

R.M.A.T

REPUBLIC OF KIRIBATI

**FISHERIES ORDINANCE (CAP.33)**

(Section 22)

**FISHERIES (PROTECTION OF BONEFISH ON KIRITIMATI) REGULATIONS 2008**

**PART I – PRELIMINARY**

**1. Citation**

These Regulations may be cited as the *Fisheries (Protection of Bonefish on Kiritimati) Regulations 2008*.

**2. Interpretation**

In these Regulations, unless the context otherwise requires-

'bonefish' means a fish of the genus *albul*, known in Kiribati as te *ikari*;

'fishing guide' means a person engaged in the business of providing fishing guide services for tourists and licensed as such by the Kiritimati Island Council;

'Secretary' means the Secretary of the Ministry for the time being responsible for fisheries;

'tourist' means a person present in Kiribati in accordance with a visitor's permit issued under section 10 of the *Immigration Ordinance*;

'tourist fishing permit' means a permit issued under regulation 6; and

"vessel" includes an outboard motor boat, canoe or catamaran.

'waters of Kiritimati' means the internal waters and territorial seas of Kiritimati.

**3. Application**

These Regulations shall apply to Kiritimati and the waters of Kiritimati.

**PART II – OFFENCES**

**4. Fishing by tourists**

(1) No tourist shall fish within the waters of Kiritimati unless authorised to do so under

a tourist fishing permit.

- (2) No tourist shall use a net (other than a dip net) to fish.
- (3) Any person who contravenes sub-regulation (1) or (2) commits an offence and is liable upon conviction to imprisonment for not more than six months and a fine not exceeding \$1000.

#### 5. **Offences**

- (1) Any person who catches, kills, fishes for or possesses a bonefish, otherwise than in accordance with the provisions of a valid tourist fishing permit, commits an offence.
- (2) Any person who sells or offers for sale bonefish or any product derived from bonefish commits an offence.
- (3) It is a defence to a prosecution on a charge of catching or killing a bonefish under sub-regulation (1) if the person charged satisfies the court that, on becoming aware of the catching of the fish, the person took immediate steps to return the fish to its natural environment with the least possible injury.
- (4) Any person who contravenes any provision of this Regulation is liable upon conviction to imprisonment for not more than six months and a fine not exceeding \$1000.

### **PART III - PERMITS**

#### 6. **Tourist fishing permits**

- (1) The Secretary may issue a tourist fishing permit to any tourist upon payment of the fee set out in the Schedule.
- (2) A permit issued under sub-regulation (1) may be subject to such conditions as the Secretary deems appropriate.
- (3) A tourist fishing permit shall be valid for one week from the date of issue, but may be renewed.
- (4) The Secretary shall maintain a register of all tourist fishing permits.

#### 7. **Research permits**

- (1) The Secretary may issue to any person a permit which authorises conduct which would otherwise contravene these Regulations if the proposed conduct is for research purposes.

- (2) A permit issued under sub-regulation (1) may be subject to such conditions as the Secretary deems appropriate.
- (3) It is a defence to a prosecution for a contravention of these Regulations if the person charged satisfies the court that the person was the holder of a permit issued under sub-regulation (1) that authorised the act or omission constituting the offence.

## **PART IV – AUTHORISED OFFICERS**

### **8. Additional powers of authorised officers**

In addition to the powers conferred by the *Fisheries Ordinance*, an authorised officer may, for the purpose of ascertaining whether there is, or has been, any contravention of these Regulations-

- (a) stop, board and search any vessel;
- (b) stop and search any person who the authorised officer reasonably believes is transporting fish or fish products;
- (c) seize any fishing gear which the authorised officer reasonably believes has been used in the commission of an offence against the provisions of these Regulations;
- (d) seize any fish which the authorised officer reasonably believes have been taken or fish products produced in the commission of an offence against the provisions of these Regulations; and
- (e) make such examination and enquiry concerning any fish or fishing gear as may appear necessary to the authorised officer.

### **9. Wildlife wardens**

A wildlife warden appointed pursuant to section 4 of the *Wildlife Conservation Ordinance* shall be an authorised officer for the purposes of these Regulations.

### **10. Fishing guides may be appointed as authorised officers**

The Secretary may, by notice in writing, appoint one or more fishing guides to be authorised persons for the purposes of these Regulations.

## PART V-MISCELLANEOUS

### 11. **Extended jurisdiction of magistrates' court**

A magistrates' court may hear any criminal proceedings arising in or from a charge made before such court that any person has committed, or is suspected of committing, within the area of authority of such court, any offence against the provisions of these Regulations.

### 12. **Residence order**

When any person is liable to conviction for an offence under these Regulations, the magistrates' court may, in addition to or instead of any penalty imposed in respect of that offence, make an order under section 37 of the *Penal Code*.

### 13. **Court may order payment of reward**

- (1) Where a person is convicted of an offence under these regulations, in addition to any other penalty imposed, the court may order that person to pay to the Secretary a sum (not to exceed \$500) to be paid by the Secretary as a reward to any person or persons who the court considers has assisted in the investigation or prosecution of an offence.
- (2) Payment of any sum ordered to be paid under sub-regulation (1) may be enforced in the same manner as in the case of the payment of a fine.

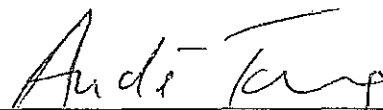
SCHEDULE

(Regulation 4)


**Fees for tourist fishing permits**

For the issue of a tourist fishing permit	US\$50.00
For the renewal of a tourist fishing permit	US\$25.00

Dated this 21st day of February, 2008

  
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ANOTE TONG  
Beretitenti, acting in accordance  
with the advice of Cabinet

Published by exhibition at the Office of the Beretitenti this 21st day of February 2008

  
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TAAM BIRIBO  
Ag. Secretary to the Cabinet