

ANGUILLA

# REVISED STATUTES OF ANGUILLA

## CHAPTER F40

# FISHERIES PROTECTION ACT

Showing the Law as at 15 December 2000

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# FISHERIES PROTECTION ACT

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FISHERIES PROTECTION ACT

**Interpretation**

**1.** In this Act—

"authorised person" means a person referred to as such in section 3;

"fishery limits" means the area of the territorial sea of Anguilla and the fisheries zone contiguous thereto established by the Proclamation made the 6th day of November, 1981 set out in the Schedule;

"fisheries officer" means a person appointed as such under section 3;

"marine product" includes any fish, aquatic animal and vegetable matter living in water, turtles, coral, cetacea, crustacea or molluscs;

"vehicle" includes aircraft;

"vessel" includes hovercraft.

**Application of Act and jurisdiction of Magistrate**

**2.** This Act shall apply to Anguilla and to the fishery limits and, for the avoidance of doubt, it is hereby declared that the Magistrate's Court shall have jurisdiction in relation to proceedings for any offence against this Act, or any regulations made hereunder which is committed within the fishery limits.

**Fisheries officers**

**3.** The Governor may from time to time by notice published in the *Gazette* appoint such fisheries officers as may be requisite, one of whom shall be designated as Chief Fisheries Officer.

**Powers of authorised officers**

**4.** (1) Every fisheries officer, police officer, and member of the armed forces of Her Majesty, (hereinafter in this Act referred to as an "authorised person") shall have and may exercise the following powers without a warrant—

(a) to stop, board and search using such force as is reasonably necessary any vessel within the fishery limits;

(b) to require to be produced or examined and to take copies of any licence required under this Act or any regulations made hereunder, or any certificate of registry, customs clearance, ship's log, passenger list, crew list, manifest, bill of lading or other official document relating to the vessel;

(c) to require the master of any vessel to appear and to make explanation concerning the vessel and her crew or any other persons on board;

(d) to make any examination or enquiry which he deems necessary to ascertain whether any offence under this Act or any regulations made hereunder has been committed;

(e) where he has reasonable grounds to believe that an offence under this Act or any regulations made hereunder has been, is being or is about to be committed to enter and search, using such force as is reasonably necessary, any vehicle or any premises, other than premises used exclusively as a dwelling house, and seize therein anything appearing to him to be connected with the commission of any such offence and to seize any vessel, vehicle or any other property appearing to him to be used or to have been used in connection with any such offence.

(2) Any vessel or other thing seized under the provisions of this section and any person on board shall be taken to the nearest or most convenient port or to a police station in Anguilla and the vessel and any other thing and the persons on board may be detained.

(3) Any authorised person, if he has reasonable cause to suspect that an offence against this Act or any regulations made hereunder has been committed, pursue a vessel beyond the fishery limits and the powers conferred by this Act shall be exerciseable beyond the fishery limits to the extent recognised by international law.

(4) A fisheries officer shall produce on demand from any person reasonably requiring him to do so such means of identification as may be necessary to show that he is a fisheries officer.

**Protection of authorised officers**

**5.** No action shall lie against any authorised person in respect of anything done or omitted to be done by him in good faith in the exercise of powers conferred under section 4.

**Assault, etc., of authorised officers**

**6.** Any person who—

(a) assaults or obstructs any authorised person while acting in the exercise of his powers under this Act; or

(b) refuses or neglects to comply with any requisition or direction lawfully given, or refuses to answer any question lawfully put, by an authorised person;

is guilty of an offence and is liable on summary conviction to a fine of $10,000 or to imprisonment for 1 year or to both

**Regulations**

**7.** (1) The Governor may make regulations generally for the protection, management and development of fisheries resources.

(2) Without prejudice to the generality of subsection (1), the Governor may make regulations providing for all or any of the following purposes—

(a) prohibiting, restricting or regulating the taking, capturing, killing or destroying of any kind of species of marine product or of any kind or species of marine product of any specified size or description within the fisheries limits either generally or at any particular time or in any particular area;

(b) providing for the granting and revocation of licences, containing such conditions as may be specified, for the taking, capturing, killing or destroying of all or any species of marine product;

(c) restricting, regulating or controlling the methods and apparatus used in connection with the taking, capturing, killing or destroying of any species of marine product;

(d) prohibiting, restricting, regulating or controlling the marketing or exporting of any species of marine product or of any particular class or grade of marine product whether in a manufactured state or not;

(e) prohibiting, restricting, regulating or controlling the curing, canning, processing or manufacturing of any species of marine product and the grading thereof, and in particular specifying the type, size or grade of marine product to be cured, canned, processed or manufactured;

(f) providing for the examination or inspection of all or any species of marine product taken, captured, killed or destroyed;

(g) providing for the examination or inspection of any net, gear, boat or apparatus used in connection with the taking, capturing, killing or destroying of any species of marine product;

(h) prescribing any other matter which is required or authorised to be prescribed;

(i) providing for the charging and collection of fees, royalties or charges for licences issued under regulations made under this Act.

(3) Regulations made under this section may provide that the breach of any regulation made under this section shall be an offence and may provide for forfeiture of any vessel, or marine product or any other thing connected with any such offence and for penalties on summary conviction consisting of a fine not exceeding $50,000 and imprisonment for 1 year for a first offence, or a fine of $250,000 and imprisonment for 2 years for a second or subsequent offence.

**Sale of perishable matter**

**8.** (1) Any marine product or other property 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 as if the same were property seized under the provisions of this Act.

(2) Where, after making all reasonable efforts, the Chief Fisheries Officer is unable to sell the marine product or other property referred to in subsection (1), or where the same is unfit for sale, the Chief Fisheries Officer may dispose of it or any part of it, in such manner as he thinks fit.

**Disposal of property forfeited**

**9.** Anything ordered to be forfeited under this Act or any regulations made under this Act shall be disposed of in such manner as the Governor may direct.

**Disposal of property not forfeited**

**10.** Anything seized under and in accordance with the provisions of this Act which is not ordered to be forfeited shall be returned to the person from whom it was seized or any other person who appears to the Governor to be entitled to receive it, but, where the person from whom such thing was seized is not in Anguilla and no other person in Anguilla appears to the Governor to be entitled to receive such thing, the Chief Fisheries Officer shall publish in the *Gazette* a notice stating that unless the person from whom the thing was seized or any other person entitled to receive it submits to the Governor a claim in writing for the return of the thing to him within 3 months of the date of the notice, the thing will be deemed to have been forfeited and may be dealt with in accordance with section 9.

**Burden of proof**

**11.** In any proceedings for an offence under this Act or any regulations made hereunder, the onus of proving that a licence issued under regulations made under this Act was in force authorising the defendant to do any act shall be upon the defendant.

**Citation**

**12.** This Act may be cited as the Fisheries Protection Act, Revised Statutes of Anguilla, Chapter F40.

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**SCHEDULE**

(Section 1)

**FISHERIES ZONE**

STATUTORY RULES AND ORDERS

1981 No. 28

Proclamation establishing a fisheries zone contiguous to the territorial sea of Anguilla.

BY HER MAJESTY'S COMMISSIONER IN ANGUILLA

A PROCLAMATION

**Charles Henry Godden**
**Her Majesty's Commissioner**

I, Charles Henry Godden, Her Majesty's Commissioner in Anguilla, acting in pursuance of instructions given by Her Majesty through a Secretary of State, DO HEREBY PROCLAIM AND DECLARE that –

1. There is established for Anguilla a fisheries zone contiguous to the territorial sea of Anguilla.

2. The said fisheries zone has as its inner boundary the outer limits of the territorial sea of Anguilla and as its seaward boundary a line drawn so that each point on the line is two hundred nautical miles from the nearest point on the low-water line on the coast or other baseline from which the territorial sea is measured, or, unless another line is declared by Proclamation, the median line where this is less than two hundred nautical miles from the baseline. The median line is a line every point of which is equidistant from the nearest points of the baseline of Anguilla and the corresponding baselines of other countries or territories.

3. Her Majesty will exercise the same jurisdiction in respect of fisheries in the said fisheries zone as She has in respect of fisheries in the territorial waters of Anguilla subject to such provisions as may hereafter be made by law for the control and regulation of fishing within the said zone.

Given under my hand this 18th day of November, 1981

GOD SAVE THE QUEEN

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