

*Fisheries (Pacific Island States' Treaty
with the United States) Act 1988*

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THE REPUBLIC OF KIRIBATI

**FISHERIES (PACIFIC ISLAND STATES' TREATY WITH THE
UNITED STATES OF AMERICA) ACT 1988**

ARRANGEMENT OF SECTIONS

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6. Offences and penalties, etc.

**An Act to give effect to the Treaty on Fisheries Between the Governments
of Certain Pacific Island States and the Government of the United States of
America and for connected purposes**

Commencement:

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

- Short title **1.** This Act may be cited as the Fisheries (Pacific Island States' Treaty with the United States of America) Act 1988 and shall come into force on such date as the Minister may appoint by notice.
- Interpretation **2. (1)** In this Act, unless the context otherwise requires -
- "applicable national law" has the meaning assigned to it in the Treaty;
- "Pacific Island State" has the meaning assigned to it in the Treaty;
- "Treaty" means the treaty between the Governments of Certain Pacific Island States and the Government of the United States of America, to which Kiribati is a party, a copy of which is set out in the Schedule to this Act.

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Treaty to have
the force of law

3. (1) Subject to the Constitution and the provisions of this Act the Treaty shall have the force of law in Kiribati.

(2) If there is any inconsistency between the provisions of any applicable national law in force in Kiribati and the provisions of the Treaty, the provisions of the Treaty shall, to the extent of such inconsistency, prevail.

Savings

4. This Act shall not affect any legal proceedings begun or any rights or liabilities accruing or arising out of an occurrence before the date of commencement of this Act.

Power of Minister
to make orders

5. Without prejudice to the powers of the Minister under any other law the Minister may, by order, make such provisions not inconsistent with the Constitution or this Act or the Treaty as he may consider necessary or expedient for giving full effect to the provisions of the Treaty.

Offences and
penalties

6. (1) Where a fishing vessel to which the Treaty applies is used in contravention of the Treaty or any applicable national law the master, owner and charterer, if any, of such vessel shall (without prejudice to any other penalty prescribed by or contained in such applicable national law) each be guilty of an offence and be liable on conviction to a fine not exceeding \$250,000.

(2) The master, owner, charterer or any member of the crew of a fishing vessel to which the Treaty applies shall not be liable to imprisonment or corporal punishment on conviction for an offence under the Treaty or any applicable national law.

(3) Where the master, owner, charterer or any member of the crew of a fishing vessel to which the Treaty applies is in pre-trial custody in respect of an offence which amounts to a breach of the Treaty or any applicable national law, he shall be promptly released if he enters into a bond for a reasonable amount or furnishes a reasonable security to appear before the appropriate court for trial.

SCHEDULE

[omitted]