**REPUBLIC OF KIRIBATI**

**(No.1 of 2026)**

I assent,

Beretitenti

28/7/2026

**AN ACT**

**entitled**

# AN ACT TO AMEND THE FISHERIES ACT 2010

Commencement ,
2026

Made by the Maneaba ni Maungatabu and assented to by the Beretitenti

## 1. Short Title and Commencement

This Act may be cited as the Fisheries (Amendment) Act 2026 and it shall come into force on such date as the Minister may by notice appoint.

## 2. Meaning of the Principal Act

The principal Act means the Fisheries Act 2010 as amended.

## 3. Amendment to section 8

Section 8 of the principal Act is amended as follows –

(1) In subsection (6) by deleting the entire subsection and substitute the following –

"8(6) If the vessel is used in contravention of this section –

a) the fishing master and the master of the vessel are each liable on conviction:

(i) for a contravention of subsection (2) to a fine not exceeding $3,000,000.

(ii) for a contravention of subsection (3) or (4) to a fine not exceeding $750,000.

(iii) for a contravention of subsection (5) to a fine not exceeding $500,000.

b) the owner and charterer of the vessel are each liable on conviction:

(i) for a contravention of subsection (2) to a fine not exceeding $3,000,000

(ii) for a contravention of subsection (3) or (4) to a fine not exceeding$1,500,000.

(2) By inserting a new subsection (9) immediately after subsection (8) as follows –

(9) If the master, fishing master, owner and charterer fails to pay the fine as prescribed in subsection (6) (a) and (b) the vessel shall be detained until payment."

**4. Amendment to section 12A**

Section 12A of the principal Act is amended as follows –

(1) By repealing subsection 3(c) and substituting the following–

"3(c) applicant entering into a contract with the Minister that set out the obligations of the applicant to the Ministry as determined by the Director with the approval of the Minister and that includes provisions with respect to benefit sharing, traceability and intellectual property rights.

(2) In subsection (4) by –

(a) inserting, at the last paragraph, a full stop immediately after the figure $30,000,000; and

(b) deleting "and to imprisonment for 10 years".

(3) By inserting a new subsection (5) immediately after subsection (4) as follows–

(5) Scientific research conducted pursuant to a license or authorization issued under this section shall be conducted in accordance with the Protocol on Marine Scientific Research adopted under the Seabed Minerals Act 2017."

**5. Amendment to section 14A**

Section 14A of the principal Act is amended by deleting subsection (2) and (3) and substituting the following –

"(2) A person who contravene subsection (1) (a) commit an offence and shall be liable to a fine not exceeding $5,000."

"(3) A person who contravenes subsection (1)(b) or (c) commits an offence and shall be liable to a fine not exceeding $1,000,000."

**6. Amendment to Part 5A**

Part 5A of the principal Act is repealed and substitute the following:

**"Part 5A**
**Food Safety, Quality and Export**

**14C. Competent Authority and Kiribati Seafood Toxicology Laboratory**

(1) In addition to the responsibilities of the Minister under section 4, the Minister is also responsible to ensure the safety, quality and compliance of seafood products for domestic consumption and export.

(2) In exercising the powers under subsection (1) the Minister may establish the following entities –

(a) a Competent Authority to regulate, control, supervise and monitor the fish processing establishment operated under this Act or under any other laws; and

(b) the Kiribati Seafood Toxicology Laboratory to conduct chemical and microbiological testing to detect high value compound and contaminants including heavy metals, biotoxins, pesticides, veterinary residues, and microbial pathogens in seafoods.

(3) The regulations may prescribe for anything that needs to be prescribed for the proper operation and enforcement of the Competent Authority and the Seafood Toxicology Laboratory requirements."

**7. Amendment to section 16**

Section 16 of the principal Act is amended by deleting subsection (5) and substituting the following –

"(5) If the fishing vessel is used in contravention of a condition of the authorization:

(a) the fishing master and the master of the vessel are each liable on conviction to a fine of $1,000,000 and

(b) the owner and any charterer of the vessel are each liable on conviction to a fine of $3,000,000."

**8. Amendment to section 23**

Section 23 of the principal Act is amended by inserting a new section (2A) immediately after section (2) –

"(2A) Where any assets or property is subject to a Memorandum of Understanding (MOU) with the Ministry, and an enforcement officer has reasonable grounds to believe that any terms or condition of that MOU has been breached, the enforcement office may seize and take possession of the property."

**9. Amendment to section 27**

Section 27 of the principal Act is amended at subsection (4) by inserting a full stop immediately after the figure $1,500,000 and delete "and imprisonment for 5 years".

**10. Insertion of Section 28C**

Section 28C is inserted immediately after section 28B as follows –

**"28C. Bribery**

(1) Any person, including a master, owner, charterer, crew or agent of a fishing vessel who offers, promises or gives a financial or other advantages, with the intention of procuring or rewarding an observer or a person appointed as an enforcement officer under this Act commits an offence and shall be liable to a fine not exceeding $5,000.

(2) Any person, including observers or enforcement officers, who receives offers, promises, financial benefits in all kinds or other advantages with the intent to influence their actions or decisions whether directly or indirectly while performing their duties under this Act commits an offence and shall be liable to a fine not exceeding $5,000.

(3) Despite subsection (2), an observer may accept such offer, promises, etc only in the following circumstances:

(a) that his safety will be in danger if he rejects the offer, promise, etc;

(b) that he records everything that he received and submit it to his superior upon returning; and

(c) that he does not use such offer, promises, etc for his personal gain."

**11. Amendment to section 29**

Section 29 of the Principal Act is amended by inserting a new subsection immediately after subsection (5) as follows –

"(6) A conviction of an offence under this section shall not include imprisonment or any form of corporal punishment."

**12. Amendment to section 30**

Section 30 of the principal Act is amended by inserting a new subsection (4) immediately after subsection (3) as follows –

"(4) Where a bond or other security has been paid under this section, the vessel and its crew that was seized under this section shall be promptly released."

**13. Amendment to section 40**

Section 40 of the principal Act is amended by inserting a new subsection (4) immediately after subsection (3) as follows –

"(4) Where the Minister and the Attorney General agree to accept payment of an administrative penalty under this section, all crew members of the foreign vessel and the vessel shall be released when the payment is made, or where there is no evidence of payment within 48 hours of agreeing to accept payment of the administrative penalty, released forthwith after the 48 hours period has expired."

**14. Insertion of new Sections 44A and 44B**

Section 44 of the principal Act is amended by inserting new sections 44A and 44B immediately after section 44 as follows –

**"44A. Flag State to be notified.**

Where a foreign vessel has been detained or its crew arrested under this Act, the Minister shall promptly cause the flag state of the vessel and crew to be notified of the detention or arrest and of any penalties imposed.

**44B Conflict**

Despite section 2(5), where there is a conflict between a provision of this Act, or a regulation made under this Act, and a provision of another Act or regulation, the provisions of this Act, or a regulation made under this Act prevail over any other Act or regulation."

**15. Amendment to Section 45**

Section 45 of the Principal Act is amended as follows –

(1) In subsection (2) –

(a) by deleting paragraph (y) and substitute the following:

(y) provision of penalties for contraventions of the regulation of a fine not exceeding $1,500,000

(b) by inserting a new paragraph (z) as follows –

(z) for the effective operation of the Laboratory – standards for testing and certification, procedures for sample collections and reporting, and fees and penalties for non-compliance."

(2) By inserting the following subsections immediately after subsection (2) –

(3) A regulation made under this Act may be of general application or specific to any person or persons or class or classes in its application.

(4) A class described in the regulation made under this Act may be described according to any characteristic or combination of characteristics and may be described to include or exclude any specified member, whether or not with the same characteristics.

(5) A regulation may prescribe different procedures for different classes of information.

(6) A regulation may adopt in whole or in part and with such changes as the Minister considers necessary, any treaty, protocol, code, standard, guideline or procedure and require compliance with the thing as adopted.

(7) If a regulation under subsection (6) so provides, a treaty, protocol, code, standard, guideline or procedure adopted by reference shall be a reference to it, as amended from time to time, and whether the amendment was made before or after the regulation was adopted.

(8) Where an administrative penalty is prescribed under this Act or a regulation made under this Act, the prescription may set out specific amounts of administrative penalties or provide that the amounts of administrative penalties be based on the type of the contravention in question, on the contravention history of the person required to pay the administrative penalty or on whether the person is or is not a natural person.

(9) Subsections (3) to (7) apply, with necessary modifications, to an international conservation and management measure that is adopted by way of publication under section 7B."

**FISHERIES AMENDMENT ACT 2025**

**EXPLANATORY MEMORANDUM**

This Act amends the Fisheries Act 2010 and it subsequent amendments. The amendments implement assorted legal fisheries issues identified over the past several years. The amendments also bring the Act into compliance with Article 73 of the United Nations Convention on the Law of the Sea [UNCLOS].

The amendment to section 8 brings the Act into compliance with Article 73 of the UNCLOS

Clause 12 A (3) (c) is amended to ensure that the contract that is entered into to control marine genetic research contains provisions that address benefit sharing, traceability and intellectual property rights. Its further amend subsection (4) and insert a new subsection (5) to bring the Act into compliance with Article 73 of the UNCLOS.

The amendment to sections 14A brings the Act into compliance with Article 73 of the UNCLOS.

The amendment to Part 5A introduces the new Part 5A which establishes both the Competent Authority and Kiribati Seafood Toxicology Laboratory, including their roles and mandate. It also provides for the proper operation and enforcement of these bodies through a regulations.

The amendment to section 16 brings the Act into compliance with Article 73 of the UNCLOS.

The amendment to section 23 is by inserting a new subsection (2A) to provides with the power of an enforcement officer to size and take possession of any assets and property that are subject to any memorandum of understanding (MOU) between the Ministry and other bodies or authorities.

The amendment to section 27 again brings the Act into compliance with Article 73 of the United Nations Law of the Sea.

The new Section 28C introduces the offence of bribery applicable to both those who offer and those who accept. Subsection (3), however provides circumstances where an observer or an enforcement officer may not be subject to bribery.

The amendment to section 29, 30 and 40 brings the Act into compliance with Article 73 of the United Nations Law of the Sea.

The new Section 44A brings the Act into compliance with Article 73 (4) of the United Nations Law of the Sea while Section 44B clarifies that where there is a

conflict between the Fisheries Act or a regulation made under the Fisheries Act and any other Act or regulation that the Fisheries Act and regulations prevail over any other Act or regulation.

The amendments to Section 45 broaden the regulation making powers under the Act and ensures that treaties, protocols, codes, guidelines, standards and measures that are adopted continue to apply to the law of Kiribati even when they are amended in the future. This will support the implementation of electronic monitoring and reporting systems and the implementation of other emerging technologies. It will also provide for procedures to support cameras on fishing vessels by way of a Memorandum Of Understanding (MOU) between the Ministry and vessel owners.

Ribanataake Tiwau
**Hon. Minister for Fisheries and Ocean Resources**

**LEGAL REPORT**

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Ms Pauline Beiatau,
**Attorney - General**

**CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression of the Fisheries (Amendment) Act 2026 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 13th April 2026 and is found by me to be a true and correctly printed copy of the said Bill.

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**Eni Tekanene**
**Clerk of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this ..... day of ..... 2026.

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**Eni Tekanene**
**Clerk of the Maneaba ni Maungatabu**