management and development of fisheries prepared under Section 4;

"fisheries waters" means the waters of the fishery zone, exclusive economic zone and the territorial sea of Guyana as defined in Section 2 of the Maritime Boundaries Act 1977, internal waters as defined in Section 4 of that Act, and all inland waters of Guyana";

"fishing" means fishing for or catching or taking or killing fish by any method and includes searching for fish or placing, searching for or retrieving any fish aggregating device;

"fishing licence" means a foreign fishing vessel licence, a local fishing vessel licence or a commercial fisherman's licence;

"fishing vessel" means any vessel used for commercial fishing or related activities or for sport fishing;

"foreign fishing vessel licence" means a licence issued in respect of a foreign fishing vessel under Section 8;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"licence" means a licence issued under this Act;

"local fishing company" means any company incorporated under the laws of Guyana and having its principal place of business in Guyana,

- (a) of which all of the shares are owned by citizens of Guyana or by any fishermen's cooperative society, fishermen's association or other such society of which all the members are citizens of Guyana; or
- (b) which, in view of the substantial nature of the participation by Guyana citizens in the shareholding of the company or other benefits accruing to Guyana, has been designated by the Minister by notice published in the Gazette as being a local fishing company for the purposes of this Section;

"local fishing vessel licence" means a licence issued in respect of a local fishing vessel under Section 12;

"local fishing vessel" means any fishing vessel which is:

- (a) wholly owned by the Government of Guyana or by a public corporation established by or under the law of Guyana; or
- (b) wholly owned by one or more natural persons who are citizens of Guyana; or
- (c) wholly owned by a fishermen's cooperative society, fishermen's association or other such society or association of persons established under the law of Guyana or by a local fishing company;

"locally based foreign fishing vessel" means any foreign fishing vessel based in Guyana which lands all its catch in Guyana;

"master" means the person or persons having control of a fishing vessel at any given time;

"Minister" means the Minister to whom matters relating to fisheries have been assigned;

"prohibited fishing gear" in relation to any fishery in any area means:

- (a) any net the mesh size of which does not conform to the prescribed mesh size for that type of net, for that fishery in that area; or
- (b) any trap or other fishing gear which does not conform to any standards prescribed for that type of trap or other fishing gear for that fishery in that area; or

- (c) any other net or fishing gear which is prohibited by any regulations made under this Act for that fishery in that area;

"related activities" in relation to fishing means:

- (a) trans-shipping fish to or from any vessel whether or not for the purpose of sale or barter; or
- (b) storing, processing or transporting fish taken from the fisheries waters up to the time it is first landed; or
- (c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
- (d) attempting or preparing to do any of the above;

"sport fishing" means fishing for recreational purposes, without the intention of selling the fish caught;

"test fishing operations" means any fishing operations undertaken over a limited period of time with the approval of the Chief Fisheries Officer under Section 9 for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of locally based fishery operations.

PART I

FISHERIES MANAGEMENT AND DEVELOPMENT

APPOINTMENT OF OFFICERS

- 3. The Minister may appoint a Chief Fisheries Officer and such other fisheries officers and authorised officers as may be necessary to give effect to this Act.

FISHERIES MANAGEMENT AND DEVELOPMENT PLANS

- 4. (1) The Chief Fisheries Officer shall progressively prepare and keep under review plans for the management and development of significant exploitable fisheries in the fisheries waters.
- (2) Each fisheries plan shall include:
 - (a) an identification of the fishery to which it applies and an assessment of the present state of its exploitation;
 - (b) where appropriate, a statement of the objectives to be achieved in the management and development of the fishery;
 - (c) specification of any management and development measures to be taken;

- (d) an indication of the main requirements for statistical information on the fishery and the means to be used to obtain such information;
 - (e) specification, where appropriate, of any licensing programmes to be followed for the fishery, any limitations to be applied to local fishing operations and the amount of fishing, if any, to be allocated to foreign fishing vessels; and
 - (f) specification, where appropriate, of the measures that are necessary to ensure that the fisheries plan can be harmonised with fisheries plans or licensing laws or policies of States in the region, particularly in respect of shared or straddling stocks.
- (3) In the preparation and review of each fisheries plan, the Chief Fisheries Officer shall consult with the local fishermen, local authorities, other persons affected by the fisheries plan and with any fisheries Advisory Committee appointed under Section 5.
 - (4) Each fisheries plan and each review thereof shall be submitted to the Minister for approval.

FISHERIES ADVISORY COMMITTEE

- 5. (1) The Minister may appoint a Fisheries Advisory Committee to advise on the management and development of fisheries, with the objective of ensuring the optimum utilization of the fisheries resources of the fisheries waters of Guyana for the benefit of the people of Guyana.
- (2) Any Fisheries Advisory Committee appointed under this Section shall include the Chief Fisheries Officer and such other persons as the Minister may consider capable of advising on the management and development of fisheries.

REGIONAL CO-OPERATION IN FISHERIES

- 6. (1) The Minister may enter into arrangements or agreements with other countries in the region or with any competent sub-regional, regional or global organisation with the purpose of promoting regional co-operation in fisheries.
- (2) Arrangements or agreements referred to in subsection (1) may concern but are not limited to the harmonisation of systems for collecting statistics, carrying out surveys for assessing the state of the fishery resources, harmonisation of licencing procedures regarding foreign fishing vessels, and co-operation in enforcement measures in respect of foreign fishing vessels.

FISHERIES ACCESS AGREEMENTS

7. (1) The Government of Guyana may enter into access agreements with other states and with associations representing foreign fishing vessel owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations.
- (2) The fishing rights allocated under agreements entered into under this Section shall not exceed the total resources or amount of fishing allowed to the appropriate category of foreign fishing vessels under the appropriate fisheries plan.
- (3) Any agreement entered into under this Section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fisheries waters.
- (4) For the purpose of this Section and Section 8, the term "State" shall include any regional organisation to which the power to negotiate access agreements has been delegated by the member countries of that organization.

FOREIGN FISHING VESSEL LICENCES

8. (1) No foreign fishing vessel shall be used for fishing or related activities in the fisheries waters without a valid foreign fishing licence issued under this Section.
- (2) Subsection (1) shall not apply to any foreign fishing vessel used purely for the purpose of sport fishing or fisheries related research operations.
- (3) An application for a foreign fishing vessel licence shall be made, in the prescribed form, to the Minister.
- (4) Subject to the provisions of this Act and any regulations made under this Act, the Minister may issue a foreign fishing vessel licence in the prescribed form authorizing a foreign fishing vessel to be used in the fisheries waters for such fishing or related activities as may be specified in the licence.
- (5) Subject to Sub-Sections (6) and (7), no foreign fishing vessel licence shall be issued to any foreign fishing vessel unless there is in force with the Government of the flag state of the vessel or with an association of which the owner or charterer is a member, an access agreement to which the Government of Guyana is a party.

- (6) A licence may be issued in respect of:
- (a) test fishing operations;
 - (b) a locally based foreign fishing vessel,
- notwithstanding the absence of an access agreement otherwise required under subsection (5).
- (7) Where the Minister determines that an agreement under Section 7 in respect of a foreign fishing vessel is not practical, he may issue a licence in respect of that vessel where the applicant provides sufficient financial and other guarantees relating to his fulfilment of all obligations arising under this Act.
- (8) Where a fishing vessel is used in contravention of subsection (1) or of any condition of a foreign fishing vessel licence, the master, owner and charterer of that vessel is each guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars.

TEST FISHING OPERATIONS

9. (1) The Chief Fisheries Officer may, where he considers it to be in the best interests of Guyana, approve test fishing operations to be undertaken by foreign fishing vessels.
- (2) Any approval given by the Chief Fisheries Officer under this section shall be in writing and shall be valid for such period not exceeding six months as may be specified in the approval, provided that a longer period may be specified with the approval of the Minister.
- (3) Any approval given under this section shall not exempt a foreign fishing vessel from the requirement to hold a valid foreign fishing vessel licence under section 8.

STOWAGE OF FISHING GEAR

10. (1) The fishing gear of any foreign fishing vessel which is prohibited from fishing in the fisheries waters under Section 8 shall be stowed in the prescribed manner while the vessel is within the fisheries waters.
- (2) Where a foreign fishing vessel is licensed to fish by means of a particular type of fishing gear in any specific area of the fisheries waters, any other fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is within that area and all fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is or within any other area of the fisheries waters where it is not licensed to fish.

- (3) Where a foreign fishing vessel contravenes subsection (1) or (2), the master, owner and charterer of that vessel is each guilty of an offence, and shall be liable on summary conviction to a fine not exceeding dollars.

LOCAL FISHING VESSEL LICENCES

11. (1) No local fishing vessel shall be used for fishing or related activities in the fisheries waters without a valid licence issued under this Section in respect of that vessel.
- (2) Subsection (1) shall not apply to any local fishing vessel used purely for the purpose of sport fishing or fisheries related research or survey operations.
- (3) An application for a local fishing vessel licence or for the renewal of a local fishing vessel licence shall be made in the prescribed form to the Chief Fisheries Officer.
- (4) Subject to subsection (5) of this section, the Chief Fisheries Officer may issue a local fishing vessel licence in the prescribed form.
- (5) No local fishing vessel licence shall be issued or renewed in respect of any local fishing vessel unless
 - (a) an application has been made in accordance with subsection (3);
 - (b) the vessel has been registered in accordance with section 19 and such registration has not been cancelled under section 22; and
 - (c) any fees payable in respect of the licence have been paid.
- (6) The Chief Fisheries Officer may refuse to issue or renew a local fishing vessel licence in respect of any local fishing vessel -
 - (a) where it is necessary to do so in order to give effect to any licensing programmes specified in any applicable fisheries scheme;
 - (b) where the licence application is made in respect of a fishery that has not hitherto been exploited in Guyana and where the Chief Fisheries Officer is satisfied that it would be contrary to the interests of the proper management of that fishery to issue the fishing vessel licence; or
 - (c) for such other grounds as may be specified in this Act or any regulations made under this Act.
- (7) Where a local fishing vessel is used in contravention of subsection (1) or any condition of the local fishing vessel licence, the master, owner and charterer of that vessel each is guilty of an offence, and shall be liable on summary conviction to a fine not exceeding dollars.

COMMERCIAL FISHERMEN'S LICENCES

12. (1) No person shall fish in the fisheries waters without a valid commercial fisherman's licence issued under this Section.
- (2) Subsection (1) shall not apply to any person fishing purely for sport or in the course of fisheries related research or survey operations, nor to any person on board a foreign fishing vessel licensed to fish under Section 8.
- (3) Application for a commercial fisherman's licence shall be made to the Chief Fisheries Officer in the prescribed form.
- (4) Subject to subsection (5) the Chief Fisheries Officer may issue or renew a commercial fisherman's licence.
- (5) No commercial fisherman's licence shall be issued or renewed in respect of any person unless
 - (a) an application has been made in accordance with subsection (3); and
 - (b) any fees payable in respect of the licence have been paid.
- (6) Any person who fishes in contravention of subsection (1) or of any condition of a commercial fisherman's licence shall be guilty of an offence and shall be liable to summary conviction to a fine not exceeding dollars.

VALIDITY OF FISHING LICENCES

13. (1) Unless earlier cancelled in accordance with Section 17 a fishing licence shall be valid for such period not exceeding twelve months as may be specified in the licence.
- (2) Where a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the licence shall automatically cease to be valid.
- (3) The term of a foreign fishing licence shall not extend beyond the duration of any applicable access agreement.
- (4) A fishing licence shall be valid only for the fishery or fisheries specified in the licence.
- (5) Except as may be otherwise specified in any regulations made under Section 40 in implementation of a scheme for the limitation of effort in any specified fishery, no licence shall be transferable except with the written permission of the Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister.

CONDITIONS OF FISHING LICENCES

14. (1) Every fishing licence shall be in the prescribed form and shall be subject:
- (a) to such general conditions as may be prescribed;
 - (b) to such general conditions as may be specified under subsection (2); and
 - (c) to such special conditions as may be specified under subsection (3).
- (2) The Minister may, by Order published in the Gazette, specify general conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject including conditions relating to open and closed seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.
- (3) The Chief Fisheries Officer or in the case of a foreign fishing licence, the Minister, may attach to any fishing licence such special conditions as he may think fit relating to the proper management of fisheries, the base of operations of the vessel, the landing of its catch and the gathering of information on the vessel's operations.
- (4) The Chief Fisheries Officer, or in the case of a foreign fishing licence, the Minister, may, from time to time, where he is satisfied that it is expedient for the proper management of fisheries in the fisheries waters or the proper regulation of fishing operations, vary any special conditions attached to any fishing licence.
- (5) Where the Minister or the Chief Fisheries Officer varies any special conditions attached to any fishing licence he shall notify the licence holder of such variation as soon as practicable.

FEES' ROYALTIES ETC.

15. (1) There shall be payable in respect of every fishing licence such fees as may be prescribed.
- (2) There shall be payable in respect of every foreign fishing vessel licence such royalties or other charges as may be set out in any applicable access or agreement or in the case of a locally based foreign fishing vessel or a foreign fishing vessel engaged in test fishing operations such royalties or other charges as the Minister may determine.

NOTICE

16. (1) Any variation of a special condition given under Section 14 or cancellation or suspension under 17 shall be in writing, except as otherwise specified in subsection 2.
- (2) In the case of a foreign fishing vessel, a notification referred to in subsection (1) may be in writing or by telex, radio or such other form as the Minister deems appropriate.

CANCELLATION AND SUSPENSION OF FISHING LICENCES

17. (1) The Chief Fisheries Officer or in the case of a foreign fishing licence, the Minister, may cancel or suspend a fishing licence on any of the grounds set out in subsection (2).
- (2) A fishing licence may be cancelled or suspended where the Minister or the Chief Fisheries Officer, as the case may be, is satisfied that
 - (a) it is necessary to do so in order to allow for the proper management of any particular fishery; or
 - (b) where, following the inspection of a local fishing vessel, the certificate of registration of the vessel has been cancelled under Section 22; or
 - (c) the vessel in respect of which the licence has been issued has been used in contravention of this Act or of any regulations made thereunder, or of any conditions of the licence or in breach of any applicable access agreement; or
 - (d) he is required or authorized to do so in accordance with the provisions of any agreement entered into under Section 6.
- (3) Where a fishing licence has been cancelled or suspended under subsection (1), notification of the cancellation or suspension shall be given to the person to whom the licence was issued.
- (4) Where a fishing licence has been cancelled or suspended on the grounds specified in subsection (2)(a) of this Section a proportion of any fees paid for the fishing licence representing the unexpired period of that licence or the period of suspension, as the case may be, shall be reimbursed to the person to whom the licence was issued at his request.

CONTROLS OVER SALE OF FISH TAKEN IN THE COURSE OF SPORT FISHING OR FISHERIES RELATED RESEARCH AND SURVEY OPERATIONS

17. (1) No fish taken by in the course of sport fishing or fisheries related research or survey operations shall be sold except with the prior authorization of the Chief Fisheries Officer and in accordance with such conditions as he may impose.

- (2) Any person who contravenes subsection (1) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars.

RESOLUTION OF FISHING DISPUTES

18. (1) Where a fishing dispute arises between two or more individuals or groups in regard to the right to fish in a particular locality, or in regard to the time or manner of fishing in any part of the fisheries waters, such dispute may be referred to the Chief Fisheries Officer.
- (2) Where a fishing dispute has been referred to the Chief Fisheries Officer, he may:
 - (a) deal with the dispute in accordance with subsection (3)
 - (b) refer it to an arbitrator or arbitrators for decision, in accordance with subsection (3); or
 - (c) appoint a conciliator or a committee of conciliators to enquire into the dispute who shall make recommendations to the parties to the dispute regarding its solution.
- (3) A decision of the Chief Fisheries Officer or of an arbitrator or group of arbitrators appointed by him may include a determination that a particular area or areas shall be reserved for particular methods of fishing only, or that only particular types of boats or groups of individuals may fish within such areas.
- (4) Where a dispute has been referred to an arbitrator or arbitrators, any party aggrieved by the decision may appeal to the Chief Fisheries Officer within sixty days of the decision being made.
- (5) A decision of the Chief Fisheries officer, and a decision of an arbitrator or arbitrators whose decision has not been appealed against under subsection 4 shall be final and shall not be called in question in any civil court and shall be enforced in the same manner as if the decision had been a judgment of a civil court.
- (6) Any person who fails to comply with a decision of the Chief Fisheries Officer, or with a decision of an arbitrator or arbitrators handed down in accordance with this section shall be guilty of an offence and liable to a fine of
- (7) Where the Chief Fisheries officer determines that a conciliation process is an appropriate method for dealing with a particular dispute, he may appoint a conciliator, or a committee of conciliators not exceeding three in number, for the purpose of enquiring into a dispute and recommending a settlement.
- (8) The proceedings before a conciliator or a committee of conciliators shall be conducted in public, and participation by the parties shall be voluntary.

- (9) subject to any regulations made under Section 41 the conciliator or a committee of conciliators shall determine its own procedures.
- (10) Where a committee of conciliators is appointed, it shall appoint one of its members to act as chairman.
- (11) The role of the conciliator or of a committee of conciliators shall be to assist the parties to settle the dispute between them, and to recommend, where necessary, to the Chief Fisheries Officer the measures required to prevent a recurrence of the dispute.
- (12) If the parties do not accept the recommendations of the conciliator or of the committee of conciliators, the conciliator or the committee may refer the dispute to the Chief Fisheries Officer for decision by him.

PART II

REGISTRATION OF FISHING VESSELS

LOCAL FISHING VESSELS TO BE REGISTERED

19. (1) From and after the coming into operation of this Act every owner of a local fishing vessel which is used or intended to be used for fishing in the fisheries waters, shall, before such vessel is put to sea, be the holder of a valid certificate of registration in respect of such fishing vessel.
- (2) Application for a certificate of registration shall be made in the prescribed form on behalf of the owner to the Chief Fisheries Officer.
- (3) A certificate of registration shall not be issued unless the Chief Fisheries Officer is satisfied that the fishing vessel to which the application refers is seaworthy and fit for the purpose of fishing.
- (4) The Chief Fisheries Officer, or any person authorized by him in writing, may, on application therefor and on payment of the prescribed fees, issue a certificate of registration in the prescribed form in respect of a local fishing vessel.
- (5) Where a fishing vessel is registered under Section 3 of the Fisheries Act, or is exempted from the provisions of that section, such registration or exemption shall continue to operate until such time as the Minister determines that such vessels shall be placed on the register established under this Act.
- (6) Where a fishing vessel puts to sea without there being a valid certificate of registration in respect of it, or in respect of which subsection 5 applies, the master, owner, or charterer each is guilty of an offence and shall be liable upon summary conviction to a fine not exceeding dollars.

REGISTER OF LOCAL FISHING VESSELS

20. (1) The Chief Fisheries Officer shall keep a Register of every fishing vessel in respect of which there is in existence a valid certificate of registration and shall cause to be entered from time to time in the said Register the particulars of ownership and the place of mooring or beaching of such fishing vessel and such other particulars as may be prescribed in respect of such fishing vessel.
- (2) The contents of the Register of fishing vessels shall be prima facie evidence of the facts contained therein in any proceedings under this Act.

CHANGE OF OWNERSHIP TO BE NOTIFIED

21. (1) On the sale or change of ownership of a fishing vessel in respect of which a valid certificate of registration is in existence, the vendor and purchaser of such fishing vessel shall, within thirty days of such sale or other change of ownership, notify the Chief Fisheries Officer of the change of ownership (stating the name and address of the new owner or owners) and return to the Chief Fisheries Officer the certificate of registration issued for such fishing vessel for cancellation.
- (2) The Chief Fisheries Officer shall issue to the new owner of the fishing vessel a new certificate of registration.

FISHERIES OFFICER'S POWERS TO INSPECT LOCAL FISHING VESSELS

22. (1) The Chief Fisheries Officer may at any time inspect without notice any local fishing vessel for the purpose of satisfying himself that such fishing vessel is being maintained in a sea-worthy condition.
- (2) Where on an inspection pursuant to subsection (1), the Chief Fisheries Officer is satisfied that the fishing vessel is not sea-worthy or is otherwise unfit for the purpose of fishing, he may cancel the certificate or registration of that fishing vessel and that fishing vessel shall thereupon be deemed to be not registered and shall be removed from the register of fishing vessels kept by the Chief Fisheries Officer.
- (3) The registration of a fishing vessel in accordance with the provisions of this Part does not relieve the owner or master or charterer of any obligations arising under other laws of Guyana concerning the registration of shipping.

PART III

AQUACULTURE

AQUACULTURE

23. (1) The Chief Fisheries Officer may, on application therefor, grant permission in writing to any person to undertake aquaculture in Guyana or in the fisheries waters.
- (2) Before granting permission, the Chief Fisheries Officer shall cause to be published in the Gazette and in at least one daily newspaper at the expense of the applicant a notice that an application has been made and setting out the location at which it is proposed to undertake aquaculture.
- (3) No objection to the proposed application shall be considered if it is received more than twenty one days after the day on which the notice was published.
- (4) The Chief Fisheries Officer shall forward to the Commissioner for Lands and Surveys any application made and any objection received in accordance with subsections (1) and (3) of this Section.
- (5) No permission shall be granted for aquaculture unless authorised by both the Chief Fisheries Officer and the Commissioner for Lands and Surveys.
- (6) Permission granted for aquaculture under this section shall be valid for such length of time and subject to such conditions as may be imposed by the Chief Fisheries Officer and the Commissioner of Lands and Surveys.
- (7) The Minister may make regulations further providing for the licencing and control of aquaculture in Guyana and the fisheries waters, including any fees payable therefor.
- (8) Any person who undertakes aquaculture operations in Guyana or in the fisheries waters except under a written permission granted by the Chief Fisheries Officer under this section is guilty of an offence and shall be liable on summary conviction to fine not exceeding dollars.

PART IV

FISH PROCESSING ESTABLISHMENTS

FISH PROCESSING ESTABLISHMENTS

24. (1) Subject to subsection (2), the Minister may grant to any person a licence to operate a fishing processing establishment on such conditions, and subject to the payment of such fees, as may be prescribed.
- (2) No licence shall be issued in respect of a fish processing establishment, unless the establishment conforms to such conditions relating to the manner of construction of the establishment as may be prescribed.
- (3) Any person who operates, or allows to be operated any fish processing establishment except with a licence granted under this section and in accordance with any conditions prescribed is guilty of an offence and shall be liable on summary conviction, to a fine not exceeding dollars.

PART V

MARINE RESERVES AND CONSERVATION MEASURES

MARINE RESERVES

25. (1) The Minister may, by Order published in the Gazette, declare any area of the fisheries waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where he considers that special measures are necessary -
- (a) to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;
- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted;
- (c) to promote scientific study and research in respect of such areas; or
- (d) to preserve and enhance the natural beauty of such areas.

- (2) Any person who, in any marine reserve, without permission granted under subsection (3):
- (a) fishes or attempts to fish;
 - (b) takes or destroys any flora and fauna other than fish;
 - (c) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any way disturbs, alters or destroys the natural environment; or
 - (d) constructs or erects any buildings or other structures on or over any land or waters within such a reserve;

is guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars.

- (3) The Minister, or any person authorized by him in writing, may give written permission to do any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in subsection (1).

FISHERIES RELATED RESEARCH OR SURVEY OPERATIONS

26. (1) Subject to subsection (2), no person shall undertake fisheries related research or survey operations in the fisheries waters except with the prior permission of the Minister.
- (2) subsection (1) shall not apply to fisheries related research or survey operations undertaken -
- (a) in the fisheries waters by an approved local research institution within the meaning of Section 27;
 - (b) in the fishery zone or exclusive economic zone of Guyana by an international organization or agency of which Guyana is a member under and in accordance with a detailed international project to which the Government of Guyana has given its formal approval.
- (3) An application to undertake fisheries related research or survey operations in the fisheries waters shall be made to the Minister in the prescribed form and shall be supported by a detailed plan of the research or survey operations to be undertaken.
- (4) The Minister, with the approval of Cabinet, may grant permission for any vessel or person to undertake fisheries related research or survey operations in the fisheries waters and in doing so may exempt such vessel or person from any of the provisions of this Act where such exemption may be required for the proper carrying out of the research or survey operations.

- (5) It shall be a condition of any permission given by the Minister under subsection (4) that -
- (a) such scientific observers or other personnel as the Minister may designate shall be allowed on board the research or survey vessel and shall be allowed to participate fully in the research or survey project both on board the vessel and onshore;
 - (b) copies of any raw data generated by the research or survey operations shall be submitted to the Chief Fisheries Officer at the end of the operations or during the course of such operations;
 - (c) the results and conclusions of the research or survey operations shall be submitted to the Chief Fisheries Officer as soon as practicable following the completion of the operations and in any case no later than the time specified for the submissions of the results and conclusions in the written permission given by the Minister;
 - (d) no results of the research and survey operations shall be published or otherwise made internationally available without the prior agreement of the Minister.
- (6) The Minister may attach such other conditions as he deems fit to any permission granted under subsection (1).
- (7) Where any of the conditions set out in paragraph (5) has been breached, no further permission for fisheries related research or survey operations shall be granted to the person concerned until such time as the corrective action has been taken to the satisfaction of the Minister.
- (8) Any person who undertakes or assists in any fisheries research in the fisheries waters
- (a) without permission under subsection (1); or
 - (b) in contravention of any condition or conditions attached to the permission under subsection (5) or (6),
- is guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars.
- (9) Any permission or exemption granted under this section shall be in writing.

APPROVED LOCAL RESEARCH INSTITUTIONS

27. (1) The Minister may designate any local scientific or academic institution as an approved local research institution for the purposes of section 26 (2).
- (2) Any designation under subsection (1) shall be in writing.
- (3) It shall be a condition of the designation of an institution under subsection (1), that the institution shall -
- (a) submit to the Chief Fisheries Officer, at least once a year, a list of research projects undertaken during the previous year together with a summary of the results of any such projects completed during that period;
 - (b) give the Chief Fisheries Officer or any fisheries officer designated by the Chief Fisheries Officer, access to the results of any completed research project and any data generated by or during the course of the project;
 - (c) submit to the Chief Fisheries Officer such other information regarding research projects as he may require; and
 - (d) comply with such other conditions as the Chief Fisheries Officer may require in relation to the proper management of fisheries, the protection of the environment and the observance of the international obligations of Guyana.

PROHIBITED FISHING METHODS

28. (1) Any person who in any part of the fisheries waters or elsewhere in Guyana:
- (a) permits to be used, uses or attempts to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught; or
 - (b) carries or has in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in the preceding paragraph,
- is guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars.
- (2) Any explosive, poison or other noxious substance found on board a fishing vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1)(a).

- (3) Any person who lands, sells, receives or is found in possession of any fish taken in contravention of subsection (1)(a), knowing or having reasonable cause to believe them to have been so taken, is guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars.
- (4) For the purposes of this section, a certificate as to the cause and manner of death or injury of any fish signed by the Government Analyst or, in the case of the alleged use of explosives, signed by the Chief Fisheries Officer or by such other person as he may designate in writing shall be accepted as prima facie evidence in a court without proof of the signature of the person appearing to have signed the certificate or his official character.
- (5) For the purposes of subsection (4), the defendant to proceedings brought under this section is entitled to 14 days notice in writing of the prosecution's intention to adduce the said certificate.

POSSESSION OF PROHIBITED FISHING GEAR

29. (1) Subject to subsection (2), any person who, in the fisheries waters -
 - (a) uses any prohibited fishing gear; or
 - (b) has any prohibited fishing gear in his possession on board any fishing vessel in circumstances which indicate an intention to use it for fishing,is guilty of an offence and shall be liable on summary conviction to a fine not exceeding ... dollars.
- (2) Any fishing gear on board a fishing vessel in the waters that is stowed in the prescribed manner shall be deemed not to be intended for use for fishing.

PART VI

ENFORCEMENT

POWERS OF AUTHORISED OFFICERS

30. (1) For the purposes of enforcing this Act, any authorised officer may, without a warrant -
 - (a) stop, board and search any foreign fishing vessel in the fisheries waters and any local fishing vessel in or outside the fisheries waters and stop and search any vehicle;
 - (b) require to be produced, examine and take copies of any licence or other document required under this Act;

- (c) require to be produced and examine any fishing net or other fishing gear whether at sea or on land.
- (2) Any authorised officer, where he has reasonable grounds to believe that an offence has been committed under this Act may, without a warrant:
- (a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reasonable grounds to believe that the offence has been committed or where he has reasonable grounds to believe that fish illegally taken are being stored;
 - (b) take samples of any fish found in any vessel, vehicle or premises searched under this section;
 - (c) seize any vessel (together with its gear, stores and cargo), vehicle, fishing gear, net or other fishing appliance which he has reasonable grounds to believe has been used in the commission of the offence or in respect of which the offence has been committed;
 - (d) seize any fish which he has reasonable grounds to believe has been caught in the commission of the offence, or is being possessed in contravention of this Act;
 - (e) seize any explosive or poison which he has reasonable grounds to believe has been used or is being possessed in contravention of this Act;
 - (f) arrest any person who he has reasonable ground to believe has committed an offence under this Act.
- (3) Any vessel seized under subsection (2) and the crew thereof shall be taken to the nearest or most convenient port and the vessel may be detained pending the outcome of any legal proceedings under this Act or its release on bond or other form of security in accordance with the provisions of section 35.
- (4) Where, following the commission of an offence under this Act by any foreign fishing vessel, such foreign fishing vessel is pursued beyond the limits of the fisheries waters, the powers conferred on authorised officers under this section shall be exercisable beyond the limits of the fisheries waters, in the circumstances and to the extent recognised by international law.
- (5) An authorised officer in exercising any of the powers conferred on him by this section shall on demand produce such means of identification as may be necessary to show that he is an authorised officer for the purposes of this Act.

SALE OF PERISHABLE GOODS SEIZED

31. (1) Any fish or other articles of a perishable nature seized under this Act may, at the direction of the Chief Fisheries Officer, be sold and the proceeds of sale shall be held and dealt with in accordance with the provisions of this Act.
- (2) Where, after making all reasonable efforts, the Chief Fisheries Officer is unable to sell the fish or other articles referred to in subsection (1), or where such fish or other articles are unfit for sale, he may dispose of them in such other manner as he thinks fit.

IMMUNITY OF AUTHORISED OFFICERS

32. No action shall be brought against any authorised officer in respect of anything done or omitted to be done by him in good faith in the execution of his powers and duties under this Act.

ASSUALTING ETC. AUTHORISED OFFICERS

33. Any person who obstructs, assaults, threatens with violence or bribes an authorised officer in the exercise of the powers conferred on him under this Act, is guilty of an offence and shall be liable on summary conviction to a fine not exceeding dollars or to imprisonment for years.

LIABILITY OF MASTER

34. Where an offence against this Act has been committed by any person on board or employed on a fishing vessel, the master of such vessel shall also be guilty of the offence.

RELEASE OF VESSEL ETC. ON BOND

35. (1) The court shall, on application therefor, order the release of any fishing vessel (together with its gear, stores and cargo), vehicle, fish, fishing gear, net or other fishing appliance seized under this Act on receipt of a satisfactory bond or other form of security from the owner or other person claiming such property.
- (2) For the purposes of this section the term "satisfactory" means satisfactory in the opinion of the court.

COURT'S POWERS OF FORFEITURE

36. Where any person is convicted of an offence against this Act, the court, in addition to any other penalty imposed,
- (a) may order that any fishing vessel (together with its fishing gear, stores and cargo) and any vehicle, fishing gear, net or other fishing appliance, used in the commission of the offence be forfeited;
 - (b) shall order that any fish caught in the commission of such offence or the proceeds of sale of such fish and any explosive, poison or other noxious substance used in the commission of such offence be forfeited.

ONUS OF PROOF

37. In any legal proceedings under this Act where the defendant is charged with having committed an offence under which a licence, authority or the permission of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge related, the requisite licence, authority or permission was duly held.

DISPOSAL OF VESSEL ETC. FORFEITED

38. Any vessel (together with its gear, stores and cargo), and any vehicle, fishing gear, net or other fishing appliance, explosive or poison ordered to be forfeited under this Act shall be disposed of in such manner as the Minister may direct.

OFFENCES TRIABLE AS IF COMMITTED WITHIN LOCAL JURISDICTION

39. Any offence against any of the provisions of this Act or any regulations made under this Act committed within the fisheries waters by any person, or any such offence committed outside the fisheries waters by any citizen of, or person ordinarily resident in Guyana, or by any person on board any local fishing vessel, shall be triable in any court of Guyana as if such offence had been committed in any place in Guyana within the local limits of the jurisdiction of such court.

POWER TO COMPOUND OFFENCES

40. (1) Subject to subsection (4) the Minister may, where he is satisfied that any person has committed an offence against this Act or any regulations made under this Act, compound such offences by accepting on behalf of the Government from such person a sum of money not exceeding the maximum fine specified for that offence.

- (2) On compounding an offence under this Section the Minister may order the release of any article seized under section 30 or the proceeds of sale of such article under section 31 on such conditions including the payment of such additional sums of money not exceeding the value of the article seized, as he may think fit.
- (3) No offence shall be compounded under this section unless the person who has committed the offence has expressed his willingness in a written form that the offence be so dealt with.
- (4) The compounding of an offence under this section shall be notified in writing under the signature of both parties to the appropriate [Magistrate's] court.
- (5) In any proceedings brought against any person for an offence against this Act or any regulation made under this Act, it shall be a defence if such person proves that the offence with which he is charged has been compounded under this section.
- (6) The powers conferred on the Minister by subsection (1) may be exercised by the Chief Fisheries Officer in respect of a local fishing vessel.
- (7) This section does not apply to any offence against section 28 or section 33 of this Act.

PART VII

GENERAL

REGULATIONS

40. (1) The Minister may make regulations generally for the management and development of fisheries in the fisheries waters.
- (2) In particular, without limiting the generality of subsection (1), the Minister may make regulations for all or any of the following purposes:
 - (a) providing for the licensing, regulation and management of any particular fishery;
 - (b) prescribing fisheries management and conservation measures including prescribed mesh sizes, gear standards, minimum species sizes, closed seasons, closed areas, prohibited methods of fishing or fishing gear and schemes for limiting entry into all or any specified fisheries;
 - (c) prescribing the constitution, functions and duties of any Fisheries Advisory Committee appointed under section 5;

- (d) regulating the catching and utilisation of fish taken incidentally when fishing for a species for which a licence has been issued;
- (e) providing for the registration and licensing of fishermen, fishing gear and other fishing appliances;
- (f) organising and regulating sport fishing in the fisheries waters;
- (g) regulating the use of underwater breathing apparatus;
- (h) regulating or prohibiting the use of spear guns or other similar device;
- (i) regulating the landing, marketing and distribution of fish;
- (j) regulating the transiting of foreign fishing vessel through the fisheries waters and the manner in which fishing gear is to be stowed aboard such vessels;
- (k) making provision for rewards to be paid to any person providing information on the operations of foreign or local fishing vessels leading to a conviction or compounding of an offence under this Act;
- (l) prescribing the form of foreign fishing licences which may take the form of a written licence or a telexed or cabled authorisation;
- (m) providing for the implementation of any agreement or arrangement entered into under Section 6 or 7;
- (n) providing for the licensing and control of fish aggregating devices and for rights to fish aggregated to such devices
- (o) regulating:
 - (i) the management and protection of marine reserves;
 - (ii) the taking of coral and shells
 - (iii) the setting of fish pens and pin seines
 - (iv) the taking of aquarium fish.
- (p) prescribing measures for the protection of turtles and lobsters;
- (q) providing for the control or prohibition of the import and export of fish or fish products;
- (r) prescribing standards and other measures for the safety of local fishing vessels and fishermen;
- (s) regulating or prohibiting the entry into land leased for the purposes of aquaculture or into any waters superadjacent to such land;

- (t) prescribing the terms and conditions of leases for aquaculture;
 - (u) regulating aquaculture operations and aquaculture development
 - (v) providing for the particulars to be recorded in the register of fishing vessels;
 - (w) providing for procedures to be followed in respect of dispute settlements;
 - (x) regulating the fees payable to fishermen's cooperatives and other bodies for the use of wharf facilities;
 - (y) regulating the operation of fish processing establishments, including the inspection of such establishments;
 - (z) prescribing any other matter which is required or authorised to be prescribed.
- (3) Where not otherwise provided for, any breach of a regulation made under this Act shall constitute an offence and any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding dollars.

EXEMPTIONS

42. The Minister may, by Order published in the Gazette, exempt from the requirements of Section 11, any local fishing vessels under a size, type or class specified in the Order.

SAVINGS

43. Any regulations, orders and notices made under the Fisheries Act, and the Maritime Boundaries Act, 1977 insofar as they relate to fisheries matters, and any licences, permits and other authorisations issued thereunder shall, except insofar as they are inconsistent with this Act, continue to have effect as though made or issued under this Act. c. 71:08

REPEALS

44. The following Acts are hereby repealed:

The Fisheries Act. c. 71:08

The Maritime Boundaries Act, 1977, sections 24 to 33, and Section 43.

ANNEX II

DRAFT FISHERIES REGULATIONS

FISHERIES REGULATIONS
MADE UNDER SECTION 41 OF THE FISHERIES ACT, 198_

CITATION AND COMMENCEMENT

1. These Regulations may be cited as the Guyana Fisheries Regulations and shall come into operation on _____

INTERPRETATION

2. In these Regulations "the Act" shall refer to the Fisheries Act, 198_

PART I

ADMINISTRATION

3. (1) The membership of the Fisheries Advisory Committee established under Section 5 of the Act shall be -
 - (a) the Secretary of the Ministry of Agriculture who shall be the Chairman;
 - (b) the Chief Fisheries Officer who shall be the Secretary;
 - (c) at least two persons selected from the fishing industry and the fishermen's cooperatives;
 - (d) such other persons, not exceeding three, as the Minister may think fit to appoint.
- (2) A quorum for conducting the business of the Committee shall be four members, at least one of whom must be the Chairman or the Secretary.
- (3) In the absence of the Secretary of the Ministry of Agriculture, the Chief Fisheries Officer shall act as Chairman.
- (4) The Committee may invite to participate in its meetings representatives from any government department or agency or from any non-governmental body where it considers that the presence of such persons would benefit the deliberations of the committee.
- (5) The functions of the Committee shall be -
 - (a) to advise the Minister on fisheries management and development;
 - (b) to consider and advise the Minister on plans for the management and development of fisheries in the fisheries waters and on each review of each plan;
 - (c) to consider and advise the Minister on the need for any amendment to the Act or to these Regulations;

- (d) to consider and advise the Minister on any proposals for access agreements, joint venture investment in fisheries, or development projects in the fisheries sector;
 - (e) to consider and advise the Minister on any initiative for the regional harmonization of fisheries regimes, including any regional licensing scheme for foreign fishing vessels;
 - (f) to advise the Minister on the coordination of the policies and activities of Government departments and ministries with respect to any of the above matters;
 - (g) such other functions as the Minister may from time to time assign to the Fisheries Advisory Committee.
- (6) The Committee may establish its own procedures.

PART II

FOREIGN FISHING VESSEL LICENCES

APPLICATIONS

4. An application for a foreign fishing vessel licence shall be in writing, or in the form of a telex or cable, addressed to the Chief Fisheries Officer, and shall contain the information set out in schedule 1 to these Regulations.

LICENCE FORMS

5. A foreign fishing vessel licence shall be in the form set out in schedule 2 to these Regulations or shall be in the form of a telex or cable containing the information required in schedule 2.

FEES

6. (1) The fee payable for the issue of a licence in respect of a foreign fishing vessel is the amount set out for vessels of the appropriate kind in Part I of Schedule 3 to these Regulations.
- (2) No foreign fishing vessel licence shall be issued unless the Minister is satisfied that any fees payable in respect of that licence have been paid and that adequate arrangements have been made for the payment of any royalties and other charges payable under Section 15 of the Act.

GENERAL CONDITIONS

7. (1) Every foreign fishing vessel licence issued under Section 8 of the Act shall be subject to the following general conditions:
- (a) No fishing shall be undertaken in the fisheries waters except as authorized by the licence;
 - (b) Any change in the information set out in the application form shall be notified to the Chief Fisheries Officer as soon as practicable and, in any case, not later than 14 days from the date of the change;
 - (c) No fish may be trans-shipped from or onto the vessel while in the fisheries waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify;
 - (d) Any fish caught as by-catch to shrimping operations, shall, to the extent specified by the Chief Fisheries Officer, be landed at such place or places as may be nominated by him for that purpose.
 - (e) The master and each member of the crew of the vessel shall while in the fisheries waters comply with any directions given to him by any authorised officer and, in particular, shall on request by the officer:
 - (i) stop the vessel;
 - (ii) permit an authorized officer to board the vessel and co-operate with him in any inspection; and
 - (iii) bring the vessel into port.
 - (f) The master of the vessel shall, while in the fisheries waters, take all reasonable measures and precautions to avoid causing damage to any local fishing operations.
 - (g) The vessel shall at all times while in the fisheries waters:
 - (i) fly the flag of its flag state; and
 - (ii) display in such a way as to be clearly visible both from the sea and from the air, in letters and numbers at least one metre high on a contrasting background,
 - (A) its international radio call sign; or
 - (B) such other number as may be assigned to it by the Chief Fisheries Officer.

- (h) The master of the vessel shall cause a logbook to be maintained on a daily basis in such form as the Chief Fisheries officer may from time to time require for the purpose of recording the fishing operations of the vessel while within the fisheries waters;
- (i) The logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Chief Fisheries Officer or to any other person or organization designated by him:
 - (i) not later than 45 days after the completion of the voyage to which the logbook relates; or
 - (ii) at any other time at the request of the Chief Fisheries Officer or of any authorized officer.
- (j) The master of the vessel shall cause reports in the form specified by the Chief Fisheries Officer to be made to the Chief Fisheries Officer or to such other person or organization as the Chief Fisheries Officer may designate containing the information set out in paragraph (k) at the following times:
 - (i) immediately upon entry into the fisheries waters;
 - (ii) every Wednesday or such other day that the Chief Fisheries Officer may specify while the vessel is in the fisheries waters;
 - (iii) immediately upon departure from the fisheries waters; and
 - (iv) such other times as the Chief Fisheries Officer may specify.
- (k) Each report made under paragraph (j) shall contain details of:
 - (i) the international radio call sign (or the number assigned to the vessel);
 - (ii) the position of the vessel at the time of reporting;
 - (iii) the total catch by species on board the vessel at the time of reporting;
 - (iv) such other matters relating to the fishing operations as the Chief Fisheries Officer may from time to time require.
- (l) The master or owner of the vessel or his authorized local representative shall notify the Chief Fisheries Officer or such other person or organization as the Chief Fisheries Officer may designate of the estimated time of entry of the vessel into any port in Guyana at least 24 hours prior to such entry.

- (m) The master of the vessel shall, while in the fisheries waters, allow any fisheries officer or other person designated in writing by the Chief Fisheries Officer to board and remain on board the vessel as an observer and shall -
- (i) allow the observer access to navigation and communication equipment, records and documents and to any fish on board the vessel;
 - (ii) allow the observer to make such tests, observations and records and to take and remove such samples as he may reasonably require in connection with the vessel's activities in the fisheries waters;
 - (iii) provide, without charge, food and accommodation at least equivalent to that provided for officers of the vessel; and
 - (iv) proceed to such port or place as the Chief Fisheries Officer or designated observer may require to allow an observer to board or disembark from the vessel.

PART III - LOCAL FISHING LICENCES

FISH PENS AND PIN SEINES

8. No person shall operate a fish pen or pin seine in the fisheries waters without a valid licence issued under this regulation.

APPLICATIONS FOR LOCAL FISHING LICENCES

9. (1) An application for a fishing licence in respect of a local fishing vessel shall be in writing and shall contain the information set out in Schedule 4 to these Regulations.
- (2) An application for a commercial fisherman's licence or for a licence to operate a fish pen or a pin seine shall be in writing and shall contain the information set out in Schedule 5 to these Regulations.

LICENCE FORM

10. A local fishing vessel licence, commercial fisherman's licence or licence to operate a fish pen or a pin seine shall be in the appropriate form set out in Schedule 6 to these Regulations.

FEES

11. The fee payable for the issue or renewal of a local fishing vessel licence, commercial fisherman's licence or licence to operate a fish pen or a pin seine is the amount set out for vessels or operations of the appropriate kind in Part 2 of Schedule 3 to these Regulations.

CONDITTONS OF LICENCES

12. No local fishing vessel licence, commercial fisherman's licence or licence to operate a fish pen or a pin seine may be issued or renewed unless:
- (a) an application has been made in accordance with Regulation 11 and is true and correct in every way;
 - (b) any information requested by the Minister or the Chief Fisheries Officer and relevant to the proposed fishing operation has been provided in the manner requested;
 - (c) the fee prescribed under Regulation 13 has been paid.

GENERAL CONDITIONS

13. (1) Every local fishing vessel licence, commercial fisherman's licence or licence to operate a fish pen or a pin seine shall be subject to the following general conditions:
- (a) any change in the information set out in the application form shall be notified to the Chief Fisheries Officer as soon as practicable and in any case no later than 14 days from the date of the change;
 - (b) No fishing shall be undertaken except as authorized by the licence.
- (2) Every local fishing vessel licence shall be subject to the following additional general conditions:
- (a) the vessel shall display any identification markings assigned to it by the Chief Fisheries Officer in such manner as he may require;
 - (b) the vessel shall comply with the law relating to safety and with such safety standards as the Chief Fisheries Officer may from time to time determine by Notice published in the Gazette;
 - (c) no fish may be trans-shipped from or onto the vessel except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify;
 - (d) the master of the vessel shall, if so required by the Chief Fisheries Officer, cause a logbook to be maintained on a daily basis in such form as the Chief Fisheries Officer may from time to time require for the purpose of recording the fishing operations of the vessel;
 - (e) any logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Chief Fisheries Officer at such time as he may require;

- (f) the master and each member of the crew of the vessel shall comply with any direction given to him by an authorized officer;
- (g) the master and each member of the crew of the vessel shall comply with the requirements of the Act and of any Regulations or other instruments made under the Act;
- (h) if the vessel is fishing in waters other than the fisheries waters, the vessel shall comply with such written laws relating to fishing of any other country, if any, as may be recognized by the Government of Guyana as having force in those waters.

PART IV - CONSERVATION MEASURES

CLOSED SEASONS

- 14. (1) No fishing vessel whether local or foreign shall be used to catch any shrimp during the period of any closed season declared in accordance with subsection (2) of this Regulation.
- (2) The Chief Fisheries Officer may specify by Notice published in the Gazette the period of any closed season with respect to shrimp fishing in the fisheries waters.

PART V - FISH AGGREGATING DEVICES

FISH AGGREGATING DEVICES

- 15. (1) No person shall place any fish aggregating device in the fisheries waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify or as are otherwise specified in this Part of the Regulations.
- (2) Any permission of the Chief Fisheries Officer given under this Regulation shall be given in writing, by telex or by cable.
- (3) Permission to place a fish aggregating device shall confer an exclusive right to fish in the vicinity of the device.
- (4) Permission to place a fish aggregating device shall not relieve the master of a vessel from obligations arising under other laws concerning safety of navigation and shipping.
- (5) The master of a vessel placing a fish aggregating device shall notify the Chief Fisheries Officer within 24 hours of the nature and location of the device.

DESIGNATED FISH AGGREGATING DEVICE

16. (1) The Chief Fisheries Officer may, by notice published in the Gazette, declare any fish aggregating device to be a designated fish aggregating device for the purpose of this Regulation.
- (2) No person shall fish within a radius of one half of a nautical mile from the designated fish aggregating device except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

MARKING OF DEVICES

17. Any fish aggregating device placed in the fisheries waters shall -
 - (a) bear a radar reflector and such lights as shall be clearly visible from five nautical miles;
 - (b) be clearly marked with the name of the owner and of the vessel from which the device was placed;
 - (c) have such other equipment or markings as the Chief Fisheries Officer may require.

DISPOSAL OF UNAUTHORISED DEVICES

18. Any fish aggregating device placed in the fisheries waters otherwise than in accordance with permission given under Regulation 14 may be disposed of in such manner as the Minister may direct.

PART VI - FISH PROCESSING ESTABLISHMENTS

FISH PROCESSING ESTABLISHMENT LICENCES

19. (1) An application for a licence to operate a fish processing establishment shall be in writing, and shall contain the information set out in Schedule 8 to these Regulations.
- (2) Licences shall be issued in the form set out in Schedule 9 to these Regulations.

FEES

20. The fee payable for the issue or renewal of a licence to operate a fish processing establishment is the amount set out for establishments of that kind in Schedule 10 to these Regulations.

LICENCE CONDITIONS

21. Every licence to operate a fish processing establishment shall be subject to the following conditions:
- (a) the establishment shall be maintained and operated in a clean and sanitary manner;
 - (b) accurate records shall be maintained relating to the operations carried out in the establishment, including records of the quantity, species and quality of fish imported, received, processed, sold or exported, and all such records shall be open to inspection by an authorized officer;
 - (c) returns concerning the operations of the establishment shall be made to the Chief Fisheries Officer as he may from time to time require.

PART VII - GENERAL

EXPORT OF FISH

22. (1) No person shall export from Guyana any fish caught in the fisheries waters without first obtaining from the Chief Fisheries Officer a permit authorising him to do so.
- (2) Any permit issued shall be in the form set out in Schedule 7 to these Regulations.
- (3) Any permit issued under this Regulation shall not exempt the holder from obligations arising under other laws of Guyana concerning foreign trade and customs.

SALE OF FISH, ETC. AT SEA

23. It is an offence for the master or any member of the crew of a local or foreign fishing vessel licenced to fish in the fisheries waters to sell or barter at sea any fish, fish products, fuel or fishing gear except with the written permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

STOWAGE OF GEAR

24. The following is the prescribed manner in which fishing gear shall be stowed for the purposes of section 9 of the Act:

- (a) the fishing gear shall be stowed in such a manner that it is not readily available for fishing;
- (b) the fishing gear shall be carried wholly inboard the vessel;
- (c) all nets, trawlboards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and all mechanical hauling devices shall be sufficiently disconnected as to be incapable of immediate use;
- (d) where possible the fishing gear shall be stowed below deck; any fishing gear carried on deck shall be secured to some part of the superstructure of the vessel.

SIGNALS

25. In every communication by radio, flag or light between a fishing vessel and any government authority, the signals specified in the "International Code of Signals" published by the International Maritime Organization shall be used.

OFFENCES AND PENALTIES

26. Any person contravening any of the provisions of these regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding _____.

SCHEDULE 1

APPLICATION FORM FOR A FOREIGN FISHING VESSEL LICENCE FOR
GUYANESE FISHERIES WATERS

GUYANA

FISHERIES REGULATIONS

REGULATION 4

INSTRUCTIONS - Underline surnames
For "address" provide complete mailing address
Mark X where appropriate
If not applicable, write NA - leave no blanks
Specify units of measurement if not metric

ADDRESS TO THE CHIEF FISHERIES OFFICER (address....)

I hereby apply for a fishing licence to fish in the fisheries waters of
Guyana.

1. Name of Vessel
2. Name of Owner
3. Address of Owner
4. Name of Charterer
5. Country of Registration
6. Country Registration Number
7. Details of Radio - / Frequency
Number of Channels - / Radio Call Sign
8. Operational base or Bases (name port and country)
9. Name of Vessel Master
10. Address of Vessel Master
11. Nature of Fishing Operations to be undertaken
12. Proposed fishing areas
13. Period of validity of licence requested
14. Proposed date of commencement of fishing operations

15. If previously licensed under the Act -
 - number of last licence held -
 - changes to information previously provided -

16. Current fishing licences held elsewhere in the region (state the number of each licence and the name of each licensing country).

QUESTIONS 17-27 TO BE COMPLETED ONLY IF APPLYING FOR A LICENCE FOR THE FIRST TIME

17. Normal total number of crew
18. Hull materials
19. Year built
20. Place of construction
21. Gross tonnage
22. Overall length
23. Main engine power
24. Fuel capacity
25. Daily freezing capacity for each freezing method
26. Storage capacity for each storage method
27. Type and quantity of fishing gear to be used.

ATTACH A RECENT SIDE-ON PHOTOGRAPH OF THE VESSEL IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer (address) within 14 days of the change.

Signature of Applicant and Date

Specify whether owner, charterer or agent

Print name of Applicant

Address of Applicant

Note: Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect

SCHEDULE 2

LICENCE NUMBER

FOREIGN FISHING LICENCE

GUYANA

FISHERIES ACT SECT. 8

FISHERIES REGULATIONS

REGULATION 5

The person named as the licence holder below is hereby licensed in accordance with Section 8 of the Fisheries Act to use the vessel described below for fishing in the fisheries waters of Guyana at the times and in the areas specified in this licence and in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries Regulations.

Name of Licence holder

Name of vessel

Radio call sign

Authorized fishing areas

Authorized fishing times

Authorized fishing operations

Authorized target species and quota (where applicable)

Special conditions

-
-
-
-
-
-

Permitted trans-shipment operations (where applicable)

Permitted use of aggregating devices (where applicable)

.....
Minister of Fisheries

Date

SCHEDULE 3

FEEES

GUYANA

FISHERIES ACT SECT. 15

PART I

Fees for Foreign Fishing Licences

1. Any foreign fishing vessel operating in the fisheries waters, not based in Guyana. _____

2. Any locally based foreign fishing vessel exceeding one hundred feet in length operating in the fisheries waters. _____

3. Any locally based foreign fishing vessel less than one hundred feet in length. _____

PART II

Fees for local fishing operations

a) Fees for Local Fishing Vessels

Any local fishing vessel exceeding one hundred feet in length _____

Any local fishing vessel sixty feet or more in length but not exceeding one hundred feet _____

Any local fishing vessel thirty feet or more in length but not exceeding sixty feet _____

Any local fishing vessel ten feet or more in length but not exceeding thirty feet _____

Any local fishing vessel less than ten feet in length _____

b) Fees for Commercial Fishermen's Licences

G.\$ _____

c) Fees for Operating a Fish Pen or a Pin Seine

Fish Pen G.\$ _____

Pin Seine G\$ _____

SCHEDULE 4

APPLICATION FORM FOR A LOCAL FISHING VESSEL LICENCE

GUYANA

FISHERIES REGULATIONS

REGULATION 9

INSTRUCTIONS - Underline Surnames
For "address" provide as much detail as possible
If not applicable, write NA - leave no blanks
Specify units of measurement if not metric

ADDRESS TO: The Chief Fisheries Officer (Address)

I hereby apply for a fishing licence for the vessel described below:

1. Name of vessel
2. Name and address of owner
3. Name and address of charterer
4. Name and address of any other person having an interest in the vessel
5. Details of Radio - / Frequency
Number of Channels - / Radio Call Sign
6. Name, age and address of master
7. Nature of fishing operation to be undertaken (tick appropriate line)
 - (a) Trolling
 - (b) Trapping
 - (c) Longlining
 - (d) Seining
 - (e) Gillnetting
 - (f) Trawling
 - (g) Handlining
 - (h) Any other
8. Nature of vessel (attach full description, including hull construction, main engine type and power, where and when built, history of use)
9. Number of crew expected
10. Fish storage capacity, for each storage method

11. Operational base

12. Fishing area

I declare that the vessel described above is a local fishing vessel within the meaning of the Fisheries Act 198 .

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer (Address) within 14 days of the change.

Signature of Applicant and Date

Specify whether owner or charterer

Print name of Applicant.

Note: Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect

SCHEDULE 5

APPLICATION FOR A COMMERCIAL FISHERMAN'S LICENCE

GUYANA

FISHERIES REGULATIONS

REGULATION 9

INSTRUCTIONS - Underline Surname
For "address" provide as much detail as possible
If not applicable, write NA - leave no blanks
Specify units of measurement if not metric

ADDRESS TO: The Chief Fisheries Officer (Address)

I hereby apply for a commercial fisherman's licence:

1. Name of Applicant
2. Age of Applicant
3. Address of Applicant
4. Nature of fishing operation to
 be undertaken (tick appropriate line)
 - (a) Trolling
 - (b) Trapping
 - (c) Longlining
 - (d) Seining
 - (e) Gillnetting
 - (f) Trawling
 - (g) Handlining
 - (h) Cast netting
 - (i) Beach seine
 - (j) Any other
5. Names and registration numbers of any Local Fishing Vessels owned by
 the Applicant

Signature of Applicant and Date

Note: Any licence issued on the basis of this application form is
liable to cancellation if any of the information given in this
application form is incorrect

APPLICATION FOR A LICENCE
TO OPERATE A FISH PEN OR A PIN SEINE

GUYANA

FISHERIES REGULATIONS

REGULATION 9

Name

Address

Details of any licence
previously held

Details of location
of fish pen or pin seine
(if applicable)

Signature of Applicant and Date

Note: Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect

SCHEDULE 6

LOCAL FISHING LICENCE FORMS

LOCAL FISHING VESSEL LICENCE

GUYANA

FISHERIES ACT SECT. 11

LICENCE NUMBER

The person named as the licence holder below is hereby licensed in accordance with section 11 of the Fisheries Act 198__ to use the vessel described below for fishing in accordance with the conditions set out in this licence, the Fisheries Act 198__ and prescribed from time to time in the Fisheries Regulations.

Name of licence holder

Name of vessel

Radio call sign

Special conditions

-
-
-

Permitted trans-shipment operations (where applicable)

Permitted use of aggregating devices (where applicable)

.....
Signature of the
Chief Fisheries Officer

Date

SCHEDULE 6 (continued)

II

COMMERCIAL FISHERMAN'S LICENCE

GUYANA

FISHERIES ACT SECT. 12

Permission is granted to

of

to fish in Guyana or in the fisheries waters of Guyana for a period of twelve months from the date hereof.

.....
Signature of the
Chief Fisheries Officer

Date

III

LICENCE TO OPERATE A FISH PEN
OR A PIN SEINE

GUYANA

FISHERIES REGULATIONS

REGULATION 10

Permission is granted to

of to operate a fish pen/pin seine

situated at for a period of twelve months.

Fish Pen/Pin Seine No.....

.....
Signature of the
Chief Fisheries Officer

Date

SCHEDULE 7

Export Permit

GUYANA

FISHERIES REGULATIONS

REGULATION 22

Permission is granted to
of to export fish to the extent specified
below.

1. Type of Fish
2. Quantity
3. Value

This permit shall remain in force until

.....
Signature of the
Chief Fisheries Officer

Date

SCHEDULE 8

APPLICATION FORM FOR

FISH PROCESSING ESTABLISHMENT LICENCE

GUYANA

FISHERIES REGULATIONS

REGULATION 19 (1)

INSTRUCTIONS - Underline surnames
For "address" provide as much detail as possible
If not applicable, write NA - leave no blanks.
Specify units of measurement if not metric.

ADDRESS TO: The Minister ()

I hereby apply for a licence to operate a fish processing establishment at the place and in the manner described below:

- 1. Name of applicant
- 2. Address of establishment
- 3. Name and address of owner of establishment
.....
.....
.....
- 4. Name and address of leasee (if leased)
.....
.....
.....
- 5. Kinds of fish to be processed
and source of supply
- 6. Nature of processing operation (Attach full particulars)
- 7. Principal place/country for marketing

Signature of Applicant Date

Specify whether owner or leasee

Note: Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect

SCHEDULE 9

Licence Number

FISH PROCESSING ESTABLISHMENT LICENCE

GUYANA

FISHERIES ACT, SECT 24

FISHERIES REGULATIONS

REGULATION 19 (2)

The person named as the licence holder below is hereby licensed in accordance with section 25 of the Fisheries Act 198_ to use the premises described below as a fish processing establishment in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries Regulations.

Name of Licence holder: .

Licence period: From To

Address of the fish processing establishment:

The species of fish authorized to be processed:

The type of processing authorized to be carried out:

Further conditions

.....
Signature of the Minister
or his Delegate

Date

SCHEDULE 10

FISHERIES REGULATIONS

REGULATION 20

FEEES FOR FISH PROCESSING ESTABLISHMENT LICENCE

For fish processing establishment of
any kind

G. \$ _____

