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CHAPTER 3. HARVESTING OF TROCHUS

ARRANGEMENT OF SECTIONS

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An Act to regulate the harvesting of trochus, and for related purposes.

Commencement: February 11, 1983
Source: P.L. 1983-15

§ 1. Short title.

This Act may be cited as the "Marine Resources (Trochus) Act 1983". [P.L. 1983-15, § 1.]

§ 2. Interpretation.

In this Act:

- (a) "open season", in relation to any part of the waters to which this Act applies by virtue of Section 3 of this Act, means an open season declared under Section 5 of this Act in relation to that area;
- (b) "Minister" means the Minister of Resources and Development;
- (c) "trochus" means *trochus niloticus*, *trochus maximus*, *tectus niloticus* or *tectus maximus*. [P.L. 1983-15, § 2.]

§ 3. Application of this Act.

This Act applies to the internal waters and the territorial waters of the Republic. [P.L. 1983-15, § 3.]

§ 4. Regulation of harvesting of trochus.

Except as permitted by or under this Act, the taking or harvesting of trochus, or any intentional or reckless interference with the growth of trochus, in the waters to which this Act applies is prohibited. [P.L. 1983-15, § 4.]

§ 5. Open season.

(1) The Cabinet may from time to time declare, in relation to any part of the waters to which this Act applies, an open season of trochus.

(2) A declaration under Subsection (1) of this Section shall be published in the *Government Gazette* and in such other ways as the Cabinet or the Minister directs.

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(3) An open season with respect to any part of the waters to which this Act applies shall not exceed three (3) months in any period of twelve (12) months. [*P.L. 1983-15, § 5.*]

§ 6. Permitted taking of trochus in open season.

- (1) The taking or harvesting of trochus is permitted in an open season only:
- (a) by a citizen of the Republic living in an area in which he has, in accordance with customary law, a right to fish; or
 - (b) under a fishing license issued under the Marshall Islands Marine Resources Authority Act 1988 that specifically authorizes the taking of trochus.

(2) Subsection (1) of this Section does not extend to the taking or harvesting of trochus whose shell is less than three (3) inches in diameter at the base. [*P.L. 1983-15, § 6, modified.*]

§ 7. Removal for replanting, etc.

(1) The Minister may, at any time, grant to any person a permit to remove and transport trochus from an area for the purpose of its introduction or propagation in any other area.

(2) If the Cabinet determines that any underwater operations, or proposed underwater operations, that will or may interfere with a trochus bed are in the public interest, it may grant a permit for the removal and transplanting of the bed at the expense of the person conducting or desiring to conduct the underwater operations.

(3) A permit under this Section shall be in writing, and may be made subject to such conditions as the Minister or the Cabinet, as the case may be, thinks proper.

(4) A permit under this Section takes effect notwithstanding anything in the Marshall Islands Marine Resources Authority Act 1988. [*P.L. 1983-15, § 7, modified.*]

§ 8. Enforcement.

Any contravention of or failure to comply with the provisions of this Act or of a permit under Section 7 of this Act may be dealt with, and the same consequences ensue, as if it were a contravention of or failure to comply with the provisions of the Marshall Islands Marine Resources Authority Act 1988. [*P.L. 1983-15, § 8.*]

Note: The Marine Resources Jurisdiction Act 1978 [*P.L. 25-1 (1978); P.L. 1979-4; P.L. 1987-17*] was repealed by the Marshall Islands Marine Resources Authority Act 1988 (P.L. 1988-12). Accordingly, references to that Act were substituted by reference to the Marshall Islands Marine Resources Authority Act 1988 by the Commissioner.