

REGIONAL FISHERIES LAW ADVISORY PROGRAMME
WESTERN CENTRAL ATLANTIC REGION

NORWAY FUNDS-IN-TRUST
FI.GCP/RLA/063/NOR

Fisheries Legislative Report 81/2

FL/WECAF/81/2

FISHERIES LEGISLATION IN SAINT LUCIA



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome 1981

Fisheries Legislative Report 81/2*

Regional Fisheries Law Advisory Programme

Fisheries Legislation in Saint Lucia

by

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Regional Fisheries Law Advisory Programme
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Panama

September 1981

* FL/WECAF/81/2

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REGIONAL FISHERIES LAW ADVISORY PROGRAMME

The Regional Fisheries Law Advisory Programme is a sub-programme of FAO's Programme of Assistance to Developing Countries in Planning the Utilization of the Living Resources of the Extended Economic Zones (EEZ Programme). Under the subprogramme assistance is provided to developing coastal states in the revision of their fisheries legislation to meet the needs of extended jurisdiction.

A Regional Fisheries Legal Adviser worked in the Western Central Atlantic region for one year, from December 1979, with financing provided by the Government of Norway through a Trust Fund agreement. During this period, he assisted a number of Governments, upon request, in the formulation of legislation for the management and development of fisheries resources within zones of extended jurisdiction. Documents are being prepared to provide information on his activities and this is the second in the series which is entitled "Fisheries Legislative Reports".

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction and Terms of Reference	1
2. Background	1
3. Fishing Activity	2
4. International Law and Agreements	3
5. Membership of Regional Organizations	4
6. Local and Constitutional Background	4
7. Legislation Directly Relating to Fisheries	5
7.1 Turtle, Lobster and Fish Protection Act, 1971	5
7.2 Fishing Industry (Assistance) Act, 1972	7
8. Other Legislation of Relevance to Fisheries	7
8.1 Merchant Shipping Legislation	7
8.2 Port Authority Legislation	8
8.3 Public Health Laws	8
8.4 The Commercial Code (as amended in 1957)	9
8.5 Criminal Procedure	9
8.6 Customs Legislation	9
8.7 Citizenship Legislation	11
8.8 Customs Duties	11

	<u>Page</u>
9. Institutions Involved in Fisheries Administration	11
9.1 Other Bodies Indirectly Involved in Fisheries Administration	12
10. Recommendations Regarding Legislation	13
11. Recommendations Regarding Institutions	14
12. Recommendations Regarding Logbook for Industrial Fisheries	15

A N N E X E S

1. Proposed Exclusive Economic Zone Bill, 198-	16
2. Draft Marine Fisheries Bill, 198-	18
3. Turtle and Lobster Protection Regulations, 198-	41
4. Export of Fish Regulations, 198-	44
5. Stowage of Foreign Fishing Gear Regulations, 198-	45
6. Suggested Log-Book for Industrial Fisheries	46
7. Marine Fisheries Act, 198- - Foreign Fishing Vessel Licence	49

1. Introduction and Terms of Reference

As part of the Director-General's Comprehensive Programme of Assistance in the Development and Management of Fisheries in Economic Zones (EEZ Programme), a regional fisheries law advisory programme for the WECAF region was established in 1979 under financing by the Norwegian Government with the objective of providing assistance to governments in the region on fisheries law generally and in the revision of fisheries legislation in particular.

The Government of St. Lucia requested assistance in the preparation of fisheries laws for a zone of extended jurisdiction and, in the context of the regional fisheries law advisory programme, the present consultant visited St. Lucia on 30 May - 1 June and on 9 - 15 September 1980 to provide assistance.

The FAO is grateful to the following persons for their invaluable assistance:

Mr. H. Walters, Director of Fisheries
 Mr. A. Compton, Executive Secretary, WISA
 The Hon. Evans Calderon, Attorney General
 Mr. H. Berinus Baptiste, Registrar of Cooperatives
 Mr. M. Lafanielle, Deputy Comptroller of Customs
 Mr. B. Pilgrim, Permanent Secretary, Ministry of
 Development Planning and Industry
 Mr. C. Matthews, Permanent Secretary, Ministry
 of Agriculture
 Mr. E. Huntley, Assistant Secretary, Ministry of
 Foreign Affairs
 Mr. D. Straughn, Ministry of Legal Affairs

2. Background

St. Lucia is an independent state with a population of 120 000 (1970 census count) and is 238 mi² in size. Its major source of income is derived from tourism and agriculture (principally bananas). At the present time a lot of fish is imported, but very little is exported. In 1978 (the latest figures available) fish imports amounted to 367 089 kg valued at EC\$2 132 668, while exports amounted to 1 241 kg valued at EC\$4 247.

3. Fishing Activity

St. Lucia has a relatively narrow continental shelf which limits the quantity of bottom fish that can be caught locally. Although there are no accurate estimates, it is thought that about 60 - 70 percent of fish landed annually in St. Lucia are the surface or pelagic species (principally dolphin, kingfish and tuna) which are caught mainly on the east coast of the island, usually 10 to 15 miles offshore, sometimes closer.

It is thought that there are some 600 fishing boats in St. Lucia, of which the vast majority are canoes with three men, and powered by an outboard motor. There are also about ten whalers of about 24 ft in length and using inboard diesel engines. These are engaged in porpoise fishing and operate from Castries and Vieux Fort.

In recent years there has been an increasing concern over the small size of bottom fish caught, and it is thought that local commercial spear fishermen are largely responsible for this.

There is also a thriving export of aquarium fish, which are caught by the use of tranquilizers.

There is virtually no inland fishing activity.

The main feature of the St. Lucian fishing industry is its successful organization of fishermen's cooperatives to provide services to its members. There are nine in total and they are located at Anse-La-Raye (which incorporates Canaries), Castries, Choiseul, Dennery, Gros Islet, Laborie, Micaud, Soufriere, Vieux Fort. These nine cooperatives also are members of, and comprise, NAFCO-OP - the National Association of Fishermen's Cooperatives. Six of these cooperatives own gas stations for the benefit of their members. The remainder purchase gas from private suppliers on which they get refunds for duties paid.

The cooperative at Vieux Fort (known as Goodwill) is the most advanced - it imports engines, basic tackle, spare parts, has a repair shop and some freezing containers. All these benefits are available to its members. NAFCO-OP is also looking into the possibility of bulk purchases of engines, tackle, and fishing gear for all of its members, and discussions with a bank for funding of this operation are currently in progress. There are also being considered plans for group insurance for life, health and boats.

A fish marketing complex is to be built in the near future as part of a CIDA project but, as an interim provision, the Government intends to build a cold storage facility which can hold up to 120 tons of fish.

4. International Law and Agreements

Since gaining full independence in 1979, St. Lucia has not so far acceded to any international agreements. Nonetheless, it has communicated to the Secretary-General of the United Nations that it would adhere to all treaties entered into on its behalf by the United Kingdom until it has had the opportunity of examining them, and deciding whether to continue to be bound.

The consultant was advised that the United Kingdom did not sign the four Geneva Conventions on the Law of the Sea (1958) on behalf of St. Lucia.

In August, 1980, the Cabinet decided that the territorial sea of St. Lucia should be increased from its present 3 mile limit to 12 miles. No decision has been reached, however, on the proclamation of an EEZ nor on how it should be delimited. Nonetheless, the Government is clearly sympathetically disposed toward declaring such a zone in the near future. This is now important in view of the fact that two of St. Lucia's neighbours - Barbados and Martinique - have EEZs.

To date St. Lucia has not entered into any bilateral or joint venture fisheries agreements.

The following should, however, be noted:

- (a) St. Lucia had discussions with Guyana for a St. Lucian trawler to fish in Guyana waters but nothing eventuated.
- (b) Some Martinique fishermen are given permission to fish in the territorial waters of St. Lucia. This permission is given in form of a letter, which describes the permission granted as a "licence", subject to certain conditions. Usually, these conditions are: no use of explosives for fishing, all fish caught in St. Lucia territorial waters to be sold or otherwise disposed of in St. Lucia, boats

to be used only for the purpose of fishing, no trammel nets to be used for fishing purposes within St. Lucia territorial waters, that the licence may be revoked without notice if any of the conditions are violated, and that the licence is subject to renewal at the end of the year.

The "licence" is provided on paper of the Ministry of Agriculture, Lands, Fisheries, Cooperatives, and Labour (signed by the Permanent Secretary) but it is not issued under the authority of any legislation. It is understood that Martinique fishermen have been fishing in these waters for some considerable time.

5. Membership of Regional Organizations

St. Lucia is a member of the West Indies Associated States (WISA), of CARICOM, of the Organization of American States, the East Caribbean Common Market, the Caribbean Development Bank, the FAO, and WECAFC.

6. Legal and Constitutional Background

Until 1967 St. Lucia was a colony of the United Kingdom. In that year it became an Associated State, though still part of the Commonwealth. On 22 February 1979, the St. Lucia Constitution Order came into effect, and St. Lucia thereby became fully independent. The titular head is still the Queen of the United Kingdom, who is represented in St. Lucia by the Governor-General. In practice, of course, full executive and legislative power is exercised in St. Lucia.

The Constitution of St. Lucia is appended as a schedule to the St. Lucia Constitution Order, 20 December 1978 (No. 901). This Constitution established a unitary system for St. Lucia, and contains chapters on the Protection of Fundamental Rights and Freedoms, the Governor-General, the Parliament (the Senate and House of Assembly), the Executive, Finance, the Public Service, Citizenship, Judicial Provisions, the Parliamentary Commissioner, and finally Miscellaneous Provisions. The legislative power of Parliament is defined as being, subject to the Constitution, to "make laws for the peace, order, and good government of Saint Lucia" (Section 40).

The Constitution itself does not make any direct reference to fisheries, thus the legislative power with respect to it is plenary,

subject only to general prohibitions contained in the Constitution relating to the protection of fundamental rights and freedoms.

Nor does the Constitution refer as such to territorial waters. This is, however, referred to in the Interpretation Act, 1968 (No. 18), Section 40 of which states: "The Island", "this Island", "The State", "this State", or "Saint Lucia" means "Saint Lucia and the adjacent islets and the territorial waters adjacent thereto".

Finally, although St. Lucian laws are predominantly characteristic of those found in a common law system, the Criminal Law and Civil Code are based on continental legal principles. This derives from the fact that at several stages in the seventeenth and eighteenth centuries, St. Lucia was under French domination, until finally captured by the British in 1803.

7. Legislation Directly Relating to Fisheries

7.1 Turtle, Lobster and Fish Protection Act, 1971

This Act is primarily aimed at protecting turtles and lobsters, though it does cover other aspects of fishing. Section 2 defines "close season", "dispose", "export", "fish" (defined as including "any animal living exclusively in the water including cetacea, crustacea, molluscs, and all other kinds of fish"), "fisheries officer", "immature" (- in relation to lobster, means less than 10 in total length from extended tail fan to eyes when spread as far as possible, or weighing less than 1 1/2 lb; turtle - less than 15 lb total weight), "port", "prescribed person", "territorial waters" (3 miles) and "turtle" (defined as including "various species of *Chelonia* such as the *Chelonia mydes*, the green turtle and the species known as the Hawks bill, *Eretmochelys intracata* but not the loggerhead, *Thelassochelys caretta*"). Section 3 defines the functions of the fisheries officer, namely to "carry out the provisions of this Act, and the regulations made thereunder", subject to any "general or special directions given by the Minister". Section 4 defines a close season for turtles and turtle eggs, and lobster, which is between 1 May and 31 August inclusive, though provision is made for altering (by order in the Gazette) the commencement and/or termination of the close season, and for permitting the catch and sale of lobster "for local consumption only" during the close season.

Section 5 makes it an offence to fish for turtle or turtle eggs, or slaughter, sell, etc., the same, or "at any time" to set within 100 yards of the shore any device intended to catch turtles, or to catch, etc., or have in possession immature turtles, or "catch any turtle or take any turtle eggs when the same shall be found on the shores of this Island". Section 6 likewise sets out in some detail the offence of catching or selling in the close season any lobster, or "at any time" using a spear or spear gun to catch them or having an immature lobster or a female lobster with eggs. Section 7 prohibits the use of explosives, etc., or poisons, etc., for the catching or destroying of "fish", and lays down on summary conviction a fine of EC\$500 or imprisonment for three months.

Section 8 allows the Minister to grant a licence for export of "lobster and fish (all locally caught)" for such period and on such conditions as may be set out on the licence. Section 8(3) makes it an offence to export any turtle, lobster or fish without a licence or not in accordance with its conditions.

Section 9 provides for customs involvement in the export of lobster, requiring it to be "entered" with a customs officer at the port of intended exportation, and failure to do so renders the lobster and any packages or containers to be forfeited as well as making such failure an offence against the Act. Section 10 grants powers of arrest without warrant to "prescribed persons" in respect of persons committing, etc., an offence against the Act, while Section 11 allows for seizure by prescribed persons of turtle, turtle eggs, lobster or fish or net, seine, etc., used in connexion with an offence against the Act. Section 12 makes it an offence to assault, resist, or wilfully obstruct a person exercising his powers under the Act.

Section 13 provides for penalties under the Act where not already provided for, namely on summary conviction, to a fine of EC\$250 "or in default, to a term not exceeding six months", while Section 15 provides for forfeiture of equipment illegally used and fish illegally caught, and disposal as the court sees fit. With the exception of Section 19 which deals with the regulation making power, the remaining sections are ancillary, dealing with procedure, disposal of perishables, the onus of proof, and provision for reward paid out of a penalty to persons aiding the prosecution.

The regulation making power under Section 19 allows for regulations to be made regarding the size of mesh, form and dimensions of net or appliances for fishing and the manner of using them, controlling

or restricting the species, variety and/or size of fish that may be taken, and prohibiting the sale, etc., of fish below a certain length or size, "regulating" the export of turtle and lobster, prescribing penalties up to EC\$250 or three months imprisonment for breach of regulations, and "generally for carrying out the provisions of this Act",

This Act only provides limited mechanisms for managing the fishing resources within the territorial sea, and is in any event directed primarily toward turtles and lobster. It would not, therefore, be a suitable Act to extend to an exclusive economic zone.

7.2 Fishing Industry (Assistance) Act, 1972

This Act provides for the granting of assistance to the fishing industry in the form of payments to cooperative societies in respect of "engines" used to propel commercial fishing craft. The Act does not directly regulate fishing activities. The Fishing Industry (Assistance) Regulations, 1973 were passed pursuant to this enactment. These regulations allow for the payment of fuel subsidies for engines registered in accordance with the Act and regulations. This legislation is working effectively.

8. Other Legislation of Relevance to Fisheries

8.1 Merchant Shipping Legislation

Prior to independence, St. Lucian vessels were registered in accordance with the provisions of the Merchant Shipping Act, 1894 (United Kingdom) as "British" vessels. A local register was maintained with numbers issued out of the Cardiff registry. This has now been discontinued, apparently on advice received from a visiting expert, on the basis that it is no longer possible to maintain that register after independence. Although it is not specifically within the scope of the present consultant's terms of reference to deal with this question, it should be pointed out that several former colonies of the United Kingdom that are now fully independent still maintain a British registry, no matter how anachronistic it may appear to be. In fact, it may well be better to maintain this registry pending the preparation of new legislation, than to have no effective system for registration at all.

8.2 Port Authority Legislation

The Port Authority Act, 1972 (No. 7) establishes the Authority which is to provide a coordinated and integrated system of port facilities and services connected therewith.

The Act, in Section 20, defines the duties and powers of the Authority. These do not refer directly to fishing vessels, though such vessels would be subject to the Act as regards the control of navigation within port limits and their approaches.

Section 55 refers to compulsory pilotage when entering or leaving a port but "fishing vessels" are amongst those specifically exempted. As this is without qualification, even in the definition section, it would apparently extend to both foreign or local fishing vessels, and regardless of their size.

Section 76 allows the Authority, subject to other merchant shipping laws and with the Minister's approval, to make regulations regarding (a) preventing ships leaving overloaded, or insufficiently manned; (b) "the examination, certification, or licensing of masters, mates, and engineers of tugs conducting ships in and out of ports, dredges and light craft, and the licence fees payable in respect thereof"; (c) "the inspection, licensing, registration or certification of ships, ferries, tugs, launches, hulks, ferry boats, or other craft, the charges to be paid therefor and the number of passengers to be carried in them".

Section 76(5) also allows for regulations to provide that any "breach or contravention of any such regulations shall be punishable on summary conviction by a fine not exceeding" EC\$500 or imprisonment for three months or both.

Finally, the limits of Port of Castries and Port of Vieux Fort are defined in the schedule to the Act.

8.3 Public Health Laws

The Public Health Act was enacted in 1975, and this extends to cover fish. At the present time detailed regulations are being prepared and are expected to be submitted to Parliament in October, 1980. These new regulations which will be called the Public Health (Food) Regulations, 1980, will cover the marketing and sale of food, which is presently defined so as to include fish. These regulations will provide sufficient control for the Health Authorities to prevent the marketing of sub-standard fish products.

8.4 The Commercial Code (as amended in 1957)

Titles II, III and IV of this code contain provisions relating to the establishment and operation of companies and partnerships that have their counterparts in the common law world.

8.5 Criminal Procedure

The Constitution provides for the protection of fundamental rights and freedoms. As regards arrest, Section 3(1) provides that "a person shall not be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say ... (e) upon a reasonable suspicion of his having committed, or being about to commit a criminal offence under any law". Section 3(3) further provides that "any person who is arrested or detained ... (b) upon reasonable suspicion of his having committed, or being about to commit a criminal offence under any law, and who is not released shall be brought before a court without undue delay and in any case not later than 72 hours after such arrest or detention".

The Criminal Code of St. Lucia, 1957 also has provisions regarding arrests (Book III - Procedures, Title 49 - Arrests in general). These are too detailed for elaboration here, but of particular significance is that there is provision for arrest irrespective of whether the offence carries punishment of a fine without imprisonment, and this appears to be the same whether arrest is made under the provisions dealing with arrests with or without warrants.

8.6 Customs Legislation

The Customs Act, 1967 (No. 25) is a typical customs enactment found in the common law world. It has parts dealing with the following: Part I - Administration (including at Ports, Customs and Airports); Part II - Duties, Prohibitions, Drawbacks, Refund of Duty; Part III - Importation of Goods; Part IV - Warehousing; Part V - Exportation; Part VI - Coasting Trade; Part VII - Powers and Procedures; Part VIII - Legal Proceedings; Part IX - Miscellaneous; Part X - Special Provisions as to Export Duty; Part XI - Importation and Exportation by Post.

In Section 2 "ship" and "vessel" are defined as "a steamship as hereinafter defined and any other ship, boat, or other floating craft of any description but does not include aircraft". "Steamship" is

defined as a ship of at least 100 tons burden propelled by mechanical power. As the vast majority, possibly all, fishing vessels in St. Lucia are well below 100 tons, this definition will not in practice relate to local fishing vessels for the time being.

Although the majority of the provisions of the Act does not impinge directly on fisheries matters there are some which may indirectly do so. In particular, these are Sections 84 to 86, and Sections 200 and 202. Section 84 allows the Cabinet to make "general regulations" in respect of ships not exceeding 100 tons burden, and to prescribe inter alia "the limits within which the same may be used or employed, the manner in which such ships shall be so used or employed...". Section 86 allows the Comptroller to "grant licences in respect of any ships not exceeding 100 tons burden upon such terms and conditions and subject to such restrictions and stipulations as in such licences mentioned notwithstanding any general regulations made as aforesaid". The Section also gives the Comptroller power to "revoke, alter or vary" any licence granted. Section 85 provides for forfeiture of a vessel that has been used contrary to regulations made under Section 84, unless licensed "to be so used" in accordance with Section 86.

To date, these sections have not been implemented. It is clear, however, that they are sufficiently general to cover at least local fishing vessels. While such powers are useful in order to control merchant shipping, care will need to be taken in order to ensure that the power is not used to make regulations or issue licences that can impinge on specifically fisheries management and conservation measures.

Given that St. Lucia is now fully independent, and that it may therefore have to adopt at some stage in the future its own merchant shipping laws and shipping registry provisions, it may be appropriate to consider in that context the repeal of Sections 84 to 86.

Sections 200 and 202 are also relevant to fisheries. Section 200 states that "the master of every ship, not being a steamship shall immediately before leaving the Island ... to any place outside the Island" is to attend before the "proper officer" and to answer "all such questions as shall be demanded of him concerning the ... ship". Failure to do so, or failure to obtain authority to leave under Section 201, renders the master liable to a fine of EC\$2 500. In view of the fact that the Interpretation Act, 1968 defines "the Island", etc., as meaning St. Lucia and the adjacent islets and the territorial waters adjacent thereto", this would impose a considerable

burden on local fishermen who are already fishing beyond the 3 mile territorial limit, and who may be expected to extend the scope of their operations in the future. It is therefore recommended that consideration is given to amending these sections so as not to have application to local fishermen operating within the EEZ of St. Lucia.

8.7 Citizenship Legislation

Chapter VII of the Constitution of St. Lucia sets out the basic requirements for St. Lucian citizenship, which is now elaborated upon in the Citizenship of St. Lucia Act, 1979. This Act sets out in some detail the categories of persons who are citizens, acquisition of citizenship (including naturalization), registration of citizens, and loss of citizenship.

8.8 Customs Duties

The Second Schedule to the Customs Act provides for the rates of duty payable on fish. If fish is imported from a CARICOM member, then it is not dutiable, but if from elsewhere, then certain duties may be payable, of up to 15 percent on salmon, trout, mackerel and lobsters. The duties are set out in detail in Chapter III of the third schedule.

9. Institutions Involved in Fisheries Administration

Fisheries policy, including fisheries development, is determined by the Minister of Agriculture, Lands, Fisheries, Cooperatives and Labour. Licences to foreign fishermen and licences to export under Section 8 of the Turtle, Lobster and Fish Protection Act are issued from this Ministry. Day-to-day fisheries policy is in the hands of the fisheries officer, who under Section 3 of the same Act is responsible for carrying out the provisions of the Act and its regulations.

Whether a 200 mile EEZ is declared will be a matter for the Ministry of Trade, Industry, Tourism and Foreign Affairs, though fishing policy within that zone would be a matter for the Ministry of Agriculture, etc. Where a "licence" is granted to a foreign fisherman to fish in territorial waters, he is also given a work permit for one year by the Ministry of Labour.

9.1 Other Bodies Indirectly Involved in Fisheries Administration

9.1.1 Planning and Development

The Ministry of Planning and Development is the coordination Ministry for St. Lucia. This is done by the Central Planning Unit of the Ministry. The unit comprises an Economic Section, an Environmental Planning Section, and an Architecture and Design Section. Up to the present time there has been no coordinated forward planning in St. Lucia though each Ministry determines its priorities which are then forwarded to the Planning Unit. In 1977 a National Plan was prepared which was based on inputs from all Ministries and published by the Central Planning Unit. This was, however, never followed up. Planning, therefore, continues to be done on a sectoral basis.

Fisheries planning, therefore, is done within the Ministry of Agriculture, Lands, Fisheries, Cooperatives and Labour, and in practice by the Fisheries Officer. At the present time, there is an informal work programme which identifies the basic requirements of the fishing industry.

There is also the National Development Corporation which is under the control of the Minister for Development Planning and Industry. Although fisheries is not specifically referred to in the National Development Corporation Act (1971, No. 9) it would come within the general description of the function of the Corporation, which is "to stimulate, facilitate, and undertake the economic development of St. Lucia" (Section 4(1)). At the present time, fisheries development is not under consideration by the Corporation, though it is hoped that eventually it will be able to do so.

There are also plans to amalgamate the National Development Corporation with the Agricultural and Development Bank.

9.1.2 Financial Institutions

The Agricultural and Industrial Development Bank lends money to fishermen as part of its responsibility in the field of agriculture. This bank is, however, being absorbed by the National Bank of St. Lucia, as will the investment arm of the National Development Corporation.

9.1.3 Cooperative Societies

Cooperatives are governed by the Cooperative Societies Ordinance, 1948, Chapter 82, which provides for the formation, registration, and the general regulation of their operations. This legislation is, however, in the process of being extensively revised, and the proposed new law is intended to increase the role of cooperatives in St. Lucia, though at the same time to provide for greater control over the operation of cooperatives. Amongst other matters, the new laws will have the power to dismiss cooperative board members, the power to call meetings, and greater budgetary control, while greater planning of a cooperative will be required before it can be set up.

As mentioned earlier, fisheries cooperatives have proved to be very successful in St. Lucia, and the proposed reforms are not intended to hinder them.

10. Recommendations Regarding Legislation

It is clear that the existing legislation with respect to fisheries in St. Lucia is not adequate to deal with the management and conservation measures that may be necessary for an exclusive economic zone. Although knowledge of the extent of the fisheries resources in the potential EEZ of St. Lucia is limited, it seems likely that it will need in the future the legal capacity to control access by foreigners to its EEZ, and to provide at the same time a firm legal basis for regulating the activities of its own fishermen in that zone. Although the Turtle, Lobster and Fish Protection Act, 1971 has been workable in the past, it only operates in a 3 mile territorial sea and, in any event, it is unsuited to deal with the more complex issues that could arise with respect to the management and conservation of the living resources of the EEZ.

In order to achieve this, it is recommended that the existing Act is repealed and is replaced by the Draft Marine Fisheries Act set out in Annex 2. In Annex 1 is also set out a Draft Exclusive Economic Zone Bill which will enable the Government of St. Lucia to proclaim an Exclusive Economic Zone. The two proposed enactments are intended to be complementary, and the definition of the fisheries zone is by reference to the proposed Exclusive Economic Zone Bill.

Nonetheless, the provisions of the 1971 Act regarding turtle and lobster are still required and are reasonably well known by the fisheries sector. It is, therefore, thought desirable that the provisions of

the 1971 Act regarding turtle and lobster should be retained for the time being. As it would be confusing and unnecessary to have two main fisheries enactments, it is therefore recommended that the 1971 Act be repealed and its relevant provisions on turtle and lobster re-enacted as regulations under the proposed Draft Marine Fisheries Act, subject to a few minor drafting modifications.

In addition, it is recommended that the following regulations be enacted:

Export of Fish Regulations. At the present time, the 1971 Act prohibits the export of lobster unless entered with an Officer of Customs. After discussions with the Ministry of Agriculture, Lands, Fisheries, Cooperatives and Labour it was decided that there should be some control on the export of all fish, first, because there is a flourishing trade in aquarium fish, secondly, because it would be helpful to monitor more closely the exports of fish, which might otherwise be made available for the local market as the need arises.

The proposed legislation allows for the licensing of local fishing activities, though given the nature of the local fishing industry at the present time, the Government may not wish to introduce complex and possibly restrictive measures with respect to that industry. Central to the management system introduced in the proposed legislation is a licensing regime that allows for the attachment of conditions to the licence that permit flexibility. The same flexibility is provided for as regards controlling foreign fishing, though the conditions that may be imposed are, of course, rather more stringent.

Finally, a licence form that could be used with respect to foreign fishing is attached as Annex 7.

11. Recommendations Regarding Institutions

The St. Lucian Government is fortunate in that its relative smallness makes interdepartmental cooperation relatively easy to achieve. Accordingly, in the area of fisheries, it is thought sufficient to require the fisheries officer merely to consult with relevant government officials before undertaking important policy decisions regarding the management and development of St. Lucian fisheries. In the proposed draft legislation, this is set out in Section 4.

12. Recommendations Regarding Logbook for Industrial Fisheries

In Annex 6 a suggested logbook for industrial fisheries is set out. This form of logbook is recommended for possible adoption by the Government of St. Lucia as a means of increasing the amount of information regarding fisheries in the exclusive economic zone of St. Lucia. In addition, however, it is hoped that such a format as that proposed in the Annex will also lead to more harmonization of fisheries statistics for the region.

Proposed Exclusive Economic Zone Bill, 198-

A Bill for

An Act of Parliament to establish and delimit the exclusive economic zone of Saint Lucia, and for purposes incidental thereto

ENACTED by the Parliament of Saint Lucia, as follows:

- | | |
|-----------------------------------|--|
| Short title | 1. This Act may be cited as the Exclusive Economic Zone Act, 198-. |
| Extent of Exclusive Economic Zone | <p>2. (1) Subject to Subsection (2), the exclusive economic zone of Saint Lucia extends seaward to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.</p> <p>(2) Where any part of the area defined in Subsection (1) lies within 200 nautical miles of any point on the baselines from which the breadth of the territorial sea of an opposite or adjacent State is measured, the exclusive economic zone of Saint Lucia shall be limited in such manner as the President may, by notice in the Gazette, declare.</p> |
| Sovereign rights and jurisdiction | <p>3. In the exclusive economic zone Saint Lucia shall have:</p> <p>(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and superjacent waters, and with regard to other activities for the economic exploitation and</p> |

exploration of the zone, such as the production of energy from the water, currents and winds;

- (b) jurisdiction with respect to the preservation of the marine environment;
- (c) exclusive jurisdiction with respect to authorization and control of scientific research and the establishment and use of artificial islands, installations and structures;
- (d) other rights and duties provided for by international agreements to which Saint Lucia is, or may become, party.

Rights of
other
States

- 4. All States shall, subject to applicable laws and regulations, enjoy in the exclusive economic zone the freedoms of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful and recognized uses of the sea related to navigation and communication.

Draft Marine Fisheries Bill, 198-

PART 1. PRELIMINARY

- Short title 1. This Act may be cited as the Marine Fisheries Act, 198-.
- Interpretation 2. In this Act unless the context otherwise requires "authorized officer" means the fisheries officer, any customs officer or police officer and any other person or category of person designated as an authorized officer by regulation;
- "fish" means any aquatic animal, whether piscine or not, and includes shellfish, turtles, mollusc, crustacean, sponge and the young and eggs thereof;
- "fisheries officer" means the person appointed as such under Section 3;
- "fishing" means fishing for, catching, taking or killing fish by any method, and includes attempting to catch, take or kill fish by any method;
- "fishing vessel" means a vessel used for fishing and operated for financial reward or other material gain, scientific research or processing, storage or carriage of fish, and includes any vessel used in support of or ancillary to fishing operations but does not include a vessel transporting fish or fish products as part of its general cargo;

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

"licence" means a licence granted under this Act;

"local fishing vessel" means any fishing vessel:

- (a) wholly owned by one or more persons who are citizens of Saint Lucia, or
- (b) wholly owned by any company, society or other association of persons established under the law of Saint Lucia, of which at least 51 percent of the voting shares are held by citizens of Saint Lucia; or
- (c) wholly owned by a statutory corporation established under the laws of Saint Lucia, or by the Government of Saint Lucia;

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

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

"observer" means a person appointed as such under Section 17;

"the fisheries zone" means the area of water declared from time to time to be the exclusive economic zone of Saint Lucia pursuant to the Exclusive Economic Zone Act, 198 , and includes the territorial waters and internal waters of Saint Lucia;

"vessel" includes a ship, boat, raft, barge, float, lighter or hovercraft.

PART 2. ADMINISTRATIVE

Appointment
of Fisheries
Officer

3. (1) The Minister may appoint a fisheries officer and such assistant fisheries officers as he may consider necessary for carrying out the purposes and provisions of this Act.
- (2) The fisheries officer shall promote the management and development of fisheries of Saint Lucia in accordance with this Act.

Coordination
with other
Government
officers

4. In administering this Act, the fisheries officer shall consult and coordinate with such officers of Government as may be appropriate, including:
- (a) the Minister of Agriculture, Lands, Fisheries, Cooperatives and Labour;
 - (b) the Minister of External Affairs;
 - (c) the Comptroller of Customs;
 - (d) the Attorney General;
 - (e) the Registrar of Cooperatives.

Regional
Cooperation
in Fisheries
Management

5. (1) The fisheries officer shall make recommendations to the Minister with regard to consultations with the governments of other countries in the region, and in particular with the governments of countries sharing the same or related stocks, with a view to:

- (a) ensuring the closest practicable coordination of their respective fisheries management and development plans;
 - (b) ensuring the harmonization of systems for the collection of statistics, the carrying out of surveys and procedures for assessing the state of the fisheries resources;
 - (c) establishing, on a bilateral or regional level, as appropriate, reciprocal fishing rights with other countries in the region, where and to the extent that such reciprocal fishing rights are necessary to sustain the growth of local fisheries efforts;
 - (d) providing, as appropriate, for the formulation of regional fisheries management and development plans, for the allocation of fishing effort and catch, for the formation of joint fishing, processing or marketing enterprises, and for the taking of joint or regional conservation measures; and
 - (e) providing where appropriate, for the establishment and operation of joint or regional fisheries management bodies.
- (2) Consultations under this Section may be undertaken either directly with the governments concerned, or through appropriate regional and other international organizations.

PART 3. GENERAL LICENSING PROVISIONS

- | | |
|--|--|
| Application
for
Licences | 6. An application for a licence is to be made in the prescribed form addressed to the fisheries officer. |
| Licences for
local fishing
vessels | <p>7. (1) Subject to Subsection 2 of this Section, the fisheries officer may, with the prior approval of the Minister and upon payment of the prescribed fee, if any, grant a licence in the prescribed form in respect of any local fishing vessel.</p> <p>(2) No application for a licence in respect of a local fishing vessel shall be refused except on any of the following grounds:</p> <p>(a) that it is necessary to do so in order to allow for the proper management and development of any particular fishery;</p> <p>(b) that the fisheries officer is satisfied that the applicant will not comply with the conditions of the licence; or</p> <p>(c) that the vessel in respect of which the application is made does not have a valid certificate of inspection where so required under the laws governing merchant shipping.</p> |
| Licensing
of foreign
fishing vessels | 8. (1) The fisheries officer may, with the approval of the Minister and upon payment of the prescribed fee, if any, grant a licence in the prescribed form in respect of any foreign fishing vessel. |

- (2) Licences in respect of foreign fishing vessels may be issued only after the fisheries officer has determined:
- (a) that there are adequate fishery resources in respect of the species sought to be fished, and
 - (b) that such fishing will not adversely affect local fishing operations.
- Cancellation or suspension of licences
9. (1) The fisheries officer may cancel or suspend any licence that has been issued in respect of any fishing vessel where he is satisfied:
- (a) that it is necessary to do so in order to allow for the proper management and development of any particular fishery;
 - (b) that the vessel in respect of which the licence has been issued has been used in contravention of this Act or of any regulations made thereunder, or of any conditions of the licence.
- (2) Where any licence has been suspended or cancelled for the reason set out in paragraph (a) of sub-section 1 of this Section, a proportion of any fees paid for the licence representing the unexpired period shall be reimbursed to the licensee at his request.
- Appeals against licensing decisions
10. A person aggrieved by any decision of the fisheries officer under Sections 7 or 9 may within 21 days of the receipt of notification of that decision appeal against it to the Minister, whose decision shall be final and binding on the appellant.

- Term and non-transferability of licences
11. (1) Unless earlier cancelled in accordance with Section 9, a licence shall be valid for a period of not more than one year.
- (2) Where a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the licence shall terminate ipso facto.
- (3) No licence shall be transferable except with the written permission of the fisheries officer which is to be endorsed upon such licence.
- Licences subject to conditions
12. (1) A licence issued under this Act or any shall be subject to such conditions as may be prescribed, or as may be otherwise endorsed upon such licence by the fisheries officer, and such conditions may include any or all of the following:
- (a) the areas in which fishing is authorized;
- (b) the period during which fishing is authorized;
- (c) the species, size, sex and quantities of fish that may be taken;
- (d) the methods by which fish may be taken;
- (e) the types, size, and amount of fishing gear that may be used by the fishing vessel;
- (f) statistical and other information required to be given by the master of the fishing vessel to the fisheries officer, including statistics relating to catch and effort, and reports as to the position of the vessel;

- (g) the marking of the vessel and other means for its identification;
 - (h) such other terms and conditions as the fisheries officer may consider necessary or expedient for the conservation, management and development of fisheries resources of Saint Lucia.
- (2) In addition to the terms and conditions which may be imposed on any licence under the preceding Subsection, the fisheries officer may make applicable to foreign fishing vessels the following terms and conditions:
- (a) entry by foreign fishing vessels to ports in Saint Lucia whether for inspection of catch or any other purpose;
 - (b) the specification of points of entry into and departure from the fisheries zone;
 - (c) the reporting of the position of the foreign fishing vessel while within the fisheries zone;
 - (d) the posting of bonds or other forms of security for the duration of the licence;
 - (e) the appointment of a local agent or representative able to accept legal or financial obligations on behalf of the owner or charterer;
 - (f) the installation and maintenance in working order of equipment for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;

- (g) the carriage on board of specified communication equipment, specified nautical charts, nautical publications and nautical instruments;
- (h) the training of citizens of Saint Lucia in the methods of fishing employed by the foreign fishing vessel and the transfer of technology relating to fisheries to citizens of Saint Lucia;
- (i) the conduct by the foreign fishing vessel of specified programmes of fisheries research.

Licence to be carried on board

13. It shall be a condition of the licence that a copy of the licence shall be carried on board any licensed fishing vessel, and made available to any authorized officer or observer upon request.

Navigation and fishing logs

14. (1) It shall be a condition of the licence that there shall in respect of each foreign fishing vessel be maintained on board a navigation log and fishing log, which shall be made available to any authorized officer upon request.
- (2) The fisheries officer may prescribe the information that the navigation or fishing log is to contain.

PART 4. FOREIGN FISHING VESSELS

Entry and fishing by foreign fishing vessels within the fisheries zone

15. (1) No foreign fishing vessel shall:
- (a) enter within the fisheries zone except for passage through the zone or for such other purpose as is recognized by international law;

- (b) fish within the fisheries zone;
- (c) load, unload or tranship any fish within the fisheries zone; or
- (d) load or unload any fuel or supplies within the fisheries zone

unless licensed so to do under this or any other Act.

- (2) The fishing gear of any foreign fishing vessel which is prohibited by this Section from fishing within the fisheries zone shall, while the vessel is within those waters, be stowed in such manner as may be prescribed.

- | | | |
|--|-----|--|
| Foreign vessel to observe navigation etc. laws | 16. | No licence issued under this Act shall relieve any foreign fishing vessel or its master or crew of any obligation or requirement imposed by law concerning navigation, customs, immigration, health or other matters. |
| Observers | 17. | <ul style="list-style-type: none"> (1) The fisheries officer may appoint one or more observers for the purpose of monitoring the operations of foreign fishing vessels licensed under Section 8. (2) The costs incurred in monitoring the operations referred to in Subsection 1 of this Section shall be reimbursable by the licence holder to the Government of Saint Lucia at the request of the fisheries officer. |
| Refusal to permit, etc., observer on board | 18. | <p>Whoever being master of a foreign fishing vessel licensed under Section 8 fails or refuses:</p> <ul style="list-style-type: none"> (a) to permit or assist an observer to come and remain on board; |

- (b) to examine the vessel's navigation charts and instruments, logs, fishing logs and recorder, fish, cargo or equipment;
- (c) to provide to the observer accommodation equivalent to those provided to the vessel's officers;
- (d) to permit where possible an observer to send or receive radio messages at any time;
- (e) to permit an observer to observe the vessel's fishing operations; or
- (f) to reimburse the Government of Saint Lucia in accordance with Section 17(2) of this Act

is guilty of an offence.

PART 5. MARINE SCIENTIFIC RESEARCH

Minister
may permit
scientific
research

19. (1) The Minister may grant permission for any vessel or person to undertake research into marine fisheries or other marine resources in the fisheries zone and in doing so may exempt such vessel or person from any of the provisions of this Act.
- (2) The Minister may attach such conditions as he may think fit to any permission granted for research into marine fisheries or into any other marine living resources in the fisheries zone.
- (3) Any permission or exemption granted by the Minister for research and any conditions imposed on that research shall be in writing.

- (4) Any person who conducts marine scientific research except in accordance with any condition or conditions attached to the permission granted to him shall be guilty of an offence.

PART 6. MARINE RESERVES

Minister
may declare
marine
reserves

20. The Minister may, by notice published in the Official Gazette, declare any area of the fisheries zone and, as appropriate, any adjacent or surrounding land, to be a marine reserve where he considers that special measures are necessary:

- (a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;
- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted;
- (c) to promote scientific study and research in respect of such areas; or
- (d) to preserve and enhance the natural beauty of such areas.

Fishing,
dredging, etc.,
prohibited in
marine reserves

21. (1) Any person who, in any marine reserve, without permission granted under this Section:
- (a) fishes or attempts to fish;
 - (b) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any other way disturbs, alters or destroys fish or their natural breeding grounds or habitats; or

- (c) constructs or erects any buildings or other structures on or over any land or waters within such reserve

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

- (2) The Minister, or a person authorized by him in writing, may give permission to do any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in Section 20.

Minister
may make
regulations
for marine
reserves

- 22. The Minister may make regulations generally for the management and protection of marine reserves.

PART 7. PROHIBITED FISHING METHODS

Prohibited
methods of
fishing

- 23. (1) Whoever
 - (a) uses 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) has in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in the preceding paragraph

is guilty of an offence.

- (2) Any explosive, poison or other noxious substance found on board any fishing vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in paragraph (a) of Subsection (1).
- (3) Whoever lands, sells, receives or is found in possession of any fish taken in contravention of paragraph (a) of Subsection (1), knowing or having reasonable cause to believe these to have been so taken, is guilty of an offence.

Possession
of prohibited
fishing gear

24. Whoever uses for fishing or, except as permitted by Regulations respecting the stowage of gear, has on board any vessel within the fisheries zone:
- (a) any net the mesh size of which is less than the prescribed minimum mesh size for that type of net; or
 - (b) any other net or other fishing gear which is prohibited by the Act
- is guilty of an offence.

PART 8. ENFORCEMENT

Power to
stop, board,
inspect, etc.

25. For the purpose of ascertaining whether there is, or has been a contravention of this Act, any authorized officer may without warrant:
- (a) at all reasonable hours enter any premises other than premises used exclusively as a dwelling-house;
 - (b) stop, board and search
 - (i) any fishing vessel within the fisheries zone; or
 - (ii) any local fishing vessel within or outside the fisheries zone;

- (c) stop and search any vessel or vehicle transporting or reasonably suspected of transporting fish or fish products;
- (d) make such examination and inquiry as may appear necessary to him concerning any premises, vessel or vehicle in relation to which any of the powers conferred by this Section have been or may be exercised, and take samples of any fish products found therein;
- (e) require any person to produce his licence if it appears to the authorized officer that such person is doing or has done an act for which a licence is required under this Act; and
- (f) require to be produced and examine any fishing gear, nets or other fishing appliance, whether at sea or on land.

Powers of entry, seizure, arrest, hot pursuit, etc.

26. (1) Where he has reasonable grounds for believing that this Act has been contravened an authorized officer may, without a warrant within the fisheries zone:
- (a) arrest any person who he believes has committed an offence and, if the authorized officer is not a police officer, he shall forthwith deliver such person to a police officer;
 - (b) in the case of an offence against Section 15 or 23, seize any vessel (together with its equipment, stores, cargo and catch) which he believes has been used in the commission of such contravention or in respect of which he believes such contravention has been committed, and take such vessel and its crew to the nearest or most convenient port and detain such vessel;

- (c) seize any fishing gear, instruments or appliances which he believes has been used in such contravention;
 - (d) seize any fish which he believes has been taken or fish products produced in the contravention; and
 - (e) seize any explosive, poison or other noxious substance which he believes has been used or is possessed in contravention of Section 23.
- (2) Where the vessel is foreign, the arrested vessel and its crew shall be promptly released upon the posting of such bond or other security as may be prescribed by regulation.
 - (3) Where following the commission of an offence under this Act by any foreign fishing boat, such foreign fishing boat is pursued beyond the limits of the fisheries zone the powers conferred on authorized officers under this Section shall be exercisable beyond the limits of the fisheries zone in the circumstances and to the extent recognized by international law.
 - (4) After a vessel has been stopped under the provisions of this Section any authorized officer may, concerning it or in relation to any fish or fish products therein, exercise any of the powers conferred by paragraphs (d), (e) and (f) of Section 25.
 - (5) A written receipt shall be given for any thing seized under Subsection (1) by the authorized officer to the person from whom the seizure is made.

Disposal of
fish and
other
perishable
articles

27. (1) Any fish, fish product or other article of a perishable nature seized under the provisions of Section 26 may, on the direction of the fisheries officer, be sold, and the proceeds of sale held pending the outcome of any prosecution brought under this Act and if no such prosecution is brought, such proceeds shall be paid to the owner of the fish, fish product or other article sold.
- (2) Any fishing vessel, gear, instrument or appliance, or vehicle seized under Section 26 which is not ordered to be forfeited under Section 32 shall be returned to its owner.
- (3) Where any fishing vessel, gear, instrument or appliance, fish, fish product or other article or vehicle has been seized under Section 26 the court may order its release on receipt of a satisfactory bond or other security from any person claiming such property, conditioned on such person:
- (a) delivering such property to the court upon the order of the court, without any impairment of value; or
- (b) paying the value of such property in accordance with an order or judgement of the court.

Obstruction
of authorized
officers and
observers

28. Whoever
- (a) wilfully obstructs any authorized officer or observer in the exercise of any power conferred by this Act or by regulations made hereunder; or
- (b) fails to comply with any lawful inquiry or requirement made by an authorized officer in accordance with the provisions of Section 25

is guilty of an offence.

PART 9. OFFENCES AND LEGAL PROCEEDINGS

- | | |
|--|---|
| Offences and penalties | 29. Whoever commits an offence against this Act or any regulation for which no specific penalty is provided, is liable upon summary conviction to a fine of _____. |
| Offences involving foreign fishing vessels | <p>30. (1) The master, owner or charterer of any foreign fishing vessel which contravenes Subsection (1) of Section 15 is guilty of an offence and liable on summary conviction to a fine of _____.</p> <p>(2) The master, owner or charterer of a foreign fishing vessel which contravenes the conditions of a licence issued in accordance with Sections 8 and 12 or which contravenes any measures regarding the stowage of fishing gear prescribed pursuant to Subsection 2 of Section 15, is guilty of an offence and liable on summary conviction to a fine of _____.</p> |
| Offences involving local fishing vessels | 31. Whoever operates a local fishing vessel in the fisheries zone without a valid licence when so required by virtue of this Act or having such a licence operates a local fishing vessel in contravention of the conditions attached to such a licence in accordance with Section 12 of this Act or in contravention of the provisions of Section 13 of this Act is guilty of an offence and liable on summary conviction to a fine of _____. |
| Forfeiture | 32. Where any person is convicted of an offence against this Act the court may, in addition to any other penalty it may impose, order that any fish caught or fish product produced in the commission of such offence or the proceeds of sale of any fishing gear, instruments or appliances under Section 27 and, in the case of any offence under |

Sections 15 or 23, any vessel (together with its equipment, stores, cargo and catch) used in the commission of such offence or in respect of which such offence has been committed, shall be forfeited to the Government, and if so forfeited, shall be disposed of in such manner as the Minister may direct.

- | | |
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| Presumption | 33. All fish found on board any fishing vessel used in the commission of an offence under this Act or in respect of which any such offence has been committed, shall, unless the contrary is proved, be presumed to have been caught in the commission of such offence. |
| Designation of non-local authorized officers | 34. The Minister may designate from time to time by notice in the Gazette persons who are members of the enforcement authority of any country or of any regional or sub-regional marine enforcement entity who may exercise the powers of authorized officers as provided for in this Act. |
| Offences triable as if committed within limits of local jurisdiction | 35. Any offence against any of the provisions of this Act or any regulations made thereunder committed within the fisheries zone by any person, or any such offence committed outside such waters by any citizen of, or person ordinarily resident in, Saint Lucia, or by any person on board any local fishing vessel, shall be triable in any court of Saint Lucia as if such offence had been committed in any place in Saint Lucia within the local limits of the jurisdiction of such court. |
| Power to mitigate penalties, etc. | 36. The Minister may: <ul style="list-style-type: none"> (a) compound any proceedings for an offence or for the condemnation of any thing as being forfeited under this Act; |

- (b) restore, subject to such conditions, if any, as he thinks proper, any thing forfeited or seized under this Act.

PART 10. GENERAL

Regulations

37. (1) The Minister may make regulations generally for the proper management, development, and regulation of marine fisheries.
- (2) In particular, without limiting the generality of the foregoing Sub-section the Minister may make regulations for all or any of the following purposes:
- (a) to provide for the licensing, regulation and management of any particular marine fishery;
 - (b) to establish closed seasons for all areas or species of fish, or for designated areas or species;
 - (c) to prescribe limitations on the amount, size and weight of fish caught and retained or traded;
 - (d) to prescribe minimum mesh sizes;
 - (e) to prescribe prohibited fishing areas for all fish or for certain species of fish, or for certain methods of fishing;
 - (f) to prescribe certain prohibited methods of fishing;
 - (g) to prescribe the amount of fish that may be caught incidentally when fishing for a species for which a licence has been issued;

- (h) to make provision for the management of marine living resources other than fish in the fisheries zone;
- (i) to provide for the registration and licensing of marine fishermen, fishing gear and other fishing appliances;
- (j) to regulate or prohibit the erection, maintenance, working, repair and lighting of fishing stakes in the fisheries zone;
- (k) to organize and regulate sport fishing in the fisheries zone;
- (l) to establish the conditions to be observed by foreign fishing vessels while within the fisheries zone;
- (m) to prescribe the procedures to be followed for joint venture proposals in fisheries, and the conditions to be fulfilled by such ventures;
- (n) to prescribe the nationality of persons permitted to be employed or carried in fishing vessels;
- (o) to make provision for the lodging of bonds and other forms of security for the fulfilment of any obligations attaching to a licence;
- (p) to make provision for points of entry, exit, and transit through the fisheries zone by any fishing vessel licensed to fish by virtue of the provisions of this Act;

- (q) to make provision for the installation and maintenance in working order of a transponder or other equipment for the identification and location of a fishing vessel, and of adequate navigational equipment to enable its position to be fixed from the vessel;
- (r) to make provision for the appointment by the owner of a foreign vessel of a legal representative or other authorized local agent in Saint Lucia for the purpose of accepting responsibility for any matters arising under the provisions of this Act;
- (s) to make provision for the stowing of fishing gear by foreign fishing vessels while in transit through the fisheries zone;
- (t) to prescribe the powers to be exercised by authorized officers;
- (u) to designate persons or classes of persons to be authorized officers for the purposes of this Act;
- (v) to make provision for rewards being made to authorized officers of local fishermen for reporting the presence of foreign fishermen operating in the fisheries zone;
- (w) to prescribe the conditions and procedures of application for any licences, certificates or other documents required under this Act or any regulations made thereunder, their form and the amount of fees and deposits payable therefore;

- (x) to improve the collection of statistics and to require any person engaged in marine fishing, marketing, processing or marine fish culture, including any fish dealer, to supply such information as may be necessary for the effective management and development of marine fisheries;
- (y) to provide for procedures to be followed in making appeals against a refusal to issue, cancellation, non-renewal or suspension of licences pursuant to Section 9;
- (z) to provide for the control or prohibition of export of fish from Saint Lucia;
- (aa) to prescribe any other matter required or authorized to be prescribed under this Act.

(3) The Minister may, by regulation, provide that the breach of any regulation shall constitute an offence and may provide for penalties by way of a fine not exceeding _____.

Application
of Act

40. (1) The Governor General may, by Order published in the Gazette, exempt any person, or vessel, or any type or class of person, or vessel from any of the requirements of this Act.
- (2) The licensing provisions of this Act in respect of local fishing operations shall not come into force until the Governor General by Order published in the Gazette declares that these provisions are to come into effect.

Turtle and Lobster Protection Regulations, 198-

1. Short title These Regulations may be cited as the Turtle and Lobster Protection Regulations, 1980.

2. Interpretation In these regulations:
 - "closed season" means the closed season for turtle, turtle eggs, and lobster pursuant to Section 3;
 - "dispose" includes sell, barter, exchange, give, supply, deliver, or otherwise pass or allow to pass into the control of some other person;
 - "export" means to take or cause to be taken out of the island;
 - "immature" means in relation to:
 - (i) lobster - that it is of a total length of less than ten inches measured from the tip of the extended tail fan to the eyes when spread as far as possible flat or of less than one and one-half pounds in weight;
 - (ii) turtle - that its total weight is less than 15 lb

3. Closed season The Minister may by order published in the Gazette from time to time proclaim a closed season for the catching or taking of:
 - (a) turtle and turtle eggs, or
 - (b) lobster.

Notwithstanding Subsection 1 the Minister may grant permission for the catching and sale of lobster during a closed season where he is satisfied that to do so will be in accordance with proper conservation and management principles.

4. Protection of turtle Any person who:
- (a) shall during the closed season
 - (i) fish for, catch, kill or take any turtle or turtle eggs; or
 - (ii) slaughter any turtle, expose for sale, dispose, buy or have in his possession the whole or any portion of the meat of such turtle or turtle eggs; or
 - (b) shall at any time
 - (i) set within one hundred yards of the shores of this Island any net, seine or any other artifice for the purpose of, or with the intention of, fishing for, catching or taking turtle; or
 - (ii) fish for, catch, kill, expose for sale, dispose, buy or have in his possession any immature turtle; or
 - (iii) catch any turtle or take any turtle eggs when the same shall be found on the shores of this Island

shall be guilty of an offence and liable to a fine of _____.

5. Protection of lobster Any person who

- (a) shall during the closed season fish for, catch, kill, take, expose for sale, dispose, buy or have in his possession any lobster; or
- (b) shall at any time
 - (i) use any spear or spear gun for the purpose of fishing, catching, killing or taking lobster; or
 - (ii) fish for, catch, kill, take, expose for sale, dispose, buy or have in his possession any immature lobster; or
 - (iii) fish for, catch, take, expose for sale, dispose, buy or have in his possession any female lobster when the same shall be carrying eggs or having found any such lobster in or upon his fishing gear or apparatus fails to return the same unharmed to the sea

shall be guilty of an offence and liable to a fine of _____.

6. Commencement

These regulations shall come into operation on

Made by the Minister under Section 37 of the Marine Fisheries Act, 198_.

Secretary to the Cabinet

Export of Fish Regulations, 198-

- | | | |
|----|----------------|--|
| 1. | Short title | These Regulations may be cited as the Export of Fish Regulations. |
| 2. | Interpretation | <p>In these Regulations</p> <p>"fish" has the same meaning ascribed to it in Section 2 of the Marine Fisheries Act 198_;</p> <p>"the fisheries zone" has the meaning ascribed to it in Section 2 of the Marine Fisheries Act, 198_;</p> <p>"the Minister" means the Minister to whom matters relating to fisheries have been assigned.</p> |
| 3. | Export of fish | No fish caught in the fisheries zone shall be exported except in accordance with a permit granted by the Minister. |
| 4. | Penalty | Any person who commits a breach of, or fails to, comply with the provisions of these Regulations shall be liable on summary conviction to a fine of _____. |
| 5. | Commencement | These Regulations shall come into operation on |

Made by the Minister under Section 37 of the Marine Fisheries Act, 198_.

Annex 5Stowage of Foreign Fishing Gear Regulations, 198-

1. Short title These Regulations may be cited as the Stowage of Fishing Gear Regulations, 198_.

2. Interpretation "The fisheries zone" has the meaning ascribed to it in Section 2 of the Marine Fisheries Act, 198_.

3. Prescribed Manner
of Storage of Gear Any foreign fishing vessel that is not licensed to operate in the fisheries zone or being licensed is not authorized to engage in fishing shall, while within such waters, stow its fishing gear in accordance with the following provisions:
 - (a) all such gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;

 - (b) all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames; and

 - (c) all fishing gear carried on deck shall be secured to some part of the superstructure of the vessel.

4. Commencement These Regulations shall come into operation on

Made by the Minister under Subsection 2 of Section 15 of the Marine Fisheries Act, 198_, this ___ day of _____ 198_.

Suggested Log-book for Industrial Fisheries

Page of pages

Vessel Name _____
Flag Country _____
Trip No. _____ 198 _____
No. of Crew (including captain) _____

	Port	Day	Month	Year
Vessel Departed				
Vessel Returned				

	Gear Specifications ^{1/}	Target Species
Shrimp trawl <input type="checkbox"/>		
Fish trawl <input type="checkbox"/>		
Purse seine <input type="checkbox"/>		
Traps/divers <input type="checkbox"/>		
Handlines <input type="checkbox"/>		
Longlines <input type="checkbox"/>		

(Separate page to be used for each gear)

Activities

Departure ----->
Steaming
Searching
Fishing
Others ^{2/}
Return <-----

(use of symbols)

Percentage composition of daily total catch by weight

Species	Percent
1. (list here the	
2. species most	
3. likely to be	
4. caught)	
5.	
6.	
to 14.	
15. mixed fishes	
16. discards	

Date	Hours	Acti- vities	Area fished (No.)	Catch (kg)	Date	Hours	Acti- vities	Area fished (No.)	Catch (kg)
	00 ⁰⁰ / ₃₀					12 ⁰⁰ / ₃₀			
	01 ⁰⁰ / ₃₀					13 ⁰⁰ / ₃₀			
	02 ⁰⁰ / ₃₀					14 ⁰⁰ / ₃₀			
	03 ⁰⁰ / ₃₀					15 ⁰⁰ / ₃₀			
	04 ⁰⁰ / ₃₀					16 ⁰⁰ / ₃₀			
	05 ⁰⁰ / ₃₀					17 ⁰⁰ / ₃₀			
	06 ⁰⁰ / ₃₀					18 ⁰⁰ / ₃₀			
	07 ⁰⁰ / ₃₀					19 ⁰⁰ / ₃₀			
	08 ⁰⁰ / ₃₀					20 ⁰⁰ / ₃₀			
	09 ⁰⁰ / ₃₀					21 ⁰⁰ / ₃₀			
	10 ⁰⁰ / ₃₀					22 ⁰⁰ / ₃₀			
	11 ⁰⁰ / ₃₀					23 ⁰⁰ / ₃₀			

MARINE FISHERIES ACT, 198_

Foreign Fishing Vessel Licence

No.

Issued to

Address

Name and Address of Owner of Vessel if Different from Above

.....

Name and Address of Agent or Other Legal Representative in Saint Lucia

.....

Name and Address of Master of Vessel

.....

Name of Vessel

Type of Vessel

Port and Country of Registry

Registration Number

Fishing Vessel Identification Mark

Length Registered Net Tonnage

Engine Horse Power

Radio Call Sign Frequency

The vessel, details of which appear above, is hereby authorized to do such of the following in the fisheries zone as may be indicated on this licence:-

Description of Fishing Operations Authorized

.....
.....

Areas to Be Fished

.....

Species of Fish to Be Taken

.....

Authorized Landing Places

.....

Fishing Gear to Be Used

.....

This licence is valid for the period commencing

until Date of Issue

Fees paid

.....
Signature of Issuing Officer

This permit is granted subject to the following conditions:

1. The holder shall comply with, and ensure that the vessel is used in conformity with, the provisions of the Marine Fisheries Act, 198_ and any regulations made thereunder.
2. (Here insert any other conditions to which licence is subject).

Fisheries Legislative Reports

1. Fisheries Legislation in Cayman Islands, by E.R. Fidell and W. Edeson, September 1981.

