



## **CHAPTER 7.15**

# **FISHERIES ACT**

### **Revised Edition**

Showing the law as at 31 December 2001

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

#### **FISHERIES ACT**

Act 10 of 1984 in force 18 February 1985 (S.I.16/1985)

#### **FISHERIES REGULATIONS – Section 39**

Statutory Instrument 9/1994 in force 14 March 1994

#### **FISHERIES (SNORKELLING LICENCE) REGULATIONS – Section 39**

Statutory Instrument 223/2000 in force 11 November 2000



## CHAPTER 7.15

# FISHERIES ACT

### ARRANGEMENT OF SECTIONS

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## CHAPTER 7.15

### FISHERIES ACT

(Act 10 of 1984)

AN ACT to make provision for the promotion and regulation of fishing and fisheries in the fishery waters of Saint Lucia and for connected matters.

Commencement [18 February 1985]

#### PART 1

#### PRELIMINARY

##### 1. SHORT TITLE

This Act may be cited as the Fisheries Act.

##### 2. INTERPRETATION

In this Act unless the context otherwise requires—

“**access agreement**” means an agreement under section 7;

“**aquaculture**” includes mariculture;

“**authorised officer**” means any fisheries officer, any customs officer or police officer and any other person or category of persons designated as an authorised officer by the Minister under section 26;

“**court**” means a magistrate court;

“**Chief Fisheries Officer**” means the person appointed as Chief Fisheries Officer under section 3(2)(a);

“**fish**” means any aquatic animal, whether piscine or not and includes shellfish, turtles, mollusc, crustacean, coral, sponge, echinoderms, their young and their eggs;

“**fish aggregating device**” means any man-made or partly man-made floating or submerged device, whether anchored or not, intended for the purpose of aggregating fish, and

includes any natural floating object on which a device has been placed to facilitate its location;

“**fisheries officer**” means the Chief Fisheries Officer, Fisheries Officer, or Assistant Fisheries Officer and such other officers appointed under section 3(2);

“**fisheries plan**” means the plan for the management and development of fisheries prepared under section 4;

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

“**fishery waters**” means the waters of the exclusive economic zone, territorial sea, and internal waters as defined in the Maritime Areas Act and any other waters over which Saint Lucia claims fisheries jurisdiction;

“**fishing**” means fishing for or catching or taking or killing fish by any method or placing any fish aggregating device and includes searching for fish;

“**fishing licence**” means a foreign fishing licence or a local fishing licence;

“**fishing vessel**” means any vessel used for commercial fishing or related activities and includes sport fishing;

“**foreign fishing licence**” means a licence issued in respect of a foreign fishing vessel under section 8;

“**foreign fishing vessel**” means any fishing vessel other than a local fishing vessel;

“**licence**” means a licence issued under this Act;

“**local fishing licence**” means a licence issued in respect of a local fishing vessel under section 11;

“**local fishing vessel**” means any fishing vessel—

- (a) wholly owned by the Government or by any public corporation established by or under any law;
- (b) wholly owned by one or more persons who are citizens of Saint Lucia;

- (c) wholly owned by any company, society or other association of persons incorporated or established under the laws of Saint Lucia of which at least 51% of the voting shares are held by citizens of Saint Lucia;

“**locally based foreign fishing vessel**” means any foreign fishing vessel based in Saint Lucia which lands all its catch in 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;

“**related activities**” in relation to fishing means:

- (a) trans-shipping fish to or from any vessel;
- (b) storing, processing or transporting fish taken from the fishery waters up to the time it is first landed;
- (c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
- (d) attempting or preparing to do any of the above;

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

## **PART 2**

### **FISHERIES MANAGEMENT AND DEVELOPMENT**

#### **3. PROMOTION OF FISHERIES**

- (1) The Minister shall take such measures as he or she thinks fit under this Act to promote the management and development of

fisheries, so as to ensure the optimum utilization of the fisheries resources in the fishery waters for the benefit of Saint Lucia.

- (2) There may be appointed—
  - (a) a Chief Fisheries Officer; and
  - (b) such other fisheries officers (assistant fisheries officers) and other officers as may be necessary to give effect to this Act.

#### **4. FISHERIES MANAGEMENT AND DEVELOPMENT PLAN**

- (1) The Chief Fisheries Officer shall prepare and keep under review a plan for the management and development of fisheries in the fishery waters.
- (2) The fisheries plan shall—
  - (a) identify each fishery and assess the present state of its exploitation;
  - (b) specify the objectives to be achieved in the management of each fishery;
  - (c) specify the management and development measures to be taken; and
  - (d) specify the licensing programmes to be followed for each fishery, the limitations, if any, to be applied to local fishing operations and the amount of fishing, if any, to be allocated to foreign fishing vessels.
- (3) In the preparation and review of the fisheries plan the Chief Fisheries Officer shall consult with the local fishermen, local authorities, other persons affected by the fishery plan and with any Fishery Advisory Committee appointed under section 5.
- (4) The fishery plan and each review thereof shall be submitted to the Minister for approval.

#### **5. FISHERIES ADVISORY COMMITTEE**

- (1) The Minister may appoint a Fisheries Advisory Committee to advise on the management and development of fisheries.
- (2) Any Fisheries Advisory Committee appointed under this section shall include the Chief Fisheries Officer and such other



persons as the Minister may consider capable of advising on the management and development of fisheries.

## **6. REGIONAL CO-OPERATION IN FISHERIES**

- (1) The Minister may enter into arrangements or agreements with other countries in the region or with any competent regional organization, providing for—
  - (a) the harmonisation of systems for the collecting of statistics, and the carrying out of surveys and procedures for assessing the state of the fisheries resources;
  - (b) the harmonisation of licensing procedures and conditions in respect of foreign fishing vessels;
  - (c) schemes for the issuance of fishing licences in respect of foreign fishing vessels by a competent regional organization on behalf of the Minister and the recognition of regional licences issued by such organization, subject to such conditions as may be specified in the agreement or arrangement and to such additional conditions as the Minister may specify;
  - (d) the taking of joint or harmonized enforcement measures in respect of foreign fishing vessels contravening fisheries laws in the region;
  - (e) the establishment and operation of joint or regional fisheries management bodies where appropriate;
  - (f) where appropriate, the establishment of a regional register of fishing vessels;
  - (g) such other cooperative measures as appropriate including measures for promoting the welfare of fishermen and the insurance of fishing vessels and gear.
- (2) For the purpose of giving effect to any arrangement or agreement entered into under this section, the Minister may by order published in the Gazette—
  - (a) authorise any competent regional organization designated in the order to issue fishing licences in respect of foreign fishing vessels on behalf of the Minister, within the limits set out in the order;
  - (b) exempt from the requirements of section 8 any foreign fishing vessel or class of foreign fishing vessels holding

- valid regional fishing licences issued by a competent regional organization designated in the order; and
- (c) prescribe the conditions to be observed by foreign fishing vessels exempted under paragraph (b) while fishing or navigating in the fishery waters.
- (3) Any order made under subsection (2) shall be subject to negative resolution of the Parliament.

## **7. FISHERIES ACCESS AGREEMENTS**

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

## **8. FOREIGN FISHING LICENCES**

- (1) A foreign vessel shall not be used for fishing or related activities in the fishery waters without a valid foreign fishing licence issued under this section.
- (2) An application for a foreign fishing licence shall be made, in the prescribed form, to the Minister or to a competent regional organisation authorised to issue fishing licences under section 6 (2)(a).
- (3) Subject to the provisions of this Act and any regulations made under this Act, the Minister may issue a foreign fishing licence

authorising a foreign fishing vessel to be used in the fishery waters for such fishing or related activities as may be specified in the licence.

- (4) Subject to subsection (5), a foreign fishing licence shall not be issued to any foreign fishing vessel unless there is in force with the Government of the flag state of the vessel or with an association of which the owner or charterer is a member, an agreement entered into under section 7 to which the Government of Saint Lucia is a party.
- (5) Subsection (4) shall not apply to a licence issued in respect of:
  - (a) test fishing operations; or
  - (b) a locally based foreign fishing vessel.
- (6) Where a fishing vessel is used in contravention of subsection (1) or of any condition of the foreign fishing licence the master, owner and charterer of that vessel is each guilty of an offence and is liable on summary conviction to a fine not exceeding \$500,000.

## **9. STOWAGE OF GEAR**

The fishing gear of any foreign fishing vessel which is prohibited by section 8 from fishing within the fishery waters, shall be stowed in such manner as may be prescribed, while within the fishery waters.

## **10. OBSERVATION OF LAWS**

A licence does not relieve any foreign fishing vessel or its master or crew of any obligation or requirements imposed by law concerning navigation, customs, immigration, health or other matters.

## **11. LOCAL FISHING LICENCES**

- (1) A local fishing vessel shall not be used for fishing or related activities in the fishery waters without a valid licence issued under this section in respect of that vessel.
- (2) An application for a local fishing licence shall be made in the prescribed form to the Minister.
- (3) Subject to subsection (4), the Minister may issue a local fishing licence in the prescribed form.

- (4) An application for a local fishing licence shall not be refused except on any of the following grounds, namely—
  - (a) that it is necessary to do so in order to give effect to any licensing programme specified in the fisheries plan;
  - (b) that the Minister has reason to believe that the applicant will not comply with the conditions of the licence;
  - (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, or is not in compliance with regulations prescribed under section 39 relating to the safety of the vessel; or
  - (d) such other grounds as are specified in this Act or any regulations made under this Act.
- (5) Where a local fishing vessel is used in contravention of subsection (1) or of any condition of the local fishing licence, the master, owner and charterer of that vessel each commits an offence and is each liable upon summary conviction to a fine not exceeding \$ 10,000.

## **12. VALIDITY OF FISHING LICENCES**

- (1) Unless earlier cancelled in accordance with section 15, a fishing licence shall be valid for a period of not more than 12 months.
- (2) Where a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the licence shall automatically terminate.
- (3) The term of a foreign fishing licence shall not extend beyond the term of validity of the applicable access agreement.
- (4) A licence is not transferable except with the written permission of the Minister.

## **13. CONDITIONS OF FISHING LICENCE**

- (1) Every fishing licence shall be in the prescribed form and shall be subject—
  - (a) to such general conditions as may be prescribed;
  - (b) to such general conditions as may be specified under subsection (2); and

- (c) to such special conditions as may be specified under subsection (3).
- (2) The Minister may, by order published in the Gazette, specify general conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject including conditions relating to open and closed seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.
- (3) The Minister may attach to any fishing licence such special conditions as he or she may think fit.
- (4) The Minister may, where he or she is satisfied that it is expedient for the proper management of fisheries in the fishery waters, vary any special conditions attached to any fishing licence.
- (5) Where the Minister varies any special conditions attached to any fishing licence he or she shall notify the licence holder of such variation as soon as practicable.

#### **14. FEES, ROYALTIES, ETC**

There shall be payable in respect of every fishing licence such fees as may be prescribed and such royalties or other charges as the Minister may determine.

#### **15. CANCELLATION OR SUSPENSION OF FISHING LICENCES**

- (1) 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 is satisfied that—
  - (a) it is necessary to do so in order to allow for the proper management of any particular fishery;
  - (b) 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 condition of the licence or in breach of any applicable access agreement;or

- (c) he or she is required or authorised to do so in accordance with the provisions of any arrangement or agreement entered into under section 6.
- (3) Where a fishing licence has been cancelled or suspended under subsection (1), notification of the cancellation or suspension shall be given to the person to whom the licence was issued.
- (4) Where a fishing licence has been suspended or cancelled on the grounds specified in section 15(2)(a), a proportion of any fees paid for the fishing licence representing the unexpired period of that licence or the period of suspension, as the case may be, shall be reimbursed to the licensee at his or her request.

## 16. NOTICE

- (1) Any notification given under section 13(5) or 15(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.

## 17. FISH PROCESSING ESTABLISHMENTS

- (1) The Minister may grant to any person a licence to operate a fish processing establishment on payment of such fees and subject to such conditions as may be prescribed .
- (2) Any person who operates or allows to be operated any fish processing establishment except under a licence granted under this section and in accordance with the conditions of such licence commits an offence and is liable, on summary conviction, to a fine not exceeding \$ 5,000.
- (3) In this Section “fish processing establishment” means any land, premises or other place on or in which fish are canned, dried, gutted, salted, iced, chilled, frozen or otherwise processed for sale by wholesale in or outside Saint Lucia.

## 18. LOCAL FISHERIES MANAGEMENT AREAS

- (1) The Minister may by notice published in the Gazette—
  - (a) designate an area as a local fisheries management area;

- (b) designate any local authority, fishermen's cooperative or fishermen's association or other appropriate body representing fishermen in the area as the local fisheries management authority for that area.
- (2) Where there is no appropriate body representing fishermen in the area, the Minister may promote the formation of such a body.
- (3) The Chief Fisheries Officer shall, to the extent he or she deems it practicable, provide to any Local Fisheries Management Authority, such assistance as may be reasonably necessary for the performance of its functions.

## **19. BY-LAWS**

- (1) A local fisheries management authority designated under section 18(1)(b) shall make by-laws, not inconsistent with this Act or any regulations made under this Act, regulating the conduct of fishing operations in the designated area.
- (2) By-laws made under subsection (1) shall be approved by the Minister and published in the Gazette before they come into effect.
- (3) By-laws made under subsection (2) may provide that a breach of any by-law shall constitute an offence and may provide for penalties on summary conviction by way of fine not exceeding \$ 10,000.

## **PART 3 MARINE RESERVES AND CONSERVATION MEASURES**

## **20. FISHING PRIORITY AREAS**

The Minister may, by order published in the Gazette<sup>1</sup>, declare any area of the fishery waters to be a fishing priority area, where he or she considers that special measures are necessary to ensure that authorised fishing within the area is not impeded or otherwise interfered with.

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<sup>1</sup> By Gazette notice 809/1986 the following were declared Fishing Priority Areas: 1. Anse Cochon, 2. Roseau Bay 3. Soufriere Bay 4. Anse de Pitons 5. Anse Bwaison to New Dock.

## 21. LEASING OF LAND FOR AQUACULTURE

- (1) The Governor General acting on the advice of Cabinet may lease any land including areas of the foreshore and seabed for the purposes of aquaculture, if he or she is satisfied after such enquiry as he or she may deem necessary that such lease will not substantially prejudice the rights of the members of the public thereto and such lease shall be in conformity with any regulations made under section 39 relating to the leasing of land for aquaculture.
- (2) The provisions of the Crown Lands Act shall apply, with the necessary modifications, to the leasing of lands including foreshore and seabed for the purposes of aquaculture under this section.
- (3) Despite any provisions of the Crown Lands Act the Minister shall, by notice published in the Gazette give particulars of any lease granted under subsection (1) giving the boundaries of the area leased and the Minister may restrict and control by regulations made under section 39, the use of such land including foreshore or sea-bed by members of the public.

## 22. MARINE RESERVES

- (1) The Minister may, by order published in the Gazette<sup>2</sup>, declare any area of the fishery waters and, as appropriate, any adjacent

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<sup>2</sup> By Gazette notice 808/1986 the following were declared Marine Reserves

- (1) Marquis Mangroves
- (2) Rodney Bay Artificial Reefs
- (3) Marigot Bay Mangroves
- (4) Anse Marin Reef
- (5) Reef between Grand Caille and Rchette Point
- (6) Anse L'Ivrogne Reef
- (7) Anse Pointe Sable-Mankote
- (8) Maria Islet Reef
- (9) Savannes Bay Mangrove
- (10) Reef at Malgretoute
- (11) Reef in Anse de Pitons
- (12) Esperance Harbour Mangrove
- (13) Praslin Mangroves
- (14) Fond d'or
- (15) Louvette Mangroves
- (16) Grand Anse Beach and Mangroves
- (17) Bois d'Orange Mangrove
- (18) Cas-en-Bas Mangrove
- (19) Choc Bay Mangrove

By Gazette notice 7/1990 the following were declared Marine Reserve Areas

- (1) Reefs at Anse Chastanet comprising Turtle Reef and that portion of the reef extending seawards from the southernmost point of Anse Chastanet Beach to Grand Caille Point.
- (2) Artificial Reef at Anse Cochon



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or surrounding land, to be a marine reserve where he or she considers that special measures are necessary—

- (a) to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;
  - (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted;
  - (c) to promote scientific study and research in respect of such areas; or
  - (d) to preserve and enhance the natural beauty of such areas.
- (2) Any person who, in any marine reserve, without permission granted under subsection (3)—
- (a) fishes or attempts to fish;
  - (b) takes or destroys any flora and fauna other than fish;
  - (c) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any way disturbs, alters or destroys the natural environment; or
  - (d) constructs or erects any buildings or other structures on or over any land or waters within such a reserve,

commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000.

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

## 23. FISHERIES RESEARCH

- (1) The Minister may, on the submission of a fisheries research plan, approved by the Chief Fisheries Officer, grant permission for any vessel or person to undertake research into fisheries in

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- (3) That Reef extending from the river at Anse Galet to the northernmost point of the beach at Anse Cochon
- (4) Vigie Bay Artificial Reef
- (5) Artificial Reefs at Moule-A-Chique
- (6) Reefs extending from Caesar Point to Mathurin Point

the fishery waters 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 or she deems fit to any permission granted under subsection (1).
- (3) Any person who undertakes fisheries research in the fishery waters—
  - (a) without permission under subsection (1); or
  - (b) in contravention of any condition or conditions attached to the permission under subsection (2),commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000.
- (4) Any permission or exemption granted under this section shall be in writing.

#### **24. PROHIBITED FISHING METHODS**

- (1) A person commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000 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 or her 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.
- (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 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, commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000.
- (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 Chief

Fisheries Officer or by any person authorised by him or her in writing shall be accepted as *prima facie* evidence in a court without proof of the signature of the person appearing to have signed the certificate or his or her official character.

- (5) For the purposes of subsection (4), the defendant to proceedings brought under this section is entitled to 14 days notice in writing of the prosecution's intention to adduce the said certificate.

## **25. POSSESSION OF PROHIBITED FISHING GEAR**

A person commits an offence and is liable on summary conviction to a fine not exceeding \$2,500 who within the fishery waters, uses for fishing or has on board any fishing vessel in circumstances which indicate an intention to use for fishing in the fishery waters—

- (a) any type of trap or other fishing gear which does not conform to any standards prescribed for that type of trap or other fishing gear; or
- (b) any type or other fishing gear which does not conform to any standards prescribed for that type of trap or other fishing gear; or
- (c) any other net or fishing gear which is prohibited by the Act.

## **PART 4 ENFORCEMENT**

## **26. DESIGNATION OF AUTHORISED OFFICERS**

The Minister may designate by notice published in the Gazette such persons as he or she deems fit, including members of the enforcement authority of any country or of any regional or sub-regional marine enforcement entity, to be authorised officers for the purpose of this Act.

## 27. POWERS OF AUTHORISED OFFICERS

- (1) For the purposes of enforcing this Act, any authorised officer may, without a warrant—
  - (a) stop, board and search any foreign fishing vessel in the fishery waters and any local fishing vessel in or outside the fishery waters and stop and search any vehicle;
  - (b) require to be produced, examine and take copies of any licence or other document required under this Act;
  - (c) require to be produced and examine any fishing net or other fishing gear whether at sea or on land.
- (2) Any authorised officer, where he or she 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 or she has reason to believe that the offence has been committed or where he or she has reason to believe that fish illegally taken are being stored;
  - (b) take samples of any fish found in any vessel, vehicle or premises searched under this section;
  - (c) seize any vessel (together with its gear, stores and cargo), vehicle, fishing gear, net or other fishing appliance which he or she has reason to believe has been used in the commission of the offence or in respect of which the offence has been committed;
  - (d) seize any fish which he or she has reason to believe has been caught in the commission of the offence, or is being possessed in contravention of this Act;
  - (e) seize any explosive or poison which he or she has reason to believe has been used or is being possessed in contravention of this Act.
- (3) Any vessel seized under subsection (2) and the crew thereof shall be taken to the nearest or most convenient port and the vessel may be detained pending the outcome of any legal proceedings under this Act or its release on bond or other form of security in accordance with the provisions of section 32.
- (4) Where, following the commission of an offence under this Act by any foreign fishing vessel, such foreign fishing vessel is

pursued beyond the limits of the fishery waters, the powers conferred on authorised officers under this section shall be exercisable beyond the limits of the fishery waters, in the circumstances and to the extent recognized by international law.

- (5) After a vessel has been stopped under the provisions of this section any authorised officer may, concerning it or in relation to any fish or fish products therein, exercise any of the powers conferred by this section.
- (6) An authorised officer in exercising any of the powers conferred on him or her by this section shall on demand produce such means of identification as may be necessary to show that he or she is an authorised officer for the purposes of this Act.

## **28. SALE OF PERISHABLE GOODS SEIZED**

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

## **29. IMMUNITY OF AUTHORISED OFFICERS**

An action shall not be brought against any authorised officer in respect of anything done or omitted to be done by him or her in good faith in the execution or purported execution of his or her powers and duties under this Act.

## **30. ASSAULTING ETC. AUTHORISED OFFICERS**

Any person who obstructs, assaults or threatens with violence an authorised officer in the exercise of the powers conferred on him or her under this Act commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

**31. LIABILITY OF MASTER**

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

**32. RELEASE OF VESSEL ETC. ON BOND**

The court may, on application, order the release of any fishing vessel (together with its gear, stores and cargo), vehicle, fish, fishing gear, net or other fishing appliance seized under this Act on receipt of a satisfactory bond or other form of security from the owner or other person claiming such property.

**33. COURT'S POWERS OF FORFEITURE**

Where any person is convicted of an offence against this Act, the court, in addition to any other penalty imposed—

- (a) may order that any fishing vessel (together with its fishing gear, stores and cargo) and any vehicle, fishing gear, net or other fishing appliance, used in the commission of the offence be forfeited; and
- (b) shall order that any fish caught in the commission of such offence or the proceeds of sale of such fish and any explosive, poison or other noxious substance used in the commission of such offence be forfeited.

**34. PRESUMPTIONS**

- (1) Until the contrary is proved, all fish found on board any fishing vessel which has been used in the commission of an offence against this Act shall be presumed to have been caught in the commission of that offence.
- (2) Where in any legal proceedings instituted under this Act following the seizure of a foreign fishing vessel by an enforcement vessel, the place in which an event is alleged to have taken place is in issue, the place stated in a certified copy of the relevant entry in the logbook or other official record of the enforcement vessel as being the place in which the event took place shall be presumed, until the contrary is proved, to be the place in which such event took place.

**35. ONUS OF PROOF**

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

**36. DISPOSAL OF VESSEL ETC. FORFEITED**

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

**37. JURISDICTION**

Any offence against any of the provisions of this Act or any regulations made under this Act committed within the fishery waters 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, is 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.

**38. MINISTER'S POWERS TO COMPOUND OFFENCES**

- (1) Subject to subsection (4), the Minister may where he or she is satisfied that any person has committed an offence against this Act or any regulations made under this Act compound such offence by accepting on behalf of the Government from such person a sum of money not exceeding the maximum fine specified for that offence.
- (2) On compounding an offence under this section the Minister may order the release of any article seized under section 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 or she may think fit.

- (3) An offence shall not be compounded under this section unless the person who has committed the offence has expressed his or her willingness in a prescribed form that the offence be so dealt with.
- (4) The compounding of an offence under this section shall be notified in writing under the signature of both parties to the appropriate magistrate's court.
- (5) In any proceedings brought against any person for an offence against this Act or any regulation made under this Act, it shall be a defence if such person proves that the offence with which he or she is charged has been compounded under this section.
- (6) The powers conferred on the Minister by subsection (1) may be exercised by the Chief Fisheries Officer in respect of a local fishing vessel.
- (7) This section does not apply to any offence against section 24 or section 30.

## **PART 5 GENERAL**

### **39. REGULATIONS**

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



- (d) regulating the catching and utilization of fish taken incidentally when fishing for a species for which a licence has been issued;
- (e) providing for the registration and licensing of fishermen, fishing gear and other fishing appliances;
- (f) organizing and regulating sport fishing in the fishery waters;
- (g) regulating the use of scuba gear and hooka gear;
- (h) regulating or prohibiting the use of spear guns or other similar device;
- (i) regulating the landing, marketing and distribution of fish;
- (j) regulating the transiting of foreign fishing vessels through the fishery waters, including the manner in which fishing gear is to be stowed;
- (k) making provision for rewards to be paid to any person providing information on the operations of foreign fishing vessels leading to a conviction or compounding of offence under this Act;
- (l) prescribing the form of foreign fishing licences which may take the form of a written licence or a telexed or cabled authorisation;
- (m) providing for the implementation of any agreement or arrangement entered into under section 6;
- (n) regulating or prohibiting the entry into any fishing priority area, established under section 20, of any class of vessel and prescribing any activities which may not be undertaken in that area;
- (o) providing for the licensing and control of fish aggregating devices and for rights to fish aggregated by such devices;
- (p) regulating—
  - (i) the management and protection of marine reserves and fishing priority areas,
  - (ii) the taking of coral and shells,
  - (iii) the setting of fishing fences,
  - (iv) the taking of aquarium fish, and
  - (v) aquaculture development;

- (q) prescribing measures for the protection of turtles, lobsters and conches;<sup>3</sup>
  - (r) to provide for the control or prohibition of the import and export of fish;
  - (s) prescribing standards and other measures for the safety of local fishing vessels and fishermen; and
  - (t) prescribing any other matter which is required or authorised to be prescribed.
- (3) The Minister may, by regulation, provide that the breach of any regulation made under this Act constitutes an offence and may provide for penalties on summary conviction of a fine not exceeding \$5,000.

#### 40. EXEMPTIONS

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

#### 41. SAVINGS

Any Regulations, orders and notices made under the Turtle, Lobster and Fish Protection Act, and any licences, permits and other authorisations issued under that Act shall, except in so far as they are inconsistent with this Act, continue to have effect as though made or issued under this Act.

#### 42. REPEAL

The Turtle, Lobster and Fish Protection Act, 1971 is hereby repealed.<sup>4</sup>

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<sup>3</sup> *Editor's note:* Gazette notice 1067/1995 declares a moratorium on the harvesting of turtles in Saint Lucia with effect from 1 March 1996.

<sup>4</sup> *Editor's note:* S.I. 16/1985 brings into force section 42 except in respect of sections 3 to 6 of the Turtle, Lobster and Fish Protection Act, 1971.

# FISHERIES REGULATIONS

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## FISHERIES REGULATIONS – SECTION 39

(Statutory Instrument 9/1994)

Commencement [14 March 1994]

### PART 1 PRELIMINARY

#### 1. SHORT TITLE

These Regulations may be cited as the Fisheries Regulations.

#### 2. INTERPRETATION

In these Regulations unless the context otherwise requires—

“**Act**” means the Fisheries Act;

“**crayfish**” means any species of the kind or similar to those of the genera macrobrachium or atyia or belonging to the group palaemonidae, their eggs or their young;

“**fresh water shrimp**” means any species of the kind or similar to those of the genera macrobrachium or atyia or belonging to the group palaemonidae, their eggs or their young.

#### 3. APPLICATION

- (1) These Regulations apply to any fishing vessel or other vessel capable of being used for fishing within the fishery waters at a distance greater than 3 miles from the nearest land.
- (2) For ease of reference the equivalent imperial measurements for the metric measurements used in these Regulations are set out in Schedule 11.

#### 4. SAFETY EQUIPMENT

Every vessel shall carry on board—

- (a) a bailer capable of removing water from the vessel;

- (b) a hand-held compass or other compass approved by the Chief Fisheries Officer;
- (c) not less than 13.64 litres of fresh drinking water stowed in a closed container for each person on board the vessel less than 7.62 metres in length over-all or 22.73 litres per person on a vessel 7.62 metres and over;
- (d) one set of oars and one main sail;
- (e) a battery-operated water-proof flash light;
- (f) non-perishable rations stowed in a waterproof container, sufficient to sustain each person for at least 5 days;
- (g) a small glass mirror capable of being used as a reflector;
- (h) at least 2 flares suitable for use at night;
- (i) at least 2 flares suitable for use in daylight;
- (j) a sea anchor of a size and design appropriate to the vessel;
- (k) at least one lifejacket for each person on board the vessel;  
and
- (l) a radar reflector.

#### 5. FINE FOR INFRINGEMENT OF REGULATION 4

Any owner, master or charterer who contravenes the provisions of regulation 4 commits an offence and is liable on summary conviction to a fine not exceeding \$500.

## PART 2 FISHERIES ADVISORY COMMITTEE

#### 6. FISHERIES ADVISORY COMMITTEE

- (1) There is hereby established a Fisheries Advisory Committee (hereinafter referred to as “the Committee”).
- (2) The Committee shall comprise the following—
  - (a) the Permanent Secretary in the Ministry of Agriculture, who shall be the Chair;
  - (b) the Chief Fisheries Officer, 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; and
  - (d) 2 such other persons as the Minister may think fit to appoint.
- (3) The term of office of the Committee shall be for a period of 3 years.
  - (4) Five members, including the chairperson and the secretary shall constitute a quorum of the Committee.
  - (5) The names of members appointed to the Committee shall be published in the Gazette.
  - (6) The Committee may invite the Head of any Government Department or his or her representative or such other person as it may think fit to participate in its meetings where matters of concern to the Government Department or person invited are being discussed, or where it considers that the presence of that Government Department or person would benefit the deliberations of the Committee.

## **7. COMMITTEE'S FUNCTIONS**

- (1) The functions of the Committee are to advise the Minister on—
  - (a) the management and development of fisheries;
  - (b) the plan for the management and development of fisheries in the fishery waters and any review of such plan;
  - (c) the need for any amendment to the Act or Regulations;
  - (d) proposals for access agreements, joint venture investments in fisheries, or development projects in the fisheries sector;
  - (e) initiatives for the regional harmonisation of fisheries regimes, including any regional licensing scheme for foreign fishing vessels; and
  - (f) co-ordination of the policies and activities of government departments and ministries with respect to any of the matters contained in this regulation.
- (2) Subject to the provisions contained in this regulation the Committee shall have power to regulate its own proceedings.

## 8. ADDITIONAL FUNCTIONS

The Minister may assign additional functions to the Committee.

## PART 3 FOREIGN FISHING LICENCES

### 9. APPLICATION FOR FOREIGN LICENCE

An application for a foreign fishing licence shall be made to the Minister—

- (a) in writing or by cablegram or telex; or
- (b) be in the appropriate form containing the information set out in Schedule 1.

### 10. FORM OF LICENCE

The Minister may issue a foreign fishing licence which shall be—

- (a) in writing in the form set out in Schedule 2; or
- (b) in the form of a telex, cablegram or fax containing the information set out in Schedule 2.

### 11. FEES

- (1) The fees payable for the issue of a foreign fishing licence are set in Schedule 3.
- (2) Access fees, export fees and resource management fees to be determined by the Minister may be attached to a foreign fishing licence and shall be distinct from the fees mentioned in sub-regulation (1).

### 12. CONDITIONS FOR ISSUANCE OF LICENCE

The Minister shall not issue a foreign fishing licence unless he or she 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 or other charges payable under section 14 of the Act.



**13. GENERAL CONDITIONS ATTACHED TO LICENCE**

A foreign fishing licence issued under section 8 of the Act is subject to the following general conditions—

- (a) fishing shall not be undertaken in the fishery waters except as authorised by the licence;
- (b) any change in the information set out in the application form for the licence, shall be notified to the Chief Fisheries Officer as soon as is reasonably practicable and, in any case, not later than 7 days from the date of the change;
- (c) fish shall not be trans-shipped from or onto the vessel while in the fishery waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he or she may specify; and
- (d) the master of the vessel, while in the fishery waters, shall take all reasonable measures and precautions to avoid damage to any local fishing operations including non-commercial operations.

**14. CONDITIONS OF LICENCE FOR FOREIGN FISHING VESSEL**

(1) Every foreign fishing licence issued under section 8 of the Act in respect of a foreign fishing vessel of 9.14 metres or more is subject to the following further conditions—

- (a) the master of the vessel while in the fishery waters shall at all times—
  - (i) fly the vessel's State flag, and
  - (ii) display in a manner that is clearly visible from the sea and the air—
    - (A) the vessel's international radio call sign, or
    - (B) the number assigned to the vessel in its licence or on any regional register established under section 6(1)(f) of the Act;
- (b) the master of the vessel shall cause written reports to be prepared at such times as the Chief Fisheries Officer may require, setting out information on the operations of the vessel in the fishery waters;

- (c) each report referred to in paragraph (f) shall be made in such form and for such period that the Chief Fisheries Officer may require, and the report shall be delivered to the Chief Fisheries Officer within 15 days of the period to which the report applies;
- (d) the master of the vessel shall maintain a log-book on a daily basis, in a form specified by or satisfactory to the Chief Fisheries Officer, for the purpose of recording the fishing operations of the vessel while within the fishery waters;
- (e) the master shall, within 48 hours of any request made by the Chief Fisheries Officer, transmit the log-book, in its original form to the Chief Fisheries Officer, or to any person or organisation designated by the Chief Fisheries Officer. The master shall further submit any other documents specified in the request in respect of catches made by the vessel in the fishery waters or in respect of the disposition of such catches;
- (f) the log-book maintained under paragraph (h) shall be retained by the master for a period of at least 12 months following the voyage to which such log-book pertains;
- (g) the master of the vessel shall cause radio reports to be made at the following times specified by the Chief Fisheries Officer—
  - (i) immediately upon entry of the vessel into the fishery waters,
  - (ii) on any day during the period that the vessel is in the fishery waters,
  - (iii) at least 4 hours prior to the departure of the vessel from the fishery waters, and
  - (iv) at such other times as the Chief Fisheries Officer may specify;
- (h) each report made under paragraph (k) shall contain details of—
  - (i) the vessel's international radio call sign or the number assigned to the vessel in its licence or on any regional register established under section 6(1)(f) of the Act,
  - (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, and
    - (iv) such other matters relating to the fishing operations as the Chief Fisheries Officer may require;
  - (i) the master or owner of the vessel or his or her authorised local representative shall notify the Chief Fisheries Officer, or such other person or organisation as the Chief Fisheries Officer may designate, of the estimated time of entry of the vessel into any port in Saint Lucia at least 24 hours before the vessel's entry, except that a shorter period of notification may be allowed if the master of the said vessel satisfactorily proves that the vessel was in distress, or in the event of a medical emergency;
  - (j) the master of the vessel shall, while in the fishery waters, allow any person authorised in writing by the Chief Fisheries Officer to board and remain on board the vessel as an observer and shall—
    - (i) allow the observer full access to all equipment, including navigation and communication equipment, records, documents, or to any fish on board the vessel,
    - (ii) allow the observer to make tests, observations and records and to take and remove samples as he or she may reasonably require to monitor the vessel's activities in the fishery waters, and
    - (iii) provide, without charge, food and accommodation equivalent to that provided for officers of the vessel; and
  - (k) the master of the vessel shall proceed to such port or place as the Chief Fisheries Officer may require to allow an observer to board or disembark from the vessel.
- (2) The general conditions contained in paragraphs (a) to (d) of regulation 13 shall also apply to the conditions for licensing a foreign fishing vessel under regulation 14.

## **15. CONDITIONS OF LICENCE FOR FOREIGN FISHING VESSEL LESS THAN 9.14 METRES**

Every foreign fishing licence issued under section 8 of the Act in respect of a foreign fishing vessel with a length over-all of less than 9.14 metres is subject to the following conditions—

- (a) fishing shall not be undertaken in the fishery waters except as authorised by the licence;
- (b) any change in the information set out in the application form after issuance of the licence, shall be notified to the Chief Fisheries Officer as soon as is reasonably practicable and, in any case, not later than 7 days from the date of the change;
- (c) fish shall not be trans-shipped from or onto the vessel while in the fishery waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he or she may specify;
- (d) the master of the vessel, while in the fishery waters, shall take all reasonable measures and precautions to avoid damage to any local fishing operations, including non-commercial operations;
- (e) the master of the vessel shall at all times while in the fishery waters display in a manner that is clearly visible from both the sea and the air the registration or licence number assigned to the vessel by its country of origin or where no such registration or licence number has been assigned to it, such number or other marking as will adequately identify the vessel and its country of origin;
- (f) the master of the vessel shall, while in the fishery waters, maintain a record of catches and other information as the Chief Fisheries Officer may require; and
- (g) the master of the vessel shall provide information on the fishery operations carried out in the fishery waters as the Chief Fisheries Officer may require.

## **16. ADDITIONAL CONDITIONS FOR FISHING LICENCE**

Any notice or instruction given by the Chief Fisheries Officer may be incorporated into the foreign fishing licence as a further condition of the licence and may be communicated by—

- (a) radio message to the master of the licensed vessel;
- (b) letter, telex, cablegram or fax sent to the licence holder or to the authorised flag state or association representative of the licence holder; or
- (c) such other means that the Chief Fisheries Officer may consider practicable.

#### **17. RECORDS IN ENGLISH LANGUAGE**

Any records, reports, logbooks or notifications required to be maintained or made as a condition of a foreign fishing licence shall be maintained or made in English.

#### **18. STOWAGE**

For the purposes of section 9 of the Act—

- (1) Fishing gear of a foreign fishing vessel shall—
  - (a) be stowed in such a manner that it is not readily available for fishing;
  - (b) not be baited or contain any lure that may render it readily available for fishing;
  - (c) be stowed wholly on board the vessel;
  - (d) be stowed below deck, where possible; and
  - (e) be secured to some part of the superstructure or hull of the vessel when carried above deck.
- (2) All nets, trawl boards and weights shall be disconnected from the towing or hauling wires or ropes and all mechanical hauling devices shall be sufficiently disconnected as to be incapable of immediate use.

### **PART 4 LOCAL FISHING LICENCES AND REGISTRATION**

#### **19. APPLICATION FOR LOCAL FISHING VESSEL LICENCE**

Every application to the Minister for a licence in respect of a local fishing vessel shall be in the form set out in Schedule 4 and a licence so issued shall be in writing in the form set out in Schedule 5.

## 20. FEES

The fees payable for the issue or renewal of a licence in respect of a local fishing vessel are set out in Schedule 6.

## 21. GROUNDS FOR REFUSAL OF LICENCE

A licence shall not be issued or renewed in respect of a local fishing vessel unless—

- (a) an application has been made in accordance with regulation 19 and the information contained therein is true and correct in every way;
- (b) the fees prescribed under regulation 20 have been paid; and
- (c) any information requested by the Minister or the Chief Fisheries Officer and relevant to the proposed fishing operation has been provided in the manner requested.

## 22. GENERAL CONDITIONS OF LICENCE

- (1) A licence issued in respect of a local fishing vessel shall be subject to the following conditions—
  - (a) any change in the information set out in the application form for a licence shall be notified to the Chief Fisheries Officer by the licence holder as soon as is reasonably practicable and in any case not later than 7 days from the date of the said change;
  - (b) the owner of the vessel shall display the identification markings assigned to it by the Chief Fisheries Officer in such manner as the Chief Fisheries Officer may require;
  - (c) the owner of the vessel shall comply with the law relating to safety and with such safety standards as the Minister may determine by notice published in the Gazette;
  - (d) fishing shall not be undertaken except as authorised by the licence;
  - (e) fish shall not be trans-shipped from or onto the vessel except with the written permission of the Chief Fisheries Officer and in accordance with such conditions as the Chief Fisheries Officer may specify;

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Revision Date: 31 Dec 2001

- (f) the master of any vessel over 9.14 metres length-over-all shall—
    - (i) if required by the Chief Fisheries Officer, cause a log-book or other record to be maintained for the purpose of recording the fishing operations of the vessel, and
    - (ii) transmit the log-book or other record in its original and unaltered form to the Chief Fisheries Officer at such time as he or she may require;
  - (g) the master and every member of the crew of the vessel shall comply with any direction given by an authorised officer;
  - (h) the master and every member of the crew of the vessel shall be persons registered as local fishermen in a register of local fishermen;
  - (i) the master and every member of the crew shall co-operate with any authorised officer or other person designated by the Chief Fisheries Officer in compiling catch data or in the taking of samples on behalf of the Chief Fisheries Officer for statistical or scientific purposes;
  - (j) the master shall provide information as soon as is reasonably practicable and in any case, not later than 7 days, on the fishery operations carried out by the vessel outside the fishery waters, in such form and at such times as the Chief Fisheries Officer may require;
  - (k) if the vessel is fishing in the waters of a country, other than in the fishery waters of Saint Lucia, then the master of that vessel shall comply with the laws of that other country as may be recognised by the Government of Saint Lucia as having force in the waters in which the vessel is fishing; and
  - (l) the master and every 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.
- (2) Any notice or instrument given by the Minister or Chief Fisheries Officer under subregulation (1) may, after the licence has been issued, be set out as a further condition of the licence and transmitted in writing to the licence holder by such means as the Chief Fisheries Officer may consider practicable.

**23. NO BERTHING EXCEPT IN DESIGNATED LANDING AREA**

A person shall not haul up or berth any fishing vessel in any area except in a designated landing area as set out in Schedule 10.

**24. REGISTRATION OF FISHERMEN**

- (1) The Chief Fisheries Officer shall keep or cause to be kept a register of fishermen in which shall be entered—
  - (a) the name of any applicant for a licence as the charterer, owner or master of a local fishing vessel; or
  - (b) the name of any fisherman who requests in writing or in person that his or her name be registered as a local fisherman.
- (2) Every person whose name is entered in the register of fishermen shall be given a registration card and number signifying that he or she is registered as a local fisherman.
- (3) A registration card granted under subregulation (2) shall be kept in safe custody by the local fisherman to whom it is issued and shall be produced for inspection at any reasonable time when so required by an authorised officer.

## **PART 5 SPORTSFISHING LICENCES**

**25. MINISTER'S PERMISSION FOR SPORTSFISHING EVENT**

- (1) A person shall not organise or hold a sports fishing event or tournament, without the consent in writing of the Minister
- (2) In this regulation “sports fishing” means fishing by any vessel within the fishery waters for sporting purposes or for purposes other than commercial.

**26. SPORTSFISHING LICENCE**

- (1) An owner or operator of a vessel shall not permit the vessel to be engaged in sports fishing unless—



- (a) he or she holds a licence granted by the Minister under this regulation authorising the vessel to be so engaged; and
  - (b) he or she pays the prescribed fee for the licence as set out in Schedule 3.
- (2) Subregulation (1) shall not apply to a Saint Lucian owned and licensed vessel entering Saint Lucia for the purpose of participating in competitive sporting events or to a boat normally towed or carried by a vessel to which the said subregulation (1) applies.
- (3) Every application for a licence under sub-regulation (1) shall be made to the Minister in the form set out in Schedule 1 and shall be submitted—
- (a) to the customs officer at the port of entry at which the vessel first called, where the vessel enters Saint Lucia for the purpose of sports fishing; or
  - (b) to the Chief Fisheries Officer in any other case.
- (4) The licence granted under subregulation (3) shall be in the form set out in Schedule 2.

## **27. SPORTSFISHING RULES**

- (1) The following rules shall apply to sports fishing—
- (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 authorised by the relevant licence, shall not use a spear, fish trap, or a net other than a cast net or a landing net;
  - (c) the owner or operator of the vessel shall not use more than 6 rods or reels unless he or she is in possession of a licence authorising the use of more rods or reels;
  - (d) any migratory fishery resource that is caught shall not consist of more than 18 kingfish, dolphin fish or wahoo per person on the boat, and any resource not intended to be used shall not be injured unnecessarily but shall be returned to the sea alive;
  - (e) a vessel shall not have on board any turtle;

- (f) a vessel shall not have on board more than 10 conch or 6 lobsters per person at any time;
  - (g) an owner or operator of the vessel shall not catch any demersal piscine resource less than 482.6 millimetres in total length.
- (2) The limitations specified in sub-regulation (1)(d), sub-regulation (1)(e) and subregulation (1)(g) shall also apply to a Saint Lucian vessel engaged in fishing for purposes other than commercial by persons who are not Saint Lucians.

## **PART 6**

### **FISH PROCESSING ESTABLISHMENT LICENCES**

#### **28. FORM OF APPLICATION AND LICENCE**

Every application to the Minister to operate a fish processing establishment shall be in the form set out in Schedule 7 and every licence so issued shall be in the form set out in Schedule 8.

#### **29. ISSUE OF LICENCES**

The Minister shall not issue a licence to operate a fish processing establishment unless he or she is satisfied that the fish processing establishment has been constructed in such a manner as to allow for the operation of the fish processing establishment in accordance with approved standards established by law.

#### **30. FEES**

The fees payable for the issue or renewal of a licence to operate a fish processing establishment are set out in Schedule 9.

#### **31. CONDITIONS OF LICENCE**

Every licence to operate a fish processing establishment shall be subject to the following conditions—

- (a) the fish processing establishment shall be maintained and operated in a clean and sanitary manner;

- (b) accurate records relating to the operation of the fish processing establishment shall be maintained and shall include information in respect of the quantity, species and quality of fish imported, received, processed, sold or exported;
- (c) the records maintained in paragraph (b) shall be open to inspection by an authorised officer; and
- (d) the records concerning the operation of the fish processing establishment shall be submitted to the Chief Fisheries Officer as he or she may require.

## **PART 7**

### **FISHERY CONSERVATION MEASURES**

#### **32. PROHIBITION AGAINST REMOVING FROM THE FISHERY WATERS OR BEING IN POSSESSION OF LOBSTERS**

- (1) A person shall not harm, give, receive from anyone, or at any time have in his or her possession, expose for sale, sell or purchase—
  - (a) any lobster that is undersized;
  - (b) any lobster carrying eggs; and
  - (c) any lobster which is moulting.
- (2) A person shall not—
  - (a) remove the eggs from a lobster, or have in his or her possession, or sell, or purchase a lobster from which the eggs have been removed;
  - (b) spear, hook or attempt to spear a lobster;
  - (c) sell any lobster that has been speared, hooked, or otherwise impaled; and
  - (d) fish for, remove from the fishery waters, give, or at any time have in his or her possession, expose for sale, sell or purchase any lobster between 30 April to 1 September in every year, or as otherwise stated by the Minister by notice published in the Gazette and in a newspaper which is printed or circulated in the State.
- (3) In this regulation—

- (a) “**lobster**” includes the whole or any part of any lobster;
- (b) “**undersized**” means in relation to lobsters—
  - (i) less than 9.5 centimetres (3.75 ins.) in carapace length measured from the ridge at the base of the horns to the end of the carapace (back shell), or
  - (ii) if the tail has been removed, a tail weight of less than 340 grammes (12 ounces).

### 33. PROHIBITION AGAINST DISTURBING, REMOVING FROM THE FISHERY WATERS OR BEING IN POSSESSION OF TURTLES

- (1) A person shall not—
  - (a) disturb, remove from the fishery waters, expose for sale, sell, purchase, or at any time have in his or her possession any turtle eggs;
  - (b) interfere with any turtle nest, or turtle that is nesting;
  - (c) remove from the fishery waters, expose for sale, sell, purchase, or at any time have in his or her possession any undersized turtle;
  - (d) set within 100 metres of the shores of Saint Lucia any net or seine or any other artifice for the purpose of or with the intention of fishing for, catching or taking any turtle; and
  - (e) fish for, remove from the fishery waters, or at any time have in his or her possession, expose for sale, sell or purchase any turtle between 28 February to 1 October in every year, or as otherwise stated by the Minister by notice published in the Gazette and in a newspaper which is printed or circulated in the State.
- (2) In this regulation—
  - (a) “**turtle**” includes the whole or any part of any turtle;
  - (b) “**undersized**” means a weight less than—
    - (i) 27.22 kilograms for Hawksbill (*Eretmochelys imbricata*),
    - (ii) 34.02 kilograms for Green (*Chelonia mydas*) and loggerhead (*Caretta caretta*), or
    - (iii) 294.84 kilograms for leatherback (*Dermochelys coriacea*).

**34. PROHIBITION AGAINST TAKING POSSESSION OF CORALS, SPONGES OR MARINE ALGAE**

A person shall not take, collect, have in his or her possession or damage any coral, sponges or marine algae from or in the fishery waters except with the written permission of the Chief Fisheries Officer, and in accordance with any such conditions as the Chief Fisheries Officer may specify.

**35. PROHIBITION AGAINST THE SALE OF OR TAKING POSSESSION OF CONCH**

- (1) A person shall not—
  - (a) take from the fishery waters, sell, purchase, or at any time have in his or her possession any immature conch; or
  - (b) take from the fishery waters, expose for sale, purchase or at any time have in his or her possession any conch during the closed season for conch as specified by the Minister by notice published in the Gazette and in a newspaper which is printed or circulated in the State.
- (2) In this regulation—
  - (a) “**conch**” includes the whole or any part of any conch;
  - (b) “**immature conch**” means a conch with—
    - (i) a total weight of less than one kilogramme,
    - (ii) meat weight of less than 280 grammes after removal of the digestive gland,
    - (iii) a shell which is smaller than 18 centimetres in length, or
    - (iv) a shell which does not have a flared lip.

**36. PROHIBITION AGAINST THE DISTURBANCE OF SEA URCHINS**

A person shall not disturb, damage, take from the fishery waters, have in his or her possession, purchase, expose for sale, or sell any sea urchins—

- (a) except with the written permission of the Chief Fisheries Officer, and in accordance with any such conditions as the Chief Fisheries Officer may specify; or

- (b) between 30 November to 1 September of the following year, or as otherwise stated by the Minister by notice published in the Gazette and in a newspaper which is printed or circulated in the State.

### **37. PROHIBITION RELATING TO FRESH WATER SHRIMP OR CRAYFISH**

A person shall not—

- (a) disturb, remove from the rivers of Saint Lucia, expose for sale, sell, purchase or at any time have in his or her possession any eggs taken from fresh water shrimp or crayfish;
- (b) interfere with any nest of fresh water shrimp or crayfish that is nesting;
- (c) remove from the rivers of Saint Lucia, expose for sale, sell, purchase, or at any time have in his or her possession any fresh water shrimp or crayfish;
- (d) set in the rivers of Saint Lucia any net, seine or any other artifice for the purpose of or with the intention of fishing for, catching or taking any fresh water shrimp or crayfish.

### **38. PROTECTION OF MARINE MAMMALS IN BAYS AND HARBOURS**

A person shall not take, kill, damage or fish for any marine mammal or any species of marine mammals in any bay or harbour of Saint Lucia.

### **39. PROTECTION OF FISHING IN FISHING PRIORITY AREAS**

- (1) A person shall not build, construct or erect or cause to be built, constructed or erected any building or structure on, over or under any waters in any fishing priority area declared by the Minister under section 20 of the Act, which may constitute an obstruction, impediment or interference with fishing in that area.
- (2) A person shall not use any fishing priority area referred to in sub-regulation (1) for the anchorage of any yacht or vessel

except in the event of a storm or hurricane or such other natural event as would render the yacht or vessel unseaworthy.

- (3) Where a person uses such fishing priority area in the circumstances mentioned in subregulation (2) he or she shall immediately notify the Chief Fisheries Officer or such person designated by him or her, of such use; and the Chief Fisheries Officer, or such designated person may extend the time of such use on such terms and conditions as he or she deems fit.

#### **40. PROHIBITION AGAINST THE IMPORTATION, OR EXPORT OF AQUARIUM FISH**

A person shall not import, sell or export any aquarium fish without the permission of the Chief Fisheries Officer and except in accordance with any such conditions as the Chief Fisheries Officer may specify.

#### **41. RESTRICTION ON USE OF TRAPS**

- (1) A person shall not—
- (a) use a cast net with a mesh size of less than 25.4 millimetres;
  - (b) use a beach seine with a mesh size of less than 31.75 millimetres, except when no more than  $\frac{1}{3}$  of the entire length of seine is of mesh size less than 31.75 millimetres;
  - (c) use a trawl net or a bottom gillnet with a mesh size of less than 76.2 millimetres;
  - (d) use a flying fish gillnet with a mesh size of less than 19.05 millimetres;
  - (e) use a net to fish in rivers with a mesh size of less than 31.75 millimetres;
  - (f) use a trammel net for fishing purposes without the written permission of the Chief Fisheries Officer and in accordance with any conditions as the Chief Fisheries Officer may specify;
  - (g) allow a fishing net to remain in place in the sea for longer than 8 consecutive hours without the written permission of the Chief Fisheries Officer and in accordance with any conditions as the Chief Fisheries Officer may specify; or

- (h) use any fish trap or pot with a mesh size of less than 38.1 millimetres when measured across the narrow part.
- (2) In this regulation, unless otherwise stated, “mesh size” means the average of the measurements taken diagonally of any 10 consecutive meshes, each measurement being taken across the widest opening of the mesh at full stretch.

#### **42. PROHIBITION AGAINST INTERFERING WITH OR DISTURBING FISHING**

- (1) A person shall not—
  - (a) remove, haul, take away, empty or cast adrift any fishing net, fish pot or trap, gear, tackle or other fishing equipment belonging to some other person without the consent of that other person;
  - (b) place any object in the water, or promote or undertake any activities so as to obstruct a fishing operation of a fisherman unless authorised in writing by the Chief Fisheries Officer;
  - (c) destroy, damage, displace, or alter the position of any fishing net, fish pot or trap, gear, tackle, other fishing equipment or any buoy, float or other marker connected to it;
  - (d) remove fish from the fishing net, fish pot or trap, tackle or other fishing equipment belonging to another person, without that other person’s consent;
  - (e) insert grass or other material into the meshes of any fishing net, fish pot or trap to reduce the size of the meshes; or
  - (f) set or place any fish pot or trap without an identifying mark issued or approved by the Chief Fisheries Officer.
- (2) Any fish in a fishing net, or fish pot or trap is deemed to be private property belonging to the owner of such fishing net, or fish pot or trap.

#### **43. APPLICATION FOR SCUBA AND HOOKAH LICENCE**

- (1) A person shall apply to the Minister for a licence to operate a SCUBA or Hookah diving facility.



- (2) A person shall not—
  - (a) operate a SCUBA or Hookah diving facility in Saint Lucia without a licence issued by the Minister;
  - (b) use SCUBA or Hookah diving gear without being registered to do so by a Fisheries Officer;
  - (c) use SCUBA or Hookah diving gear for fishing unless authorised to do so in writing by the Chief Fisheries Officer; or
  - (d) contravene the conditions of the licence issued by the Minister to operate a SCUBA or Hookah diving facility.
- (3) In these Regulations—
  - (a) “**SCUBA diving gear**” means diving equipment which allows the user to remain submerged for a prolonged period of time without surface air supply;
  - (b) “**Hookah diving gear**” means diving equipment which allows the user to remain submerged for a prolonged period of time with surface air supply.

#### 44. RESTRICTION ON USE OF SPEAR GUN

- (1) Application for permission to use a spear gun in the fishery waters of Saint Lucia shall be made to the Chief Fisheries Officer.
- (2) A person shall not use a spear gun or fishing gun for fishing in the fishery waters without having first obtained written permission from the Chief Fisheries Officer and in accordance with any conditions as the Chief Fisheries Officer may specify.
- (3) Despite the provisions of subregulation (2) a person shall not use a spear gun for fishing in the fishery waters of Saint Lucia while using SCUBA or Hookah gear.
- (4) Subject to subregulation (5), the Chief Fisheries Officer may grant his or her permission, upon an application made under subregulation (1), and may specify conditions to the grant of his or her permission as he or she deems necessary.
- (5) The use of a spear gun for fishing is prohibited in a Marine Reserve.

**45. PROHIBITION AGAINST POLLUTION OF AQUATIC ENVIRONMENT**

- (1) A person, company, or their employees or agents shall not put or cause to be put any poison, noxious substance or other pollutant into the fresh, estuarine, or marine waters of Saint Lucia.
- (2) Any costs incurred by the Department of Fisheries for remedial action in respect of any pollution may, in addition to any fine imposed, be borne by the person or company found guilty of an offence under this regulation.

**46. RESTRICTION ON USE OF MARINE RESERVE**

A person shall not use a Marine Reserve for recreational or other purposes except with the written permission of the Chief Fisheries Officer and in accordance with any such conditions as the Chief Fisheries Officer may specify.

**47. RESTRICTION ON IMPORT AND EXPORT OF FISH**

A person shall not import fish into Saint Lucia or export fish caught in the fishery waters of Saint Lucia except with the written permission of the Chief Fisheries Officer and in accordance with the conditions as he or she may specify.

**48. SCIENTIFIC RESEARCH**

- (1) The Minister may authorise any person or class of persons to perform such acts, for the purpose of engaging in scientific research, which would otherwise constitute an offence under this regulation.
- (2) An authorisation given under this regulation may be subject to such terms and conditions as the Minister thinks fit.
- (3) It is a defence to a prosecution for a breach of a regulation that the person charged was authorised under subregulation (1) at the time of the alleged offence to perform such acts in respect of which the charge was preferred.

**49. OFFENCES AND PENALTIES**

Any person who contravenes or fails to comply with any of the provisions of these Regulations commits an offence and, unless otherwise provided for in the Act, is liable on summary conviction to a fine not exceeding \$5,000.

**PART 8  
MISCELLANEOUS****50. REWARDS**

- (1) The Minister may authorise payment of a reward to any person who provides information leading to a conviction or to the compounding of an offence under the Act or under these Regulations.
- (2) Any reward referred to in subregulation (1) shall be paid from the sums paid in compounding the offence, and shall not exceed  $\frac{1}{3}$  of those sums, as the Minister may determine.

**SCHEDULE 1**

(Regulation 9(b))

Form A

**APPLICATION FORM FOR A FOREIGN FISHING VESSEL LICENCE  
(FOR A VESSEL WITH AN OVERALL LENGTH OF 9.14 METRES OR  
MORE)**

**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 ( )

I, ..... hereby apply for a fishing licence to fish in the fishery waters of Saint Lucia.

- 1. Name of vessel .....
- 2. Name of owner .....
- 3. Address of owner .....
- 4. Name of charterer .....
- 5. Country of registration .....
- 6. Country of registration number .....
- 7. Details of radio ..... /Frequency .....
- Number of channels ..... /Radio call signs .....
- 8. Operational base or bases (port/country) .....
- 9. Name of vessel master .....
- 10. Type of fishing operations .....

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11. Proposed fishing areas .....
12. Period of licence requested (maximum 12 months) .....
13. Proposed commencement date of fishing operations .....
14. If previously licensed under the Act, state the number of the last licence held .....
15. If previously licensed under the Act, specify any changes to information previously provided .....
16. Current fishing licences held elsewhere in the region (state the number of each licence and the name of each licensing country) .....
17. Address of vessel master .....
- Safety equipment/gadgets on vessel .....

**QUESTIONS 18 — 29 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.**

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

- 28. Type of fishing operation .....
- 29. Type and quantity of fishing gear to be used .....

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

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within 7 days of the change.

Signature of Applicant ..... Date .....

Specify whether owner, charterer or agent .....

Print name of Applicant .....

Address of Applicant .....

CAUTION: 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.

(Regulation 9(b))

FORM B

APPLICATION FORM FOR A FOREIGN FISHING LICENCE (FOR A VESSEL WITH AN OVERALL LENGTH OF LESS THAN 9.14 METRES)

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, ( )

I ..... hereby apply for a fishing licence to fish in

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the fishery waters.

1. Name of vessel .....
2. Name of owner .....
3. Address of owner .....
4. Name of charterer .....
5. Country of registration .....
6. Country of registration number .....
7. Details of radio (if any) ..... /Frequency .....
- Number of Channels ..... /Radio call sign .....
8. Operational base or bases (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, state the number of the last license held .....
16. If previously licensed under the Act, specify any changes to information previously provided .....
- Safety equipment/gadgets on vessel .....

**QUESTIONS 17 – 21 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.**

17. Normal total number of crew .....

- 18. Overall length .....
- 19. Engine power .....
- 20. Type of fishing operation .....
- 21. Type and quantity of fishing gear to be used .....

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within 7 days of the change.

Signature of Applicant ..... Date .....

Specify whether owner, charterer or agent .....

Print name of applicant .....

Address of applicant .....

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

(Regulation 26(3))

FORM C

APPLICATION FORM FOR A SPORTSFISHING LICENCE

( )

- 1. Name of applicant .....
- 2. Address .....
- 3. Name of vessel .....
- 4. Description of vessel .....



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- 5. Registration number of vessel .....
- 6. Port of registration .....
- 7. Number of persons onboard vessel .....
- 8. Type and description of fishing gear to be used in sports fishing  
.....  
.....  
.....
- 9. Duration of stay in Saint Lucia  
.....
- 10. Safety equipment/gadgets on vessel .....

.....  
*Signature of Applicant*

.....  
*Date*

**SCHEDULE 2**

(Regulation 10(b))

LICENCE NUMBER .....

**FOREIGN FISHING LICENCE**

( )

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

Name of vessel: .....

Name of licence holder: .....

Licence period from:     /     /     to     /     /     .

Radio call sign (regional register No.) or registration No.: .....

**SPECIAL CONDITIONS**

Authorised fishing areas: .....

Authorised fishing times: .....

Authorised fishing operations: .....

Authorised target species/quota (where available): .....

**OTHER SPECIAL CONDITIONS**

Permitted trans-shipment (where available)

Permitted use of fish aggregating devices (where applicable)

.....

*Minister*

.....

*Date*

LICENCE NUMBER: .....

(Regulation 26(4))

**SPORTS-FISHING LICENCE**

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No: .....

This licence is granted to .....authorising him or her to engage in fishing conducted for sporting purposes by means of .....

(name and description of vessel) .....

registration number .....

This licence:

- (a) shall not be transferred or assigned;
- (b) authorises only the vessel named and described in the licence to engage in fishing conducted for sporting purposes;
- (c) authorises maximum use of 6 reels;
- (d) authorises a maximum catch of fishery resource as may be stipulated in the Regulations.

Additional conditions

This licence expires on .....

Dated this                      day of                      20                      .

.....  
*Minister*

**SCHEDULE 3**

(Regulation 11 (1))

**FEES FOR FOREIGN FISHING LICENCE**

<i>Size of vessel (overall length)</i>	<i>Fees payable per year</i>
Less than 9.14 metres	\$ 500.00
9.14 metres to 18.29 metres	\$1000.00
18.29 metres	\$2000.00

### FEES FOR SPORTSFISHING LICENCE

Licence to engage in sportsfishing:

- (a) for vessels entering Saint Lucia—
- (i) on which will be used not more than 6 reels \$ 200.00 per trip or \$1000.00 per annum.
  - (ii) on which will be used more than 6 reels \$7000.00 per annum
- (b) Other vessels \$0.66 per metre per annum

### SCHEDULE 4

(Regulation 19)

#### APPLICATION FORM FOR A LOCAL FISHING VESSEL LICENCE

( )

INSTRUCTIONS — Underline Surnames.

For “address” provide as much detail as possible.

If not applicable, write NA – leave no blanks.

Specify units of measurement if not metric.

ADDRESS TO — The Chief Fisheries Officer, ( )

I ..... hereby apply for a local fishing vessel

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licence for the vessel described below:

1. Name of vessel .....
2. Name and age of owner ...../..... yrs.  
and address .....
3. Name and address of charterer .....
4. Name and address of any other person having an interest in the  
vessel .....
5. Registration marks and number .....
6. International radio call sign (if any) .....
7. Name and age of master .....
- and address .....
8. Nature of fishing operation to be undertaken (X as appropriate)
  - (a) trolling
  - (b) trapping
  - (c) longlining
  - (d) seining
  - (e) gillnetting
  - (f) trawling
  - (g) handlining
  - (h) any other
9. Navigational and safety equipment .....

- 10. Colour of vessel (inside/outside) .....
- 11. Fishing registration number of owner, charterer or captain .....
- 12. Nature of vessel (attached full description, including hull construction, main engine type and power, where and when built history of use) .....
- 13. Number of crew expected .....
- 14. Fish storage capacity for each storage method .....
- 15. Operational base .....
- 16. Fishing area .....

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

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within 7 days of the change.

.....

*Signature of Applicant*

.....

*Date*

Specify whether owner or charterer

Print name of applicant

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

**SCHEDULE 5**

(Regulation 19)

LICENCE NUMBER .....

LOCAL FISHING VESSEL LICENCE

( )

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

Name of vessel: .....

Name of licence holder: .....

Licence period: From / / to / /

Vessel registration number: .....

Radio call sign: .....

Special conditions

Permitted trans-shipment operations (where applicable)

Permitted use of fish aggregating devices (where applicable)

.....

Minister.

.....

Date

SCHEDULE 6

(Regulation 20)

FEEES FOR LOCAL FISHING VESSEL LICENCES

<i>Size of vessel (overall length)</i>	<i>Fees</i>	
	<i>Registration</i>	<i>Licence per annum</i>
Less than 3.05 metres	No fee	No fee
3.05 metres to 9.14 metres	\$25.00	\$5.00
9.14 metres to 18.29 metres	\$250.00	\$100.00
Over 18.29 metres	\$500.00	\$250.00

**SCHEDULE 7**

(Regulation 28)

**APPLICATION FORM FOR FISH PROCESSING ESTABLISHMENT LICENCE**

( )

INSTRUCTIONS — Underline surnames.

For “address” provide as much detail as possible.

If not applicable, write NA – leave no blanks.

Specify units of measurement if not metric.

ADDRESS TO — The Minister, ( )

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

1. Name of applicant .....
2. Address of establishment .....
3. Name and address of owner of establishment .....  
.....
4. Name and address of lessee (if leased) .....



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- .....
- 5. Kinds of fish to be processed .....
- Sources of supply .....
- 6. Nature of processing operation (attach full particulars)
- 7. Principal place/country for marketing .....
- .....

Signature of Applicant ..... Date .....

Specify whether owned or leased .....

Print name of Applicant .....

**SCHEDULE 8**

(Regulation 28)

LICENCE NUMBER: .....

**FISH PROCESSING ESTABLISHMENT LICENCE**

( )

The person named as the licence holder below is hereby licenced in accordance with section 17 of the Fisheries Act to use the premises described below as a fish processing establishment in accordance with the conditions set out in this licence.

Name of licence holder: .....

Licence period: From / / to / /

Address of the fish processing establishment: .....

.....

The species of fish authorised to be processed: .....

.....

The type of processing authorised to be carried out: .....

.....

FURTHER CONDITIONS

.....

*Minister.*

.....

*Date*

**SCHEDULE 9**

(Regulation 30)

FEES FOR FISH PROCESSING ESTABLISHMENT LICENCE

For fish processing establishment of any kind – \$500.00 per annum

**SCHEDULE 10**

(Regulation 23)

- Designated Landing Areas:
- Gros Islet Beach and Marine Entrance
  - Cas-en-bas
  - Esperance Harbour
  - Marisule Beach
  - Castries (Fish Marketing Corporation)
  - Castries (Tapion)
  - Castries (Conway)

Castries (Bananes)  
 Anse La Verdue  
 Roseau Bay  
 Marigot de Roseau  
 Anse La Raye Beach  
 Anse Mahaut  
 Canaries  
 Anse John  
 Anse l'Ivrogne  
 Choiseul  
 Anse de la Riviere Doree  
 Anse Mamain  
 Soufriere Bay  
 Coin de l'Anse Soufriere  
 Trou Babier  
 Laborie Bay  
 Vieux Fort Jetty  
 Vieux Fort Market area  
 Anse de Sables  
 Palmiste  
 Micoud Beach  
 Praslin  
 Dennery Beach

## SCHEDULE 11

(Regulation 3)

### IMPERIAL EQUIVALENTS FOR METRIC MEASUREMENTS

<i>Regulation</i>	<i>Metric Measurements</i>	<i>Equivalent Imperial Measurements</i>
4 (c)	13.64 litres	3 gallons
	7.62 metres	25 feet
	22.73 litres	5 gallons

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14 (1)	9.14 metres	30 feet
15	9.14 metres	30 feet
22 (f)	9.14 metres	30 feet
27 (1) (g)	482.6 millimetres	19 inches
32 (3) (b) (i)	9.5 centimetres	3.75 inches
32 (3) (b) (ii)	340 grammes	12 ounces
33 (2) (b) (i)	27.22 kilograms	60 pounds
33 (2) (b) (ii)	34.02 kilograms	75 pounds
33 (2) (b) (iii)	294.84 kilograms	650 pounds
35 (2) (b) (i)	1 kilogram	2.24 pounds
35 (2) (b) (ii)	280 grammes	9.88 ounces
35 (2) (b) (iii)	18 centimetres	4.9 inches
41 (1) (a)	25.4 millimetres	1 inch
41 (1) (b)	31.75 millimetres	1 1/4 inches
41 (1) (c)	76.2 millimetres	3 inches
41 (1) (d)	19.05 millimetres	3/4 inch
41 (1) (e)	31.75 millimetres	1 1/4 inches
41 (1) (h)	38.1 millimetres	1 1/2 inches
Schedule 1		
Form A	9.14 metres	30 feet
Form B	9.14 metres	30 feet

## **FISHERIES (SNORKELLING LICENCE) REGULATIONS – SECTION 39**

(Statutory Instrument 223/2000)

Commencement [ 11 November 2000 ]

### **1. CITATION**

These Regulations may be cited as the Fisheries (Snorkelling Licence) Regulations.

### **2. INTERPRETATION**

In these Regulations unless the context otherwise requires—

“**Act**” means the Fisheries Act;

“**Chief Fisheries Officer**” has the same meaning assigned to it under section 2 of the Act;

“**Minister**” has the same meaning assigned to it under section 2 of the Act;

“**snorkelling facility**” means a building wharf, vessel or any base from which snorkelling is offered or conducted as a recreational activity;

“**snorkelling**” means the use of a diving mask or other gear operated with or without fins or other propulsion including a personal water vehicle.

### **3. APPLICATION FOR SNORKELLING LICENCE**

- (1) A person shall not operate a snorkelling facility in Saint Lucia without a licence issued by the Minister.
- (2) A person who is desirous of operating a snorkelling facility shall apply to the Minister in the Form prescribed in Schedule I to these Regulations.
- (3) Subject to these Regulations, the Chief Fisheries Officer may specify conditions applicable to licences granted in terms of these Regulations.

- (4) The fees payable for the issue or renewal of a licence shall be as set out in Schedule 2 and the Minister may amend Schedule 2.
- (5)
- (1) A licence issued under these Regulations shall be for a period of one year from the date of issue, renewable annually on payment of the prescribed fee.
  - (2) The Minister may—
    - (a) refuse to grant or renew a licence;
    - (b) revoke a licence,if in his or her opinion it is in the best interest of the management of the fisheries in the fishery waters.
- (6)
- (1) The Chief Fisheries Officer shall keep a register into which he or she shall register all holders of snorkelling licences.
  - (2) The register shall be in such form as the Chief Fisheries Officer shall determine.
- (7) Any person who contravenes or fails to comply with any of the provisions of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding \$ 5,000.

## SCHEDULE 1

(Regulation 3(2))

### Proposed Licence Application Form:

#### APPLICATION FORM FOR A SNORKELLING FACILITY

**INSTRUCTION:** Underline surnames for “address” provide as much detail as possible.

**ADDRESS TO:** The Minister, Ministry of Agriculture, Forestry and Fisheries, Government Building, Waterfront, Castries.

I .....hereby apply for a licence to operate a snorkelling facility from the following base and in the manner described below:

1. Name of Applicant: \_\_\_\_\_

2. Address of Facility: \_\_\_\_\_

3. Name and Address of owner of the Facility: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Name and Address of Lessee (if leased): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. Name, Address and Qualifications of Operator/Manager: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Detailed Description of Nature of Operation to be Undertaken  
(*proposed types for snorkelling, group size range, number of trips per month, number of qualified snorkel leaders, list of snorkel trip locations, etc.*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Names and description of vessels to be used by facility:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Estimated annual capacity (number or person snorkelling on trips per year):

\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



## **SCHEDULE 2**

(Regulation 3(4))

### **LICENCE FEES**

<i>Snorkelers per Annum</i>	<i>Fee (\$)</i>
< 1000	100
1000–3000	450
>3000	1,000