

T E C H N I C A L C O O P E R A T I O N P R O G R A M M E

ASSISTANCE IN THE REVISION OF FISHERIES LEGISLATION

REPORT TO THE GOVERNMENT OF

T H E B A H A M A S

ON

FISHERIES LEGISLATION

by

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Assistance in the Revision of Fisheries Legislation

In December 1985 the Government of the Commonwealth of The Bahamas requested the assistance of FAO, through its Fisheries Law Advisory Programme, in the drawing up of a comprehensive draft Fisheries Act and implementing regulations and in the drafting of such other legislation as might be necessary to bring the legislation of The Bahamas in line with the new Convention on the Law of the Sea. A project entitled Assistance in the Revision of Fisheries Legislation, [TCP/BHA/4502(A)], was accordingly set up under the FAO Technical Cooperation Programme to finance this assistance.

The project was carried out through two visits to The Bahamas in August 1986 and April 1987 by Eugene Fidell, consultant on fisheries legislation. Mr. Fidell discussed The Bahamas' needs in fisheries legislation with national officials, drafted a preliminary version of proposed fisheries legislation, discussed the draft during the second visit to The Bahamas and revised it in accordance with the discussions. He also revised the existing fisheries regulations. FAO wishes to thank the Bahamian officials who worked closely with Mr. Fidell to produce the attached draft law and regulations.

The draft fisheries law represents, for The Bahamas, a fresh legislative start, and contemplates repeal of the Fisheries Resources (Jurisdiction and Conservation) Act, 1977. It is a modification of the FAO model legislative package that has been developed over the years, and would put The Bahamas in closer step with other Commonwealth countries in the Caribbean and elsewhere.

The draft achieves the Government's objectives in the fisheries area.

First, it would ensure conformity with the provisions of the Law of the Sea Convention. For example, it eliminates prison terms as a sanction for fishing (as opposed to obstruction of justice) offences. See section 31.

Second, it substantially increases the Government's flexibility in dealing with foreign fishing operations. While it permits some foreign involvement in local fishing vessels, see section 2, and relaxes the present rigid requirement of a treaty as a precondition to foreign fishing, see sections 9(2), 9(6) and 21(c)(3), the draft ensures that foreign fishing in the absence of an access agreement will nonetheless be subject to stringent national controls. See sections 8-10. It also provides a firm basis for regulatory measures with respect to fish exports, processing, marketing and distribution. See sections 20, 25, 40(2)(1)-(m).

Third, it provides a statutory framework for the operations of the Department of Fisheries within the Ministry of Economic Affairs. See section 3.

Fourth, it vests broad rulemaking powers in the Minister, to ensure that all appropriate authority is available for the protection and regulation of the fisheries. See section 40.

Fifth, it establishes a framework for cooperative regional efforts in which The Bahamas might wish to participate. See section 6.

Sixth, it provides for an advisory committee that would afford affected interests an opportunity to participate in the process by which Bahamian fisheries are to be developed and managed. See section 5.

In reviewing this draft, the reader's attention is invited to a number of areas of innovation compared to existing legislation.

One such area involves the allocation of responsibility between the ministerial and departmental levels. The draft has attempted to sketch a dividing line according to which rulemaking, licensure of foreign fishing vessels and overall control would be the responsibility of the Minister, see section 3, 5, 9, 12(7), 14, 16, 21(5), 40, while domestic fishing matters and more administrative questions would devolve on the Director of Fisheries. See sections 3, 12, 14, 16.

One of the concerns that was expressed with regard to the current legislation is the cumbersome procedure for forfeiture and condemnation of vessels and catch. The draft is much simpler than the current legislation. See sections 33-34. In addition, it includes provision for care of seized vessels during the legal process. See section 37(2). The draft also continues the court's power to authorize forfeiture of a vessel even if the defendant has been acquitted, section 34(2), although divergent results seem to be unlikely as a practical matter.

On a related point, it is understood that current Bahamian practice is that forfeiture proceedings lie in the Supreme Court, while criminal prosecutions are brought in Magistrate's Court. The draft would have all such cases brought in the lower court. See sections 2, 34, 38. On the other hand, judicial review of administrative determinations would be brought in the Supreme Court. See section 19(2).

The question of vessel nationality has received particular attention. The draft maintains current restrictions on foreign involvement in commercial fisheries by requiring a company to be entirely owned by resident Bahamians in order for its vessels to qualify as local (see section 2, definition of "local fishing vessel"). An alternative requirement of 60% local ownership was considered and rejected.

The draft varies current law by providing for an equidistance principle to be applied in the event the fisheries zone of 200 miles would overlap with a neighbouring country's fisheries zone. See section 7(3)(b). It also deletes special mention of the Great and Little Bahamian Banks. It perpetuates the current provisions, however, regarding negotiation of boundaries. See section 7(3)(a).

The amounts of fines have been left open. See section 31.

THE FISHERIES ACT, 1988

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No. ____ of 1988

A BILL

An Act to provide for the management and development of fisheries in The Bahamas.

Enacted by the Parliament of The Bahamas.

PART I

Preliminary

SHORT TITLE AND COMMENCEMENT

1. This Act may be cited as the Fisheries Act, 1988, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

INTERPRETATION

2. In this Act, except as otherwise provided--

"access agreement" means an agreement under section 8;

"aquatic flora" includes sea moss and other aquatic plants;

"authorized officer" means any fisheries officer, customs officer, police officer, or, while on duty, a member of the Defence Force;

"committee" means the Fisheries Advisory Committee appointed under section 5;

"court" means magistrate's court;

"Director" means the person appointed under section 3 as Director of the Department of Fisheries;

"exclusive fishery zone" means the exclusive fishery zone of The Bahamas established by section 7;

"fish" means any aquatic animal, whether piscine or not, and includes, without limitation, any shellfish, turtle, marine mammal, mollusc, crustacean, coral, sponge, echinoderm, 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 mark its location;

"fisheries officer" means the Director, Deputy Director, Senior Fisheries Officer, Fisheries Officer, or Assistant Fisheries Officer and any other officer designated by the Director for the purposes of this Act;

"fisheries plan" means a plan for the management and development of a fishery prepared under section 4;

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

"fishing" means--

- (a) catching, taking or harvesting fish or aquatic flora;
- (b) attempting to catch, take or harvest fish or aquatic flora; or
- (c) any operation at sea or in the air in connection with, or in preparation for, catching, taking or harvesting fish or aquatic flora, including placing, searching for or retrieving any fish aggregating device and searching for fish or aquatic flora;

"fishing licence" means a foreign fishing vessel licence, local fishing vessel permit, or other licence, permit or authorization required under this Act or regulations made hereunder;

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

"foreign fishing vessel licence" means a licence issued in respect of a foreign fishing vessel under section 9;

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

"Government" means the Government of The Bahamas;

"licence" means a licence issued under this Act;

"local fishing vessel" means any fishing vessel--

- (a) wholly owned by the Government or by a public corporation established by or under the law of The Bahamas;
- (b) wholly owned by one or more persons who are citizens of The Bahamas; or
- (c) wholly owned by a company registered under the Companies Act, in which all of its shares are beneficially owned by citizens of The Bahamas who reside in the Bahamas;

"local fishing vessel permit" means a permit issued in respect of a local fishing vessel under section 12;

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

"master" means the person or persons having control of a fishing vessel at any given time, and includes a fishing fleet commander or pilot having control of such vessel;

"Minister" means the Minister responsible for fisheries;

"Ministry" means the Ministry responsible for fisheries;

"optimum utilization" means the level of catch that will provide the greatest overall benefit to The Bahamas with particular reference to food production and recreational opportunities;

"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;
- (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 or aquatic flora to or from any vessel;
- (b) storing, processing or transporting fish or flora taken from the waters of The Bahamas up to the time it is first landed;
- (c) refueling 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, including charter boat fishing as defined by regulation;

"test fishing" means fishing undertaken over a limited period of time with the approval of the Minister for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of locally based fishing operations;

"waters of The Bahamas" means the waters of the exclusive fishery zone, the territorial sea and internal waters of The Bahamas, and any other waters over which The Bahamas claims fisheries jurisdiction.

PART II

Fisheries Management and Development

ADMINISTRATION OF FISHERIES

3. (1) There shall be in the Ministry a Department of Fisheries, headed by the Director.
- (2) The Director shall, subject to the control and direction of the Minister, and except as otherwise provided in this Act, be responsible for the management and development of fisheries in The Bahamas and for the administration of this Act.
- (3) The Director shall be assisted by such fisheries officers as may be necessary to give effect to this Act.

FISHERIES MANAGEMENT AND DEVELOPMENT PLANS

4. (1) The objective of fisheries management and development shall be to ensure the optimum utilization of the fisheries resources in the waters of The Bahamas for the benefit of the people of The Bahamas.
- (2) The Director shall develop and keep under review plans for the management and development of significant fisheries in the waters of The Bahamas.
- (3) Each fisheries plan shall include--
 - (a) an identification of the fishery concerned and an assessment of the state of its exploitation;
 - (b) a statement of the objectives to be achieved in the management and development of the fishery;
 - (c) the specification of any management and development measures to be taken and policies to be adopted with respect to the fishery;
 - (d) an indication of the main requirements for statistical information on the fishery and information; and

- (e) the 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) such other matters as may be necessary to provide for the proper management and development of the fishery.
- (4) In preparing and reviewing a fisheries plan the Director shall consult with the local fishermen, local authorities, any other persons affected by the plan, the committee appointed under section 5, and any local research institution approved under section 22.
 - (5) Each fisheries plan and each review thereof shall be submitted to the Minister for approval.

FISHERIES ADVISORY COMMITTEE

- 5. (1) The Minister shall appoint a Fisheries Advisory Committee to advise on the management and development of fisheries in The Bahamas.
- (2) The committee shall include the Director and such other persons as the Minister may consider capable of advising on the management and development of fisheries.

REGIONAL COOPERATION IN FISHERIES

- 6. The Minister may enter into arrangements or agreements with other countries in the region with any competent regional organization, providing for--
 - (a) regional cooperation in the collection of statistics, carrying out of surveys and assessment of state of the fisheries resources;
 - (b) regional cooperation in fisheries management and the harmonization of conservation measures;
 - (c) such other cooperative measures as may be appropriate.

EXCLUSIVE FISHERY ZONE

7. (1) There is established for the purposes of this Act a zone to be known as the exclusive fishery zone of The Bahamas, within which The Bahamas has sovereign rights and exclusive authority for the purpose of exploiting, developing, conserving and managing the fish of the seabed, subsoil and superjacent waters.
- (2) The outer boundary of the exclusive fishery zone is a line point on which is two hundred miles from the baseline from which the territorial sea of The Bahamas is measured, provided that where the distance between that baseline and the territorial sea, continental shelf, exclusive fishery zone or exclusive economic zone of a neighbouring state is less than two hundred miles, the provisions of subsection (3) shall apply to the determination of the outer boundary of the exclusive fishery zone.
- (3) (a) Where the exclusive fishery zone meets the limits of the territorial sea, continental shelf, exclusive fishery zone or exclusive economic zone of a neighbouring state, the Minister for foreign affairs, in consultation with the Minister, may initiate and conduct negotiations with that state to establish the boundary of the exclusive fishery zone in relation to the territorial sea, continental shelf, exclusive zone or exclusive economic zone of that state.
- (b) In the absence of agreement under paragraph (a), the limits of the exclusive fishery zone shall be a line every point of which is equidistant from the nearest points on the baseline of the territorial sea of The Bahamas and the corresponding baseline of the territorial sea of any adjacent or opposite state as recognized by the Minister responsible for foreign affairs;
- (c) In contemplation of agreement being reached under paragraph (a), the Minister responsible for foreign affairs may, by Order in the Gazette, fix another limit for the exclusive fishery zone temporarily or by interim agreement with the neighbouring state.

FISHERIES ACCESS AGREEMENTS

8. (1) The Government 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 subsection (1) 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 subsection (1) 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 waters of The Bahamas.
- (4) For the purposes of this section and section 9 the term "state" shall include any regional organization to which the power to negotiate access agreements has been delegated by the member states of that organization.

FOREIGN FISHING VESSEL LICENCES

9. (1) No foreign vessel shall be used for fishing or related activities in the waters of The Bahamas without a foreign fishing vessel licence.
- (2) Subsection (1) shall not apply to any foreign fishing vessel--
 - (a) used solely for sport fishing provided such vessel has first made entry in respect of the voyage on which it is engaged at a port of entry in The Bahamas or has been imported into or constructed in The Bahamas; or
 - (b) used solely for fisheries related research or survey 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 thereunder, the Minister may, on the recommendation of the Director, issue a foreign fishing vessel licence in the prescribed form authorizing a foreign fishing vessel to be used in the waters of The Bahamas for such fishing or related activities as may be specified in the licence.
- (5) Subject to subsection (6), no foreign fishing vessel licence shall be issued to any foreign fishing vessel unless an access agreement 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.
- (6) A licence may be issued in respect of--
- (a) test fishing; or
 - (b) a locally based foreign fishing vessel,
- notwithstanding the absence of an access agreement otherwise required under subsection (5).
- (7) 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 are each guilty of an offence.

STOWAGE OF FISHING GEAR

10. (1) The fishing gear of any foreign fishing vessel which is prohibited from fishing in the waters of The Bahamas under section 9 shall be stowed in the manner prescribed by regulation while the vessel is within the waters of The Bahamas.
- (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 waters of The Bahamas, any other fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is within that area or any other area of the waters of The Bahamas 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 are each guilty of an offence.

CONTROLS OVER SALE OF FISH FROM
SPORT FISHING AND RESEARCH OPERATIONS

11. (1) No fish taken by or in the course of fisheries-related research or survey operations shall be sold except with the prior authorization of the Director and in accordance with such conditions as he may impose.
- (2) Any person who contravenes subsection (1) is guilty of an offence.

LOCAL FISHING VESSEL PERMITS

12. (1) No local fishing vessel shall be used for fishing or related activities in the waters of The Bahamas without a permit.
- (2) Subsection (1) shall not apply to any local fishing vessel used solely for sport fishing or fisheries-related research or survey operations.
- (3) An application for a local fishing vessel permit or for the renewal of a local fishing vessel permit shall be made in the prescribed form to the Director.
- (4) Subject to subsection (5), the Director may issue a local fishing vessel permit in the prescribed form.
- (5) No local fishing vessel permit shall be issued or renewed unless--
- (a) an application has been made in accordance with subsection (3);
 - (b) any fees payable in respect of the permit have been paid.
- (6) The Director may refuse to issue or renew a local fishing vessel permit--
- (a) where necessary in order to give effect to any programme specified in any applicable fisheries plan;

- (b) where the application is made in respect of a fishery that has not hitherto been exploited in The Bahamas and the Director is satisfied that it would be contrary to the proper management of that fishery to issue the permit; or
 - (c) for such other grounds as may be specified in this Act or any regulations made under this Act.
- (7) Unless the Minister shall otherwise provide by regulation, this section shall not apply to fishing vessels twenty feet or less in length.
- (8) Where a local fishing vessel is used in contravention of subsection (1) or of any condition of a local fishing vessel permit, the master, owner and charterer of that vessel are each guilty of an offence.

VALIDITY OF FISHING LICENCES

13. (1) Unless cancelled or suspended under section 16, a fishing licence shall be valid for such period exceeding twelve months as may be specified in the licence.
- (2) Where a vessel in respect of which a local fishing vessel licence has been issued becomes a foreign fishing vessel, the permit shall automatically terminate.
- (3) The validity of a foreign fishing vessel licence shall not extend beyond that 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 otherwise specified in any regulations made under section 40 in implementation of a plan for the limitation of effort in any specified fishery, no licence or permit shall be transferable except with the written permission of the Director, or in the case of a foreign fishing vessel licence, the Minister.

CONDITIONS OF FISHING LICENCES

14. (1) Every fishing licence shall be subject to such--
- (a) general conditions as may be prescribed; and
 - (b) special conditions as may be specified under subsection (3).
- (2) General conditions referred to in subsection (1) (a) may be prescribed in respect of all fishing licences or permits or any category of fishing licences or permits and for all fisheries or any prescribed fishery.
- (3) The Director or in the case of a foreign fishing vessel licence, the Minister, may attach to any fishing licence or permit 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 Director or in the case of a foreign fishing vessel licence, the Minister, may from time to time, where he is satisfied that it is expedient for the proper management of fisheries in the waters of The Bahamas, vary any special conditions attached to any fishing licence.
- (5) If the Minister or the Director varies any special conditions attached to any fishing licence he shall notify the licensee of such variation as soon as practicable.

FEES, ROYALTIES, AND OTHER CHARGES

15. (1) There shall be payable in respect of every--
- (a) fishing licence; and
 - (b) permission to undertake fisheries-related research or survey operations under section 21
- 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 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.

CANCELLATION OR SUSPENSION OF FISHING LICENCES

16. (1) The Director, or in the case of a foreign fishing vessel 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 Director, as the case may be, is satisfied that--
- (a) it is necessary to do so in order to allow for the proper management of a particular fishery;
 - (b) the vessel in respect of which the licence has been issued has been used in contravention of this Act or any regulation made thereunder, or of any condition of the licence or in breach of any applicable access agreement; or
 - (c) he is required or authorized to do so in accordance with the provisions of any arrangement or agreement entered into under section 6.
- (3) If the Minister or the Director cancels or suspends a fishing licence under subsection (1), he shall notify the licensee as soon as practicable.
- (4) Where a fishing licence has been cancelled on the grounds specified in subsection (2)(a), a proportion of the fees paid for the fishing licence representing the unexpired period of that licence shall be reimbursed to the licensee at his request.

NOTICE

17. (1) Any notification given under sections 14 (5) or 16 (3) 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.

POWERS OF INSPECTION OF LOCAL FISHING VESSELS

18. (1) Any authorized officer may at any time inspect without notice any local fishing vessel for the purpose of satisfying himself that such vessel complies with the prescribed standards relating to sanitary conditions for vessels of that category or class.
- (2) Where, as a result of an inspection pursuant to subsection (1), the Director is satisfied that the vessel does not comply with the prescribed standards relating to sanitary conditions for vessels of that category or class, he may cancel or suspend the vessel's permit.

APPEALS

19. (1) Any person aggrieved by a decision of the Director not to issue or renew a local fishing vessel permit or by the cancellation or suspension of a local fishing vessel permit, may, within 21 days of receipt of notification of that decision, appeal to the Minister.
- (2) Any person aggrieved by a decision of the Minister on an appeal under subsection (1) may appeal to the Supreme Court within 21 days of receipt of notification of the decision, or if no such notification is received, within 60 days from the date of dispatch of the appeal to the Minister.

PERSONS ENGAGED IN FISH PROCESSING, MARKETING OR DISTRIBUTION TO SUPPLY INFORMATION

20. (1) Any person engaged in the processing, marketing or distribution of fish or aquatic flora shall keep such records and submit such returns or supply such information the amount and species of fish or aquatic flora received, processed, marketed or distributed by him, in such form as the Director may require.

- (2) Any person who, without lawful cause, refuses to submit returns or supply information as required under subsection (1) or who knowingly supplies false information, is guilty of an offence.
- (3) In this section "processing" means canning, drying, gutting, salting, icing, chilling, freezing or otherwise processing fish or aquatic flora for sale by wholesale in or outside The Bahamas.

FISHERIES TRAINING AND RESEARCH

21. (1) The Department of Fisheries shall conduct and encourage such training and research programmes as may be appropriate to assist in the management and development of the fisheries of The Bahamas.
- (2) Subject to subsection (3), no person shall undertake fisheries-related research or survey operations in the waters of The Bahamas except with the prior permission of the Minister.
- (3) Subsection (2) shall not apply to fisheries-related research or survey operations undertaken--
 - (a) by the Department of Fisheries;
 - (b) in the waters of The Bahamas by an approved local research institution within the meaning of section 22; or
 - (c) in the exclusive fishery zone by an international organization or agency of which The Bahamas is a member under and in accordance with a detailed international project to which the Government has given its formal approval.
- (4) An application to undertake fisheries-related research or survey operations in the waters of The Bahamas 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.
- (5) The Minister may, on the recommendation of the Director, grant permission for any vessel or person to undertake fisheries-related research and survey operations in the

waters of The Bahamas and in doing so may exempt such vessel or person from any provision of this Act.

- (6) It shall be a condition of any permission given by the Minister under subsection (5) 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 on shore;
 - (b) copies of any raw data generated by the research or survey operations shall be submitted to the Director at the end or during the course of such operations;
 - (c) the results and conclusions of the research or survey operations shall be submitted to the Director as soon as practicable following the completion of the operations and in any case no later than the time specified for the submission of the results and conclusions in the permission; and
 - (d) no results of the research and survey operations shall be made public without the prior agreement of the Minister.
- (7) The Minister may attach such other conditions as he deems fit to any permission granted under subsection (2).
- (8) Where any of the conditions set out in paragraph (6) has been breached, no further permissions for fisheries-related research or survey operations shall be granted to the person concerned until corrective action has been taken to the satisfaction of the Minister.
- (9) Any person who undertakes or assists in any fisheries research in the waters of The Bahamas--
- (a) without permission under subsection (2); or
 - (b) in contravention of any condition or conditions attached to the permission under subsections (6) or (7),
- is guilty of an offence.

- (10) Any permission or exemption granted under this section shall be in writing.

APPROVED LOCAL RESEARCH INSTITUTIONS

22. (1) The Minister may designate any local scientific or academic institution as an approved local research institution for the purposes of section 21(3)(b).
- (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 Director, 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 Director or any fisheries officer designated by him 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 Director such other information regarding research projects as he may require; and
 - (d) comply with such other conditions as the Director may require in relation to the proper management of fisheries, the protection of the environment and the observance of the international obligations of The Bahamas.

PROHIBITED FISHING METHODS

23. (1) Any person who--
- (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 paragraph (a),

is guilty of an offence.

- (2) Any explosive, poison or other noxious substance found on board any fishing vessel is presumed, unless the contrary is proved, to be intended for the purpose 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.
- (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 Director, the Public Analyst, a Government Chemist, or such other person as the Director may designate in writing, shall be prima facie evidence of the matters recorded therein in any proceedings under this Act.
- (5) For the purposes of subsection (4), a defendant in proceedings brought under this section is entitled to 14 days notice in writing of the prosecution's intention to offer the certificate in evidence.

POSSESSION OF PROHIBITED FISHING GEAR

24. (1) Subject to subsection (2), any person who, in the waters of The Bahamas--
 - (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.
- (2) Any fishing gear on board a fishing vessel in the waters of The Bahamas that is stowed in the prescribed manner shall be deemed not to be intended for use for fishing.

IMPORT AND EXPORT OF LIVE FISH

25. (1) A person shall not import or attempt to import into The Bahamas any live fish or aquatic flora except under a permit issued by the Director in respect of the consignment of live fish or aquatic flora.
- (2) A person shall not export or attempt to export from The Bahamas any ornamental fish except under a permit issued by the Director in respect of the consignment of ornamental fish.
- (3) The Director may require, before issuing a permit under subsection (1), that studies be carried out, at the expense of the applicant, regarding the possible impact that the release of such live fish or aquatic flora might have on the environment.
- (4) Any person who contravenes the provisions of subsections (1) or (2) is guilty of an offence.

EMPLOYMENT OF NON-BAHAMIAN

26. Any person who, being--
- (a) non-Bahamian--
- (i) uses a local fishing vessel for fishing other than sport fishing; or
- (ii) is employed on such a vessel in any capacity; or
- (b) the owner, master or other person in charge of a local fishing vessel--
- (i) permits a non-Bahamian to use such vessel for fishing other than sport fishing; or
- (ii) employs a non-Bahamian on such vessel,
- and has not first been granted a permit under the Immigration Act, 1967, so to do, is guilty of an offence.

PART III

Enforcement

POWERS OF AUTHORIZED OFFICERS

27. (1) For the purposes of enforcing this Act, any authorized officer may, without a warrant--
- (a) stop, board and search any foreign fishing vessel in the waters of The Bahamas and any local fishing vessel in or outside the waters of The Bahamas;
 - (b) require to be produced, examine and take copies of any fishing licence or other document required under this Act; and
 - (c) require to be produced and examine any fishing net or other fishing gear whether at sea or on land.
- (2) Any authorized 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 or aquatic flora illegally taken are being processed or stored;
 - (b) stop and search any vehicle in which he has reasonable grounds to believe that fish or aquatic flora illegally taken are being transported;
 - (c) take samples of any fish or aquatic flora found in any fishing vessel, vehicle or premises searched under this section;
 - (d) 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;

- (e) seize any fish or aquatic flora which he has reasonable grounds to believe has been caught in the commission of the offence, or is being possessed, imported or exported in contravention of this Act;
 - (f) seize any explosive, poison or other noxious substance which he has reasonable grounds to believe is being possessed in contravention of this Act; and
 - (g) arrest any person who he has reasonable grounds to believe has committed an offence under this Act.
- (3) Any fishing 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 33.
 - (4) Where an offence under this Act is committed by any foreign fishing vessel, and that vessel is pursued beyond the waters of The Bahamas, the powers conferred on authorized officer under this section are exercisable the waters of The Bahamas, in the circumstances and to the extent recognized by international law.
 - (5) An authorized 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 authorized officer for the purposes of this Act.

SALE OF PERISHABLE GOODS SEIZED

- 28. (1) An authorized officer may, to avoid spoilage or decay of any fish, aquatic flora or other articles of a perishable nature seized under this Act, sell that fish, aquatic flora or other articles of a perishable nature in such manner as the Director may direct.
- (2) An authorized officer who sells fish, aquatic flora or other articles of a perishable nature under subsection (1) shall give to the person from whom the seizure is made a receipt, signed by the authorized officer, stating--
 - (a) the date of the sale;

(b) the quantity of fish, aquatic flora or other article of a perishable nature sold; and

(c) the amount realised by the sale.

(3) Where a court dismisses a charge for an offence in respect which the fish, aquatic flora or other article of a perishable nature was seized, and no civil proceedings are under subsections 34 (2) and (3), it shall, in any case where the fish, aquatic flora or other article of a perishable nature has been order that the net amount realized by the sale be paid to the person from whom the seizure made.

IMMUNITY OF AUTHORIZED OFFICERS

29. No action shall be brought against any authorized 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.

ASSAULTING ETC. AUTHORIZED OFFICERS

30. Any person who obstructs, assaults, threatens with violence, bribes or otherwise interferes with an authorized officer in the exercise of the powers conferred on him under this Act, or attempts to prevent him from executing his duties, is guilty of an offence.

PENALTIES

31. Any person who is guilty of an offence under this Act shall be liable on summary conviction--

(a) for an offence under section 9 to a fine not exceeding _____ dollars;

(b) for an offence under section 10(1) to a fine not exceeding _____ dollars;

(c) for an offence under section 10(2) to a fine not exceeding _____ dollars;

(d) for an offence under section 11 to a fine not exceeding _____ dollars;

- (e) for an offence under section 12 to a fine not exceeding _____ dollars;
- (f) for an offence under section 20 to a fine not exceeding _____ dollars;
- (g) for an offence under section 21 to a fine not exceeding _____ dollars;
- (h) for an offence under section 23 to a fine not exceeding _____ dollars;
- (i) or an offence under subsection 24 (1) to a fine not exceeding _____ dollars;
- (j) for an offence under section 25 to a fine not exceeding _____ dollars;
- (k) for an offence under section 26 to a fine not exceeding _____ dollars or to imprisonment for a term not exceeding _____ or to both;
- (l) for an offence under section 30 to a fine not exceeding _____ dollars or to imprisonment for a term not exceeding _____ or to both;
- (m) for an offence under subsection 40 (3) to a fine not exceeding _____ dollars.

LIABILITY OF MASTER

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

RELEASE OF VESSEL ETC. ON BOND

33. (1) The court shall, on application therefor, order the release of any fishing vessel (together with its gear, stores and cargo), vehicle, fish or aquatic flora, 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) Whether a bond or other form of security is satisfactory within the meaning of subsection (1) and the form of the bond or other form of security shall be determined by the court.

COURT'S POWERS OF FORFEITURE AND
CANCELLATION AND SUSPENSION OF LICENCES

34. (1) Where any person is convicted of an offence under this Act, the court, in addition to any other penalty imposed--
- (a) may, on motion, order that any fishing vessel (together with its gear, stores and cargo) any vehicle, fishing gear, net or other fishing appliance used in the commission of the offence be forfeited;
 - (b) shall order that any fish or aquatic flora caught in the commission of such offence or the net amount realized by the sale of such fish or aquatic flora and any explosive, poison or other noxious substance used or possessed in the commission of such offence be forfeited;
 - (c) may order that any fishing licence issued be cancelled or suspended and that no new fishing licence be issued in respect of the vessel involved in the offence for such period of time as the court may specify.
- (2) The powers granted under subsections (1)(a) and (1)(b) may also be exercised by the court in civil proceedings instituted by motion where--
- (a) no person has been charged with an offence, or
 - (b) any person charged has been acquitted.
- (3) If forfeiture has not been requested in or ordered by the court, an action for forfeiture may be brought in the Supreme Court, in which case the proceedings shall be by motion.

PRESUMPTIONS

35. Unless the contrary is proved--
- (a) all fish or aquatic flora found on board any fishing vessel which has been used in the commission of an offence under

this Act are presumed to have been caught in the commission of that offence;

- (b) all fish or aquatic flora found in the possession of a person within a protected area are presumed to have been taken within that area; and
- (c) in any proceedings under this Act following the seizure of a foreign fishing vessel by an authorized officer on board any Government or other enforcement vessel, where the place in which an event is alleged to have occurred is in issue, the place stated in a certified copy of the relevant entry in the logbook or other official record maintained by the appropriate officer of the Government as being the place in which the event occurred is presumed to be the place in which such event occurred.

ONUS OF PROOF

36. In any 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 relates, the requisite licence, authority or permission was duly held.

DISPOSAL OF VESSELS ETC. FORFEITED

37. (1) Any vessel (together with its gear, stores and cargo), and any vehicle, fishing gear, net or other fishing appliance, catch, explosive, poison or other noxious substance ordered to be forfeited under section 34 shall be sold or otherwise disposed of as the Director may direct.
- (2) During the pendency of any proceedings under this Act, any vessel or article that has been seized shall be detained in the custody of the Commissioner of Police to the order of the Minister at such place as the Minister may direct until the same shall be forfeited or released in accordance with this Act.

OFFENCES TRIABLE AS IF COMMITTED
WITHIN LOCAL JURISDICTION

38. Any offence committed under this Act or any regulations made thereunder within the waters of The Bahamas by any person, or any such offence committed outside such waters by any person on board any local fishing vessel, is triable in any court of The Bahamas as if such offence had been committed in any place in The Bahamas within the local limits of the jurisdiction of such court.

POWER TO COMPOUND OFFENCES
IN RESPECT OF FOREIGN FISHING VESSELS

39. (1) Any offence under this Act or any regulation made hereunder involving a foreign fishing vessel, other than an offence under sections 23 or 30, may be compounded in accordance with the procedures set out in this section, on condition that
- (a) the person who is alleged to have committed the offence has requested in the prescribed form that the offence be so dealt with; and
 - (b) the Attorney-General is satisfied that evidence is available that would reasonably support the bringing of a prosecution against that person for that offence.
- (2) Where the conditions set out in subsection (1) are met, the Attorney-General may, after consulting with the Director, compound the offence by accepting on behalf of the Government from the person alleged to have committed the offence a sum of money not exceeding the maximum fine specified for that offence, plus all reasonable expenses the Government has incurred in the storage, upkeep, maintenance and removal of the foreign fishing vessel used in the offence, and its catch and cargo.
- (3) On compounding an offence under this section the Attorney-General may order the release of any article seized under section 27 or the proceeds of sale of such article under section 28 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.

- (4) In any proceedings under this Act or any regulation hereunder, it shall be a defence if such person proves that the offence has been compounded under this section.

PART IV

General

REGULATIONS

40. (1) The Minister may, on the recommendation of the Director, make regulations generally for the management and development of fisheries in the waters of The Bahamas.
- (2) In particular, and without limiting the generality of subsection (1), the Minister may, on the recommendation of the Director, make regulations--
- (a) prescribing mesh sizes, gear standards, closed seasons and closed areas;
 - (b) prohibiting methods of fishing or types of fishing gear;
 - (c) defining charter boat fishing and noxious substances;
 - (d) prescribing the minimum sizes of fish that may be caught and retained;
 - (e) prescribing schemes for limiting effort in any fishery;
 - (f) setting maximum allowable catches for any fishery;
 - (g) prescribing the constitution, functions, duties and procedures of the committee;
 - (h) regulating the catching and utilization of fish aquatic flora taken incidentally when fishing for a species for which a licence has been issued;
 - (i) providing for the registration and licensing of fishing gear and other fishing appliances;
 - (j) regulating sport fishing and fishing tournaments and in the waters of The Bahamas, including, without limitation--

- (i) requiring the organizers of fishing tournaments and competitions to provide statistical information on catches; and
- (ii) providing for the licensing of sport fishing clubs and sport fishermen;
- (k) regulating or prohibiting the use of underwater breathing apparatus, spear guns or other similar devices;
- (l) regulating the import and export of fish, aquatic flora or fish products;
- (m) regulating the landing, marketing and distribution of fish or aquatic flora, including--
 - (i) the control, management and regulation of any undertaking established by the Government for the marketing and distribution to the public of any fish, aquatic flora or fish products; and
 - (ii) the premises at which such undertaking is conducted and the waters adjacent thereto;
- (n) regulating the manner in which fishing gear is to be stowed;
- (o) providing for the implementation of any agreement or arrangement entered into under sections 6, 7 or 8;
- (p) regulating--
 - (i) artificial reefs and the use of fish aggregating devices such as fishing fences and fishing around such reefs and devices;
 - (ii) the taking of ornamental fish, coral, shells and riparian flora such as sea oats; and
 - (iii) aquaculture operations;
- (q) prescribing measures for the protection of marine mammals, turtles, lobsters, conches and sea-eggs;
- (r) prescribing standards for sanitary conditions for local fishing vessels;

- (s) prescribing regulations for the examination, seizure and disposal of fish, aquatic flora and fish products that are in such a state as to be injurious to health;
 - (t) prescribing required markings for local fishing vessels and foreign fishing vessels;
 - (u) prescribing the form and requiring the display of fishing licences and permissions to undertake fisheries-related research or survey operations;
 - (v) prescribing fees for--
 - (i) fishing licences and permissions to undertake fisheries-related research or survey operations; and
 - (ii) services by the Government in or incidental to the marketing, storage and distribution of fish, aquatic flora and fish products;
 - (w) applying the provisions of section 12 to fishing vessels twenty feet or less in length; and
 - (x) prescribing any other matter which is required or authorized to be prescribed.
- (3) Where not otherwise provided for, any breach of a regulation made under this Act shall be an offence.

SAVINGS

41. Any regulations, Orders and notices made under the Fishery Resources (Jurisdiction and Conservation) Act, 1977, as amended, and any licences, permits and other authorizations issued thereunder shall, except in so far as they are inconsistent with this Act, continue to have effect as though made or issued under this Act.

REPEALS

42. The Acts set out in column 1 of the Schedule are repealed or amended to the extent and in the manner indicated in column 2 of the Schedule.

S.I. 1988 N°

The Fisheries Act, 1988

The Fisheries Regulations, 1988

In exercise of the powers conferred on him by Section 40 of the Fisheries Act, 1988, the Minister makes the following regulations:

PART I - PRELIMINARY

1. These Regulations may be cited as the Fisheries Regulations, 1988, and shall come into force on such date as the Minister may appoint by notice published in the Gazette.
2. In these Regulations:

"aquaculture" means the cultivation of freshwater and marine organisms by exploiting their natural environment;

"commercial purposes" in relation to the export of any fishery resource of fishery product, means any act or transaction or the doing of anything for the purpose of effecting a sale or of deriving a financial reward through the export of that resource or product;

"explosives" has the meaning assigned to it by Section 2 of The Explosives Act, 1968;

"charter boat fishing" means [];

"firearm" has the meaning assigned to it by Section 2 of The Firearms Act, 1969;

"fishery product" means any product intended for human consumption which consists wholly or mainly of fishery resource;

"Hawaiian sling" means a device made of wood, or other suitable material, designed for the discharge of a missile under water by the force of a sling or rubber;

"noxious substance" means [];

"prohibited fishing gear" means:

- (a) a device, other than a snorkel, designed to enable a person to breathe under water;
- (b) a device, other than a Hawaiian sling, designed to discharge a missile under water;

"snorkel" means a tube enabling a person whose face is beneath the surface of the water to breathe air directly from the atmosphere and not assisted by a compressor;

"spearfishing apparatus" means any of the following articles used in spearfishing:

- (a) a spear;
- (b) a Hawaiian sling;
- (c) a snorkel;
- (d) an underwater mask;
- (e) underwater goggles;
- (f) swimfins;

"take" means catch, capture or remove from the water;

"trap" means any device designed or used for the trapping of fishery resources.

PART II - FISHERIES ADVISORY COMMITTEE

3. (1) There is hereby established a Fisheries Advisory Committee.

(2) The Fishery Advisory Committee shall be composed of the following persons:

- (a) the Permanent Secretary, Ministry of [], who shall be the chairman;
- (b) the Director, who shall be the secretary;
- (c) at least 3 persons who shall be appointed by the Minister from among professional fishermen to represent the views of professional fishermen;
- (d) such other persons as the Minister may think fit to appoint.

(3) The quorum for conducting the business of the Fisheries Advisory Committee shall be four members including the Chairman and the Secretary.

(4) The Fisheries Advisory Committee may invite the head of any government department or his representative or such other person as it may think fit, to participate in its meetings where matters of concern to that department or person are being discussed or where it considers that his presence would benefit the deliberations of the Committee.

(5) The functions of the Fisheries Advisory 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 waters of The Bahamas and on each review of such plans;
- (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 fisheries 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 regional cooperation in fisheries;
 - (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 it.
- (6) The Fisheries Advisory Committee may establish its own procedures.

PART III - FOREIGN FISHING VESSELS

4. Every application for a foreign fishing vessel licence shall be:
- (a) in the appropriate form, or contain the information, set out in Schedule [] to these Regulations; and
 - (b) addressed to the Minister and be in writing, or in the form of a telex or cable.
5. Every foreign fishing vessel licence shall:
- (a) be in writing in the form set out in Schedule [] to these Regulations; or
 - (b) be in the form of a telex or cable containing the information set out in Schedule [] to these Regulations.
6. (1) The fee payable for the issue of a foreign fishing vessel licence is the amount set out for vessels of that kind in Schedule [] 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.
7. (1) Every foreign fishing vessel licence issued under Section 9 of the Act shall be subject to the following general conditions:
- (a) No fishing shall be undertaken in the waters of The Bahamas except as authorized by the licence.
 - (b) Any change in the information set out in the application form shall be notified to the Director as soon as practicable and, in any case, not later than 7 days from the date of the change.

- (c) The owner of the vessel shall maintain a local agent in The Bahamas, who shall be legally and financially responsible for the operations of the vessel while in the waters of The Bahamas, and who shall be authorized to accept and respond to the service of legal process.
- (d) No fish may be trans-shipped from or onto the vessel while in the waters of The Bahamas except with the permission of the Director and in accordance with such conditions as he may specify.
- (e) The master and each member of the crew of the vessel shall while in the waters of the Bahamas comply with any directions given to him by any authorized 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 waters of the Bahamas, take all reasonable care to avoid damage to any local fishing operations.
- (g) The vessel shall at all times while in the waters of the Bahamas:
 - (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 6 inches high on a contrasting background,
 - (A) its international radio call sign; or
 - (B) if the vessel has no international radio call sign and is operating with another foreign fishing vessel in the waters of the Bahamas, the international radio call sign of that other vessel; or
 - (C) if the vessel has no international radio call sign and is not operating with another foreign fishing vessel, the registration number assigned to it by its flag state.
- (h) The master of the vessel shall cause a logbook to be maintained on a daily basis in such form as the Director may from time to time require for the purpose of recording the fishing operations and related activities of the vessel while within the waters of the Bahamas.

- (i) The logbook maintained under paragraph (h) shall be transmitted in its original and unaltered form to the Director or to any other person or organization designed by him:
 - (i) not later than 30 days after completion of the voyage to which the logbook relates; or
 - (ii) at any shorter time after the completion of the voyage at the request of the Director or of any authorized officer.
 - (j) The master of the vessel shall, while in the waters of the Bahamas, allow any fisheries officer or other person designated in writing by the Director to board and remain on board the vessel as an observer and shall:
 - (i) allow the observer access to equipment as required in the performance of his functions, including communications 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 waters of the Bahamas;
 - (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 Director may require to allow an observer to board or disembark from the vessel.
- (2) Every foreign fishing vessel license issued under Section 9 of the Act, with the exception of a foreign fishing vessel license issued in respect of a locally based foreign fishing vessel shall be subject to the following general conditions in addition to those set out in subsection (1):
- (a) The master of the vessel shall cause reports in the form specified by the Director to be made to the Director or to such other person or organization as the Director may designate containing the information set out in paragraph (b) at the following times:
 - (i) immediately upon entry into the waters of the Bahamas;
 - (ii) on such days and at such times as the Director may specify while the vessel is in the waters of the Bahamas; and
 - (iii) immediately upon departure from the waters of the Bahamas.
 - (b) Each report made under paragraph (a) shall state:
 - (i) the international radio call sign of the vessel or if the vessel has no international radio call sign, such other identification as may be required to be displayed on the vessel under paragraph (g);

- (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 or related activities of the vessel as the Director may from time to time require.

(c) The master or owner of the vessel or his local agent shall notify the Director or such other person or organization as the Director may designate of the estimated time of entry of the vessel into any port in the Bahamas at least 24 hours prior to such entry.

(3) The Director may, in writing, exempt any locally based foreign fishing vessel from the condition set out in subsection (1) (c).

(4) Any records, logbooks or notifications required to be maintained or made under this Regulation shall be maintained or made in English.

STOWAGE OF GEAR

8. (1) The following is the prescribed manner in which fishing gear shall be stowed for the purpose of Section 10 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 stowed wholly inboard the vessel;
- (c) all nets, trawlboards and weights shall be disconnected from towing or hauling wires or ropes and all mechanical hauling devices shall be sufficiently disconnected to be incapable of immediate use; and
- (d) where possible, the fishing gear shall be stowed beneath the decks; and
- (e) any fishing gear carried on or above deck shall be secured to some part of the superstructure or hull of the vessel.

(2) For the purpose of this regulation and of Section 10 of the Act, the term fishing gear shall include any net, line, hook, float, pole, rope, trap, boat or helicopter that may be used in fishing.

PART IV - LOCAL FISHING VESSEL PERMITS

FORM OF PERMIT AND APPLICATION

9. Every application for the issue of renewal of a permit in respect of a local fishing vessel and every local fishing vessel permit shall be in the appropriate form set out in Schedules [] and [] to these Regulations.

FEES

10. The fee payable for the issue or renewal of a local fishing vessel permit is the amount set out in Schedule [] to these Regulations.

GROUNDINGS FOR REFUSAL OF A PERMIT

11. No local fishing vessel permit may be issued or renewed unless:
- (a) an application has been made in accordance with Regulation 9 and is true and correct in every way;
 - (b) any information requested by the Minister or the Director and relevant to the proposed fishing operation has been provided in the manner requested; and
 - (c) the fee prescribed under Regulation 10 has been paid.

GENERAL CONDITIONS

12. (1) Every local fishing vessel permit 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 Director as soon as practicable and in any case no later than 7 days from the date of the change.
 - (b) The vessel shall display the identification markings assigned to it by the Director in such manner as he may require.
 - (c) The vessel shall comply with the law relating to safety and with such safety and sanitary standards as the Director may from time to time determine by Notice published in the Gazette.
 - (d) No fishing shall be undertaken except as authorized by the permit.
 - (e) No fish may be trans-shipped from or on to the vessel except with the permission of the Director and in accordance with such conditions as he may specify.
 - (f) The master of any vessel [] feet or more in length overall shall cause a logbook to be maintained on a daily basis in such form as the Director may from time to time require for the purpose of recording the fishing operations of the vessel.
 - (g) Any logbook maintained under the preceding paragraph shall be transmitted in its original and unaltered form to the Director at such time as he may require.
 - (h) The master and each member of the crew of the vessel shall comply with any direction of an authorized officer.

- (i) 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.
- (j) If the vessel is fishing in waters other than the water of the Bahamas 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 the Bahamas as having force in those waters.

PART V - RESEARCH

- 13. (1) An application under Section 21 of the Act to undertake fisheries-related research or survey operations shall be made to the Minister in the form set out in Schedule [] to these Regulations.

(2) The fee payable for permission to undertake fisheries-related research or survey operations is the amount set out in Schedule [] to these Regulations.
- 14. The prohibitions pertaining to the possession or taking by a person of fishery resource as are imposed by these Regulations by reason of the application thereto of a close season or the prescription of a minimum size limit or the sex or egg-bearing characteristics of the resource shall not apply in so far as the possession or taking by that person is in accordance with a permit or license held by him or under these Regulations for the purpose of aquaculture, scientific, educational or research purposes.

PART VI - CRAWFISH

- 15. There shall be an annual closed season for crawfish extending from 1st April to 31st July (inclusive).
- 16. No person shall during the closed season fish for or have in his possession any live or fresh crawfish without first having obtained the written permission of the Director or unless he has bought the crawfish from the holder of such a permit.
- 17. No person shall take, have in his possession or sell any crawfish which measures less than three and three-eighths inches from the base of the horns to the end of the jacket or which, if the tail is severed, has a tail measurement of less than six inches, not including any protruding muscle.
- 18. The person in charge of a vessel engaged in fishing for crawfish shall ensure that the vessel carries a measuring gauge of a type capable of determining for the purposes of Regulation 18 the size of any crawfish taken.
- 19. (1) No person shall take, capture, destroy or kill crawfish by means of traps (hereinafter referred to as "crawfish trapping") other than those specified in paragraph (2).

(2) Traps used for crawfish trapping shall be as described below:

(a) wooden slat traps not more than 3 feet in length, 2 feet in width and 2 feet in height with slats placed not less than 1 inch apart, or

(b) traps of other such materials as approved by the Minister,

and in the case of traps other than wooden traps containing a panel made of a material that would after use in water for a continuous period of not more than six weeks deteriorate.

(3) Traps described in paragraph (2) (a) may be reinforced with mesh as mentioned in Regulation 8 save that one panel of the trap shall retain the ability to deteriorate as referred to in paragraph (2).

(4) No vessel shall be used in crawfish trapping unless the operator has obtained a local fishing vessel permit from the Director authorizing the vessel to be used.

(5) An application for a permit mentioned in paragraph (4) shall be made to the Director in the form set out in Schedule [] to the Regulations.

(6) The Director may, upon payment of the fee specified in Schedule [] to the Regulations, grant a permit to the applicant in the form prescribed in Schedule [] of these Regulations, which permit shall be subject to such terms and conditions as the Minister thinks fit.

20. (1) The permit granted under Regulation 19 or a certified copy thereof shall be kept at all times readily available on the vessel from which crawfish trapping is conducted.

(2) The number of the permit granted under Regulation 19 shall be painted or affixed in legible figures on every trap and on every buoy used in connection with that trap which belongs to the vessel to which the permit relates.

(3) A buoy bearing the number of the permit shall be attached to each trap except that where traps are tied together in a trot line, a buoy is not needed to be attached to each trap so long as a flag buoy, bearing the number of the permit on the flag, is attached to each end of the trot line or in the case of trot lines exceeding twenty traps, a buoy is attached at intervals of 20 traps.

(4) Every buoy shall, except when it is intentionally submerged by a timed float release device, be of sufficient strength and buoyancy to remain continuously afloat and shall be of such colour and brilliance as to be easily seen.

21. (1) Subject to paragraph (2) no person shall, during the closed season:

(a) have in his possession on board a vessel a trap or other device designed for crawfish trapping; or

(b) set any trap or other device on or below the surface of the sea for the purpose of crawfish trapping.

(2) Paragraph (1) does not apply to the holder of a numbered permit granted under Regulation 19 in respect of a vessel and who during the last two weeks of the closed season, soaks his traps which are tied in bunches in the vessel's home port.

22. (1) A person who holds a license under Regulation 75 and the owner or operator of every hotel, restaurant, supermarket or grocery store who buys or sells crawfish shall upon any request made of him by the Minister submit to the Minister a statement as to the quantity in weight of crawfish frozen or otherwise in his possession at the date of the statement.

(2) Every person mentioned in paragraph (1) shall, when requested by a fisheries inspector, allow the inspector to carry out any inspection of business premises occupied by such person for the purpose of enabling the inspector to ascertain the quantity of any crawfish in the possession of that person.

23. No person shall:

- (a) take, have in his possession or sell any egg-bearing crawfish;
- (b) clip or otherwise remove the eggs from an egg-bearing crawfish;
- (c) have in his possession or sell any crawfish from which eggs have been clipped or otherwise removed.

24. All crawfish gathered within the exclusive fishery zone shall be liable to inspection by a fisheries officer.

25. No person shall for commercial purposes export etc. crawfish unless:

- (a) it is submitted at the time of exportation to a fisheries officer; and
- (b) the export duty specified in the Second Schedule is paid.

PART VII - CONCH

26. (1) No person shall take, have in his possession or sell any conch the shell of which does not possess a well formed flaring lip.

(2) No person shall sell any conch shell which does not possess a well formed flaring lip.

27. (1) No person shall for commercial purposes export any conch, by-product of conch or any whole conch shell unless:

- (a) he holds a licence in that behalf granted under Regulation 66;
- (b) the conch or by-product of conch is submitted for inspection to a fisheries officer at the time of exportation; and
- (c) The export duty specified in Schedule [] to the Regulations is paid.

(2) Nothing in paragraph (1) shall apply to any conch in a quantity not exceeding ten pounds in weight and carried in the personal baggage of a person leaving the Bahamas.

PART VIII - TURTLE

28. There shall be an annual closed season for all turtle species extending from 1st April 31st July (inclusive).
29. No person shall during the closed season, take or have in his possession any live or fresh turtle without the written permission of the Director or unless he has bought the turtle from the holder of such a permit.
30. No person shall capture any turtle on any beach.
31. No person shall take, have in his possession, buy or sell any turtle eggs.
32. (1) No person shall take or have in his possession, or capture any:
 - (a) hawksbill turtle;
 - (b) green turtle under 24 inches; or
 - (c) loggerhead turtle under the size of 30 inches, any such measurement to be made by measuring from the front edge of the neck scales proceeding along the middle of the back to the end of the tail pieces.
- (2) Any turtle taken shall be landed whole and be made available for inspection by a fisheries officer at and upon his request.

PART IX - SCALEFISH

33. No person shall:
 - (a) buy or sell bone fish (*Albula vulpes*);
 - (b) fish for bone fish (*Albula vulpes*) within the exclusive fishery zone by means of nets.
34. No person shall take, buy or sell any fish commonly known as grouper or rockfish that weights less than 3 pounds.
35. No person shall for commercial purpose export scalefish, unless the scalefish is presented to a fisheries officer for inspection at the time of export.

PART X - STONE CRAB

36. There shall be an annual closed season for stone crab extending from 1st June to 15th October (inclusive).
37. No person shall, during the closed season, take, have in his possession, buy or sell fresh stone crab.

38. No person shall take, have in his possession, buy or sell any stone crab the claw of which measures less than 4 inches in length.
39. No person shall take, buy or sell any female stone crab.

PART XI - MARINE MAMMALS

40. (1) Subject to paragraph (2), no person shall, within the exclusive fishery zone, fish for, molest or otherwise interfere with any marine mammal.
- (2) Paragraph (1) does not apply to a person who has the prior written permission of the Minister to capture marine mammals for scientific, educational or exhibitional purposes.

PART XII - SPONGE

41. (1) No person shall take, have in his possession, buy or sell any of the following sponges that have less than the following minimum measurements when removed from the sea:
- (a) wool sponge--5-1/2 inches;
 - (b) grass sponge--5-1/2 inches;
 - (c) hard head sponge--1 inch;
 - (d) reef sponge--1 inch;
- (2) The person in charge of a vessel engaged in sponging shall ensure that the vessel is equipped with a set of measuring rings of the diameters specified in paragraph (1).
42. No person shall for commercial purposes export sponge unless:
- (a) the sponge is clipped and graded and also packaged and labelled in accordance with these Regulations;
 - (b) it is presented to a fisheries officer at the time of exportation; and
 - (c) the export duty specified in Schedule [] to these Regulations is paid.

PART XIII - AQUACULTURE

43. (1) No person shall engage in aquaculture unless he has a permit granted by the Minister.
- (2) An application for a permit shall be made to the Minister in the form prescribed in Schedule [] to these Regulations.
- (3) The permit granted by the Minister for which there shall be paid the fee prescribed in Schedule [] to these Regulations shall be in the form presented in Schedule [] to these Regulations and shall be subject to such terms and conditions as the Minister sees fit.

44. (1) A fisheries officer may at any reasonable time of the day enter any place where freshwater and marine organisms are cultured and carry out such inspection of the operations being carried out therein in relation to aquaculture.
- (2) The owner or person in charge of a place entered by a fisheries inspector pursuant to paragraph (1) and every person found therein shall give the fisheries inspector all reasonable assistance as is possible and furnish him with such information, as he may reasonably require.
- (3) Any person who:
- (a) fails to comply with paragraph (2);
 - (b) obstructs a fisheries in the carrying out of his duties under these Regulations; or
 - (c) knowingly makes any false or misleading statements either orally or in writing to any fisheries officer engaged in carrying out his duties under these Regulations, is guilty of an offence.

PART XIV - SPORTFISHING

45. (1) No person shall, without prior written approval of the Minister, organize or hold a sportfishing tournament or competition.
- (2) In this part sportfishing means foreign fishing within the exclusive fishery zone for sporting purposes or purposes other than commercial.
46. (1) The owner or operator of a vessel shall not permit the vessel to be engaged in sportfishing unless the owner or operator of the vessel:
- (a) holds a permit granted by the Minister under this Regulation authorizing the vessel to be so engaged; and
 - (b) pays for the permit the fee prescribed in Schedule [] to these Regulations.
- (2) Paragraph (1) shall not apply to Bahamian owned and licensed charter vessels or a boat which is normally towed by or carried on a vessel to which that paragraph applies.
- (3) An application for a permit under paragraph (1) shall be made to the Minister in the form prescribed in Schedule [] to these Regulations and be submitted:
- (a) in the case of a vessel entering the Bahamas for the purpose of sportfishing, to the customs officer at the port of entry at which the vessel first called;
 - (b) in any other case to the office of the Director.
- (4) The permit granted under paragraph (3) shall be in the form prescribed in Schedule [] to these Regulations.

47. (1) In sportfishing the following rules apply:
- (a) a person shall fish by the traditional method of angling with a hook or lure attached to a line held in the hand or attached to a pole, rod or reel;
 - (b) a person unless otherwise authorized by the permit shall not use a spear, a fish trap, or a net other than a landing net;
 - (c) each vessel shall use not more than 6 rods or reels unless the operator is in possession of a permit authorizing the use of more rods or reels;
 - (d) any migratory fishery resource that is caught shall not in total consist of more than 60 Kingfish Dolphin or Wahoo per person and any resource not intended to be used shall not be injured unnecessarily but be returned to the sea alive;
 - (e) no vessel shall have on board any turtle or more than 20 pounds of other demersal fishery resources per person at any time and excluding not more than 10 conch or 6 crawfish per person.
- (2) The limitation specified in subsection (1) (d) and (e) shall also apply to a Bahamian vessel engaged in fishing for purposes other than commercial by persons who are not Bahamians.

PART XV - PROCESSING AND PRESERVING FISHERY RESOURCE AND FISHERY PRODUCT

48. (1) No person shall use any premises to process or to preserve any fishery resource or fishery product for commercial purposes unless the premises are licensed as a factory in pursuance of these Regulations.
- (2) Any persons who wishes any premises to be used as a factory to process or to preserve fishery resources or fishery products shall apply for a licence by submitting an application to the Director containing the particulars specified in Schedule [] to these Regulations and the applicant shall pay therefore the appropriate fee specified in Schedule [] to these Regulations.
49. Without prejudice to Regulation 51, no licence shall be granted unless the Director is satisfied that-
- (a) the premises and their location with regard to neighbouring premises and the factory's proposed facilities and equipment of the factory are in keeping with the sanitation standards for factories issued by the Ministry; and
 - (b) the applicant is fit to be the holder of such a licence.
50. (1) The Director may refuse to renew the licence of a factory, if in his opinion, the factory is managed in a manner that hinders compliance with the provisions of this Part.
- (2) A licence may be revoked by the Director-

- (a) if the licensee has been convicted of an offence against the provisions of this Part, or wilfully neglects or refuses to comply with any of the provisions of this Part, or obstructs, impedes or hinders a fisheries officer carrying out any functions under this Part; or
 - (b) if in the opinion of the Director the premises of the factory itself are insanitary or the factory is managed and conducted in a manner contrary to this Part or in such manner that the revocation of the licence is required in the public interest.
51. (1) Before the Director refuses to grant or renew a licence or revokes a licence, he shall give notice to the applicant for which he proposes to refuse the grant or renewal of the licence or to revoke the licence.
- (2) The Director shall afford the applicant or the licensee, as the case may be, an opportunity of satisfying the Director why the licence should be granted or renewed or should not be revoked, and may give to the applicant or the licensee an opportunity to remedy any default within such period as may be specified by the Director.
52. (1) A fisheries officer for the purpose of ensuring that these Regulations are complied with may at a reasonable time enter any premises wherein any fishery resource is being processed and the licensee or every person found on the premises shall afford the inspector all reasonable assistance and furnish him with such information as the inspector may reasonably require for the purpose of ensuring that there is no breach of these Regulations.
- (2) A fisheries officer on entering any premises pursuant to paragraph (1) shall, if so required, produce evidence of his authority to the person in charge thereof.
- (3) Any person who-
- (a) fails to comply with paragraph (1); or
 - (b) knowingly makes any false or misleading statement either orally or in writing to a fisheries officer engaged in carrying out his duties under these Regulations,
- is guilty of an offense and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months or to both.
53. The licensee of every factory shall-
- (a) keep accurate records of the quantities of fishery resource or fishery product, purchased, produced, sold or exported, as the case may be, and of the names and addresses of the persons from whom the fishery resource was purchased and to whom the fishery product was sold by wholesale or exported;
 - (b) retain those records for a period of 12 months from the date of transaction or the date of production to which the record relates;

- (c) permit a fisheries officer to inspect or to take samples of any fishery resource or fishery product in the factory;
- (d) permit a fisheries officer to make and take such copies of those records as the officer considers necessary for the purpose of ensuring that these Regulations are being complied with by the licensee.

PART XVI - QUALITY CONTROL OF PROCESSED OR PRESERVED FISHERY RESOURCE AND FISHERY PRODUCT

54. A person exporting for commercial purposes any fishery product processed in The Bahamas shall when requested by a fisheries officer make the product available for inspection.
55. (1) A fisheries officer having examined any fishery product submitted to him and finding the same to be consistent with and the standards applicable thereto under any law the inspector shall issue a certificate to the effect that the product has been inspected.
- (2) Where there is no compliance as mentioned in paragraph (1) but the fishery product is found for human consumption, the fisheries officer may
- (a) where it is possible for the processor to effect such compliance, direct him to do so and to submit the fishery product for re-inspection; or
 - (b) affix an inspection stamp on the fishery resource or fishery product with the words "does not meet standard".
- (3) If a fisheries officer suspects the fishery product to be diseased, unsound or unwholesome and unfit for human consumption, he shall seize the same for examination by a health officer in accordance with the provisions of any law prescribing standards for the marketing of such products.
56. No person other than a health officer shall remove, cut or in any way interfere with any fishery resource or fishery product or part thereof which has been seized by a fisheries officer unless or until the same has been approved by a health officer.
57. Where fishery product, seized by a fisheries officer, is in the opinion of a health officer diseased or unsound or unwholesome and unfit for human consumption the owner thereof shall be duly notified to that effect.
58. Where any fishery product processed in The Bahamas is contained-
- (a) in a package for sale or that is being exported for commercial purposes the wrapping used in the packaging shall be non-toxic;
 - (b) in a container for sale or that is being exported for commercial purposes, the container shall be properly sealed and shall not be defective.

59. No person shall

- (a) label or advertise any fishery resource or fishery product intended for sale or for export for commercial purposes that is false, misleading or deceptive or is likely to create an erroneous impression regarding its purity, quality, composition or quantify; or
- (b) other than a fisheries officer or health officer in the execution of his duties as such shall use the words "Processed under Government Supervision" or other words that convey a similar meaning on any label affixed to or forming part of a package or container containing fishery resource or fishery product.

60. Where standards for the processing in the Bahamas of fishery resource or fishery product have not been prescribed under any law, any person who processes the fishery resource or the fishery product in a manner other than that in which it is advertised as being processed or who sells or exports such fishery resource or the fishery product is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of six months or to both.

PART XVII - MISCELLANEOUS

61. Except (in such limited quantity) as may be specified in a written permission of the Minister for scientific research or sanitation purposes as the case may be, no person shall use or have in his possession with intent to use for fishing within the exclusive fishery zone-

- (a) dogwood or other poisonous wood or bark;
- (b) quicklime;
- (c) household bleach; or
- (d) any other noxious or poisonous substance.

62. (1) subject to paragraph (2), no person shall use a firearm to fish within the exclusive fishery zone.

(2) Paragraph (1) does not apply to a person who uses

- (a) a firearm for scientific research purposes with the written permission of the Minister.
- (b) a firearm commonly (known as a bang stick) for self defense against sharks and other marine predators.

63. No person shall, except for scientific or research purposes and with the written permission of the Minister have in his possession on a fishing vessel or use for fishing with the exclusive fishery zone any explosives, poison or other noxious substance.

64. No person shall use any spearfishing apparatus to fish
- (a) within one mile of the coast at low water mark of New Providence; or
 - (b) within one mile of the southern coast at low water mark of Freeport, Grand Bahama; or
 - (c) within two hundred yards of the coast at low water mark of any other Family Island.
65. (1) No person shall use a net to fish within the exclusive fishery zone unless the net-
- (a) is a gill net, drag net, cast net or seine net; and
 - (b) has a mesh the gauge of which is 12 inches minimum.
- (2) Subparagraph (b) of paragraph (1) shall not apply to-
- (a) nets used for the harvesting of cultered resources, or
 - (b) hand nets used for capturing small species of fishery resource; or
 - (c) nets used for catching goggle-eyes or members of the herring and silver-side families.
66. No person shall use a wire mesh trap to fish within the exclusive fishery zone unless the wire mesh has the following minimum size-
- (a) in the case of a hexagonal wire mesh, 1 1/2 inches (greatest length of mesh);
 - (b) in the case of welded or woven rectangular wire mesh, 1 inch by 2 inches,
- and one of the panels of the trap is made of a material that would deteriorate after use in water for a continuous period of not more than 6 weeks.
67. No person shall organize or engage in a spearfishing tournament or competition within the exclusive fishery zone.
68. No person shall use, or have in his possession with intent to use, for fishing within the exclusive fishery zone any prohibited apparatus.
69. A person desirous of using the period 1st August to 31st of March a prohibited apparatus that is commonly known as an air compressor at a depth of not less than 30 feet nor more than 60 feet may make application to the Director, in the form prescribed in Schedule [] to these Regulations, for a permit authorizing such use and upon the issue thereof the prescribed fee shall be payable.

70. No person shall-

- (a) within 200 yards of the coast at low water mark of New Providence or any Family Island fish for or take any fishery resource other than edible fish, edible conch or crawfish as food for himself and family in The Bahamas;
- (b) save as provided in paragraph (a), fish for or take by means of a net in the harbour or at the entrance to the harbour of any place in The Bahamas any resource other than the species known as goggle-eyes or passing jacks.

71. (1) No person shall uproot, destroy, or without the written permission of the Minister, take or sell any hard or soft coral.

(2) Nothing in paragraph 1 shall apply to the sale of coral by any person who holds a licence for a shop under the provision of the Shop License Act.

72. No person shall cut, harvest or remove from any beach or shore or from any area immediately adjacent thereto any sea oats except with the written permission of the Minister.

73. No person shall construct any artificial reef within the exclusive fishery zone except with the written permission of the Minister.

74. (1) No person shall sell in New Providence fishery resource unless he is holder of a permit granted by the Minister authorizing him to sell fishery resource, or the latter is the result of fishing done by that person.

(2) No person shall sell fishery resource in New Providence other than at such places the Minister may prescribe or by notice appoint:

Provided that the foregoing provisions of this paragraph shall not apply to the holder of a permit from the Commissioner of Police permitting him to peddle and hawk articles along a public road and of a permit mentioned in paragraph (1).

(3) An application for a permit mentioned in paragraph (1) shall be made to the Minister in the form prescribed in Schedule [] to these Regulations.

(4) The Minister may, upon payment of the respective fee specified in Schedule [] to these Regulations, grant to the applicant a permit in the form prescribed in Schedule [] to these Regulations, subject to such terms and conditions as the Minister thinks fit.

(5) Paragraphs (1) and (2) shall not apply to any person who for the purpose of such sale occupies any premises licensed as a shop under the provisions of the Shop Licenses Act.

PART XVIII - IMPORTS AND EXPORTS

75. (1) An application for a licence to import or export any fishery resource shall be made to the Minister in the form prescribed in Schedule [] to these Regulations.

76. (1) Without prejudice to the foregoing Regulations, no person shall for commercial purposes export any fishery product or fishery resource, sea-shell or coral unless-
- (a) he holds a licence from the Minister on behalf of the product or resource he wishes to export;
 - (b) the product or resource is presented to a fisheries inspector at the time of exportation; and
 - (c) the export duty on such product or resource as may be specified in Schedule [] to these Regulations is paid.
- (2) Subject to paragraph (1) no person shall take out of The Bahamas and migratory fishery resource which consists in total of more than 6 Kingfish, Dolphin and Wahoo or 10 pounds of conch or crawfish or more than 20 pounds of other demersal fishery resource.
77. A person desirous of exporting any live or preserved fishery resource specimens from The Bahamas for scientific, research, or educational purposes, as the case may be shall make an application for that purpose to the Minister in accordance with Regulation 75.

PART XIX - PRESUMPTIONS

78. For the purposes of proceedings for an offence of being in possession of any prohibited fishery resource or of any prohibited apparatus or for using any prohibited apparatus, substance or other thing in breach of any of the provisions of these Regulations it shall be presumed, until the contrary is shown, that-
- (a) the master of the vessel wherein the fishery resource, or apparatus, substance or other thing is proven to have been found and every member of the crew of the vessel at the time were each in possession of the prohibited fishery resource, apparatus, substance or other thing as the case may be;
 - (b) the master of the vessel on or from which the prohibited apparatus, substance or other thing is proven to have been used and every member of the crew at the time were each using the prohibited apparatus, substance or other thing, as the case may be;
 - (c) fish found in any vessel on which prohibited apparatus, substance or other thing is proven to have been found has been captured or taken by means of that apparatus, substance or other thing;
 - (d) the possession of any prohibited apparatus, substance or other thing proven to have been found on a vessel within the exclusive fishery zone was for the purpose of being used for fishing.

PART XX - DURATION OF LICENCES AND PERMITS

79. (1) A licence or permit issued under these Regulations shall, unless otherwise provided by the Act or any other regulation or on such licence or permit, expire on 31st December of the year following the year of issue.

(2) It shall be deemed a condition of a licence or permit that such issued subject:

- (a) to the provisions of these Regulations as are in force from time to time and without prejudice to any other terms and conditions as are endorsed on the licence or permit at the time of issue; and
- (b) to revocation for any breach of these Regulations or any term or condition subject to which the licence or permit has been issued.

SCHEDULE 1

FORM 1

[Regulation 74(3)]

(No. ----- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR PERMIT TO SELL
FISHERY RESOURCE

1. Name of Applicant
2. Address
3. Type of Fishery Resource to be sold
-
-
-
4. How and where Fishery Resource is to be sold
-
-

.....
Signature of Applicant

.....
Date

FISHERIES ACT, 1988

FISHERIES REGULATIONS, 1988

PERMIT TO SELL FISHERY RESOURCE

No.

This permit is granted to
to sell fishery resource namely
.....
.....
at
from to 19

- (a) shall not be transferred or assigned;
- (b) does not authorize the sale of any fishery resource in any other than that specified,
- (c) does not authorize the sale of fishery resource in any place other than that specified

(Insert any other conditions which may be imposed)
.....
.....
.....
.....

This permit expires on
Dated this day of, 198

FISHERIES ACT, 1988

(No. ----- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR PERMIT TO TRAP
CRAWFISH/USE COMPRESSORS

1. Name of Applicant
2. Nationality
3. Address
4. Telephone number
5. Indicate whether this application is:
 - (a) a renewal of a previous permit ();
 - (b) a new permit ().
6. If it is for a renewal of a previous permit, state the original permit number
7. Name of vessel
8. Registration number of vessel
9. Length overall ft. ..
10. Home Port
11. (a) Name of Captain
- (b) Nationality
- (c) Address
12. Number of traps/compressors requested
13. Proposed working areas
14. The number of traps/compressors actually used last season

I declare that any permit issued as a result of this application will be used only in accordance with the Fisheries Act, 1988 and the Regulations made thereunder.

Signature of Applicant Date

NOTE: In case of new permits please submit proof of ownership of vessel and for compressor a certificate of competency relating to its use.

FOR OFFICIAL USE ONLY:

DO NOT WRITE IN THIS SPACE

New ()

Renewal ()

Traps/Compressors used in previous season
Traps/Compressors now applied for
Technical Officer's Recommendation
Minister's Decision
Traps/Compressors authorized for current season
Permit Number Assigned Date
Permit becomes effective
Permit expires

FISHERIES ACT, 1988

(No. ----- of 1988)

FISHERIES REGULATIONS, 1988

PERMIT TO TRAP CRAWFISH/USE COMPRESSORS

No.

This permit is granted to
to trap crawfish/use compressors from to
19 in the area of

This permit:

- (a) shall not be transferred or assigned;
- (b) only authorizes the use of
.....
(Type description & number of traps/compressors)

(Insert other condition that may be imposed)

This Permit expires on

Dated this day of 19

FISHERIES ACT, 1988

(No. ----- of 1977)

FISHERIES REGULATIONS, 1988

APPLICATION FOR A PERMIT
CULTURE FISHERY RESOURCE

1. Name of Applicant
2. Address
3. Type of fishery resource to be cultured
4. Method of culture
5. Purpose for which fishery resource is to be cultured
6. Location where fishery resource is to be cultured
7. Attach detailed proposal specifying the extent of work to be done regarding the culture of the fishery resource.

.....
Signature of Applicant

.....
Date

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

PERMIT TO CULTURE FISHERY RESOURCE

No.

This Permit is granted to
to culture fishery resource namely
at
from

This Permit:

- (a) shall not be transferred or assigned;
- (b) does not authorize the culture or any fishery resource other than that specified in it;
- (c) does not authorize the culture of fishery resource in any place other than that specified in it.

(Insert any other conditions that may be imposed)

This Permit expires on

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR A PERMIT TO
ENGAGE IN FOREIGN FISHING
FOR SPORTING PURPOSES

1. Name of Applicant
2. Address
3. Name of Vessel
4. Description of Vessel
5. Registration Number of Vessel
6. Port of Registration
7. Radio call sign
8. Number of Persons on board Vessel
9. Type and description of fishing gear to be used in sportsfishing
10. Duration of stay in The Bahamas

.....
Signature of Applicant

.....
Date

FISHERIES ACT, 1988

(No. ---- of 1977)

FISHERIES RESOURCE REGULATIONS, 1988

PERMIT TO ENGAGE IN FOREIGN FISHING
CONDUCTED FOR SPORTING PURPOSES

No.
This Permit is granted to
authorizing him to engage in foreign fishing conducted for sporting purposes
by means of
(name and description of vessel)
registration number

This Permit:

- (a) shall not be transferred or assigned;
- (b) authorizes only the vessel named and described in it to engage in foreign fishing conducted for sporting purposes;
- (c) authorizes maximum use of six reels;
- (d) authorizes a maximum catch of fishery resource as stipulated in the Regulations.

(Insert any other conditions of privileges that may be imposed)

This Permit expires on

Dated this day of, 19

MINISTER OF ECONOMIC AFFAIRS

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR A PERMIT TO ENGAGE
IN FOREIGN FISHING CONDUCTED
FOR SCIENTIFIC OR RESEARCH PURPOSES

1. Name of Applicant
2. Address
3. Name of Vessel
4. Registration Number
5. Radio call sign
6. Port of Registration
7. Name and Address of Owner of Vessel
8. Name of organization on behalf of which scientific or research project
conducted
9.
Description of scientific or research project
10. Type of resource to be fished for
11. Quantity of fishery resource contemplated to be caught
12. Intended area of The Bahamas where fishing is to be conducted

.....
Signature

.....
Date

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

PERMIT TO ENGAGE IN FOREIGN FISHING
CONDUCTED FOR SCIENTIFIC
OR RESEARCH PURPOSES

No.

This Permit is granted to
authorizing
to engage in for fishing conducted for scientific or research purposes on
behalf of
(name of organization)
registration number
within the area of

This Permit:

- (a) shall not be transferred or assigned;
- (b) authorizes only the vessel named and described in it to engage in foreign fishing conducted for scientific research purposes;
- (c) is granted on the understanding:
 - (i) that the results of the scientific research project are communicated to the Government;
 - (ii) that observers from The Bahamas shall be allowed to participate in the project.

.....
(Insert any other condition as may be imposed)

This permit expires on

Dated this day of, 19

APPLICATION FORM FOR A FOREIGN FISHING VESSEL LICENCE

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

ADDRESS TO - The Minister, Ministry of Economic Affairs.

I hereby apply for a licence to fish in the waters of The Bahamas.

- 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
8. Operational Base or Basés (port/country)
9. Name of Vessel Master
10. Address of Vessel Master
11. Type of Fishing Operations
12. Proposed fishing areas
13. Period of licence requested (maximum 12 months)
14. Proposed commencement date of fishing operations
15. If previously licensed under the Act
16. Current fishing licences held elsewhere in the region

QUESTIONS 17-27 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING 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 Director of Fisheries within 7 days of the change.

.....
Signature of Applicant

.....
Date

Specify whether owner, charterer or agent:

First 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.

LICENCE NUMBER: _____

FOREIGN FISHING VESSEL LICENCE

The person named as the licence holder below is hereby licensed in accordance with Section 9 of the Fisheries Act 1988 to use the vessel described below for fishing in the waters of The Bahamas 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 Vessel:

Name of licence holder:

Licence period: From / / / / - To - / / /

Radio call sign or registration No.:

Authorized fishing areas:

Authorized fishing operation/Related activities:

.....

Authorized target species/quota (where applicable):

.....

Special conditions:

.....

.....

.....

Permitted trans-shipment (where applicable):

.....

Permitted use of fish aggregation devices (where applicable):

.....

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

.....
Date

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR A LOCAL FISHING VESSEL PERMIT

1. Name of Applicant
2. Address of Applicant
3. Name of Vessel
4. Description of Vessel
5. Port of registration of Vessel
6. Registration number of Vessel
7. Radio Call Sign
8. Name and address of owner of Vessel (if different from Applicant)
9. Number of persons to be carried on board Vessel
10. Nationality of owner of Vessel
11. Type and description of fishing gear to be used for fishing

Note: Documents evidencing ownership of vessel should be submitted with this application.

.....
Signature of Applicant

.....
Date

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

LOCAL FISHING VESSEL PERMIT

No.

This Permit is granted to
authorizing him to fish for commercial purposes by means of
.....
(name and description of vessel)
registration number

This permit:

- (a) shall not be transferred or assigned;
- (b) authorizes only the vessel named and described thereon to fish for commercial purposes;
- (c)
(Insert any other conditions that may be imposed).

Dated this day of , 19

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR A LICENCE TO EXPORT/IMPORT
FISHERY RESOURCE OR PRODUCT

1. Name of Applicant
2. Address
3. Type of fishery resource to be exported/imported
4. Location of factory where fishery resource is to be processed or preserved (if applicable)
5. Description of factory:
 - (a) size of premises
 - (b) water supply
 - (c) freezer size
 - (d) major equipment
6. Where scalefish is exported/imported please specify:

whole cleaned fish ()	fillets ()
other ()	fresh ()
	frozen ()
7. Where crawfish is exported/imported specify:

whole ()	tails ()	other ()
	fresh ()	frozen ()
8. Brand name (if any) under which fishery resource exported/imported
9. Method by which fishery resource is to be exported/imported:

(a) air freight ()	(c) air charter ()
(b) private aircraft ()	(d) sea freight ()
10. Port of entry from which/to which fishery resource is to be exported/imported

.....
Date

.....
Signature of Applicant

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

LICENCE TO EXPORT/IMPORT FISHERY RESOURCE

No.

Licence granted to
of
fishery resource specified below:

This licence:

- (a) shall not be transferred or assigned;
- (b) authorizes only the export/import of fishery resource specified below;
- (c) authorizes only the export/import of fishery resource from/to
(port of entry)
- (d) The licensee must submit at the end of each month a statement showing the quantities of fishery resource of fishery product purchased, produced sold, imported or exported as the case may be, during that month.

This licence expires on

Dated the day of , 19

SCHEDULE 2

EXPORT DUTY

- (a) crawfish 10c per pound
- (b) conch and conch by-product 3c per pound
- (c) sponge3c per pound

SCHEDULE 4

[Regulation 48(2)]

PART A

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

APPLICATION FOR LICENCE TO PROCESS OR
PRESERVE FISHERY RESOURCE OR
FISHERY PRODUCT

1. Name of Applicant
2. Address
3. Type of fishery resource or fishery product to be processed
4. Location of factory
5. Description of factory:
 - (a) Size of premises
 - (b) Chill room capacity
 - (c) Freezer capacity
 - (d) List of major processing equipment
 - (e) Type and quantity of water available for processing and wash down ..

NOTE: A plan of the factory on a scale of not less than one eighth of an inch to the foot should be submitted showing the intended use of each part, room or division.

.....
Signature of Applicant

.....
Date

FOURTH SCHEDULE CONTINUED

[Regulation 48(3)]

PART B

FISHERIES ACT, 1988

(No. ---- of 1988)

FISHERIES REGULATIONS, 1988

LICENCE TO OPERATE A FACTORY TO PROCESS OR
PRESERVE FISHERY RESOURCE OR
FISHERY PRODUCT

No.

This licence is granted to
to operate a factory for processing or preserving fishery resource or fishery
product.

This licence expires on 31st December, 19

Dated this day of 19

MINISTER OF ECONOMIC AFFAIRS

Made this day of 1988

MINISTER OF ECONOMIC AFFAIRS

