



# ST. CHRISTOPHER AND NEVIS

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### GAZETTE NOTICE

His Honour the Deputy Governor-General has been pleased to assent to the following Ordinances on 28th April, 1995:—

- No. 1 of 1995   —  The Nevis Limited Liability Company Ordinance, 1995.
- No. 2 of 1995   —  The Nevis International Exempt Trust (Amendment) Ordinance, 1995.
- No. 3 of 1995   —  The Nevis Business Corporation (Amendment) Ordinance, 1995.

The following Ordinances are circulated in this issue of the *Gazette* and form part thereof:—

- No. 1 of 1995   —  The Nevis Limited Liability Company Ordinance, 1995.
- No. 2 of 1995   —  The Nevis International Exempt Trust (Amendment) Ordinance, 1995.
- No. 3 of 1995   —  The Nevis Business Corporation (Amendment) Ordinance, 1995.

Dated 12th May, 1995.

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**SAINT CHRISTOPHER AND NEVIS**

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**STATUTORY RULES AND ORDERS****1995, No. 11**

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**FISHERIES REGULATIONS 1995.**

MADE by the Minister under Section 40 of the Fisheries Act, 1984 (No. 4 of 1984).

**PART I – PRELIMINARY****SHORT TITLE**

1. These Regulations may be cited as the Fisheries Regulations 1995.

**FISHERIES ADVISORY COMMITTEE**

2. The Minister may establish a Fisheries Advisory Committee for the purposes of the Act.

**PART II – SAFETY EQUIPMENT****SAFETY EQUIPMENT**

3. (1) All safety equipment carried aboard shall bear the name of the vessel either engraved or written with indelible material.
- (2) Every vessel shall carry on board:—
- (a) a bailer capable of removing water from a vessel;
  - (b) a hand held compass or other compass approved by the Chief Fisheries Officer;
  - (c) not less than 1 gallon of fresh drinking water stowed in a closed container for each person on board the vessel;
  - (d) one set of oars or one main sail or both;
  - (e) a battery-operated water-proof flash light in good working condition;
  - (f) non-perishable rations stowed in a water-proof container sufficient to sustain each person for at least 5 day

- (g) a small mirror capable of being used as a reflector;
- (h) at least 2 flares suitable for use at night;
- (i) at least 2 flares suitable for use in daylight;
- (j) a sea anchor of size and design appropriate to the vessel;
- (k) at least one life jacket for each person on board the vessel;

### **PART III – FOREIGN FISHING LICENCES**

#### **APPLICATIONS**

4. Every application for a foreign fishing licence shall be as prescribed under these Regulations and such application form may be obtained from the Chief Fisheries Officer.

#### **LICENCE**

5. Every foreign fishing licence shall be issued under these Regulations.

#### **FEES**

6. (1) The fee payable for the issue of a licence in respect of a foreign fishing vessel is the amount set out in Schedule I to these Regulations.

(2) No foreign fishing licence shall be issued unless the Minister is satisfied that any fees payable in respect of that licence have been paid and that adequate arrangements have been made for the payment of any royalties and other charges payable under Section 14 of the Act.

#### **REGIONAL REGISTER OF GOOD STANDING**

7. (1) In this section,

"Regional Register" means the register of fishing vessels established by the Organization of East Caribbean States Fisheries Unit.

"Good Standing" in relation to a foreign fishing vessel means the original status to vessels when accepted for inclusion on the regional register in accordance with the criteria agreed upon by the member states of the Organization of Eastern Caribbean States (OECS).

(2) No licence shall be issued in respect of a foreign fishing vessel unless that vessel is registered on a regional register and the vessel for which the licence is sought has good standing on the register.

#### **GROUND FOR REFUSAL OF A LICENCE**

8. No licence in respect of a foreign fishing vessel may be issued or renewed unless:

- (a) an application has been made in accordance with Regulation 4 and is true and correct;
- (b) any information requested by the Minister or Chief Fisheries Officer and relevant to the proposed fishing operation has been provided in the manner requested;
- (c) the fee prescribed under Regulation 6 has been paid; and
- (d) conditions stipulated on the licence have not been violated.

#### **LOCAL REPRESENTATIVE**

9. No licence shall be issued in respect of a foreign fishing vessel unless a local representative is appointed who is authorized to act on behalf of the master, owner, or charterer of that vessel and who is able to accept legal responsibility on behalf of the owner, master, charterer for any action juridical or otherwise.

#### **STOWAGE OR GEAR**

10. The following is the prescribed manner in which fishing gear shall be stowed for the purpose of section 9 of the Act.

(1) Any foreign fishing vessel that is not licensed under part III or under any regional access agreement shall keep its fishing gear stowed in such a manner as not to be readily available for fishing.

(2) The following particular requirements shall apply to the specified categories of vessels:

(a) in the case of purse seiners:

(i) the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;

(ii) the helicopter, if any, shall be tied down;

(iii) launches shall be secured.

(b) in the case of trawlers, all nets, trawlboards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the vessel.

(3) For the purpose of this regulation and of section 9 of the Act, the term "fishing gear" includes any net, hook, float, pole, rope, trap, boat or helicopter that may be used in the act of fishing.

(4) Where the fishing gear of a foreign vessel which is prohibited by section 8 of the Act from fishing within the fishery waters is not stowed in a manner prescribed

above while within the fishing waters, the master, owner and charterer of that vessel is each guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

#### **PART IV – LOCAL FISHING LICENCE AND BOAT REGISTRATION**

##### **FORM OF REGISTRATION/LICENCE AND APPLICATION**

11. Every licence in respect of a local fishing vessel and every application for such licence shall be issued on application made to the Chief Fisheries Officer on the prescribed form.

##### **FEEES**

12. The fees payable on application for, or renewal of a licence in respect of a local fishing vessel is the amount set out in Schedule II to these Regulation.

##### **GROUND FOR REFUSAL OF A LICENCE**

13. No licence may be issued or renewed unless:

- (a) an application is made in accordance with Regulation 11 and is true and correct in every way;
- (b) any information requested by the Minister or Chief Fisheries Officer and relevant to the proposed fishing operation has been provided in the manner requested;
- (c) the fee prescribed in Regulation 12 has been paid;
- (d) conditions stipulated on the licence have not been violated.

#### **PART V – FISH PROCESSING ESTABLISHMENT LICENCE**

##### **APPLICATIONS**

14. Every licence to operate a fish processing establishment and every application for such a licence shall be issued on application made to the Chief Fisheries Officer on the prescribed form.

##### **ISSUE OF LICENCES**

15. No licence to operate a fish establishment shall be issued unless the Minister is satisfied that the establishment has been constructed and is being maintained in such a manner as to allow for its operation in accordance with any applicable standards set out by law.

##### **FEEES**

16. The fee payable for the issue or renewal of a licence to operate a fish processing

establishment is the amount set out for establishment of that kind in Schedule III to these Regulations.

#### **LICENCE CONDITIONS**

17. Every licence to operate a fish processing establishment shall be subject to the following conditions:

- (a) The establishment shall be maintained and operated in a clean and sanitary manner.
- (b) Accurate records shall be maintained relating to the operations carried out in the establishment, including records of the quantity, species and quality of fish received, processed, sold or exported, and all such records shall be open to inspection by any authorized officer.

#### **PART VI – FISHERY CONSERVATION MEASURES**

##### **LOBSTER**

18. (1) In this Regulation:

- (a) "lobster" includes the whole or any part of a lobster.
- (b) "under-sized" means less than 9.5 cm (3.75 ins) in carapace (back) length measured from immediately behind the rostral horns to the rear edge of the telson or carapace.

(2) No person shall harm, take, have in his possession, sell or purchase:

- (a) any lobster carrying eggs; or
- (b) any lobster which is undersized; or
- (c) any lobster which is moulting.

(3) No person shall capture any lobster other than by hand, loop, pot or trap.

(4) No person shall have in his possession or sell any lobster that has been speared, hooked or otherwise impaled.

(5) No person shall remove the eggs from a lobster, or have in his possession, sell or purchase a lobster from which the eggs have been removed.

(6) The Minister may by Notice published in the *Gazette* declare the period 1st May to August 31st in any year as a closed season.

(7) No person shall fish for lobster during the period of a closed season for lobsters.

(8) No person shall land from a fishing vessel any lobster that is not whole.

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**TURTLES**

19. (1) In this regulation –

- (a) "turtle" includes the whole or any part of any turtle;
- (b) "undersized" means a weight less than the weight specified below;
  - (i) Leatherback turtles (Dermochelys coriacea) 158.18kg (350 lbs)
  - (ii) Green turtle (Chelonia mydas) 81.66 kg (180 lbs)
  - (iii) Hawksbill turtle (Eretmochelys imbricata) 38.6 kg (85 lbs)
  - (iv) Loggerhead turtle (Caretta caretta) 72.59 kg (160 lbs)
- (c) "fishery waters" includes the beach.

(2) No person shall –

- (a) disturb, remove from the fishery waters, expose for sale, purchase or at any time have in his possession any turtle eggs;
- (b) remove from the fishery waters, expose for sale, sell, purchase or at any time have in his possession any undersized turtle;
- (c) interfere with any turtle nest, or any turtle that is nesting;
- (d) set within 300 yds of the shores of St. Christopher and Nevis any net or seine or any other device for the purpose of or with the intention of fishing for, catching or taking any turtle; and
- (e) fish for, remove from the fishery waters, or at any time have in his possession, expose for sale, sell or purchase any turtle between the 28th day of February to the 1st day of October in every year, or as otherwise stated by the Minister by notice published in the *Gazette*.

**CONCH**

20. (1) In this Regulation, "immature conch" means:

- (a) a conch, the shell of which is smaller than 18 centimeters in length; or
- (b) a conch, the shell of which does not have a flared lip; or
- (c) a conch with a total meat weight of less than 225 grams (0.5 lbs) after removal of the digestive gland.

(2) No person shall take, sell or purchase or have in his possession any "immature conch".

(3) The Minister may by Notice published in the *Gazette* declare any period or

area or both as closed for conch fishing.

(4) No person shall fish for conch during the period of a closed season for conch.

(5) This regulation relates to the Queen Conch Strombus gigas.

#### **CORAL, SPONGES, MARINE ALGAE AND SEASTARS**

21. No person shall take or collect or have in his possession any coral, sponge, marine algae or seastars from the fishery waters, or beach except with the written permission of the Chief Fisheries Officer in accordance with such conditions as he may specify.

#### **AQUARIUM FISH**

22. No person shall import, sell or export any aquarium fish except with the written permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

#### **FISHERIES RESEARCH**

23. This part of these Regulations shall not apply to fishing operations which are conducted solely for the purpose of fisheries research provided that permission has been granted in respect of such operations by the Chief Fisheries Officer under Section 24 of the Act and that the operations are carried out in accordance with the conditions of such permission.

#### **RESTRICTION ON USE OF SPEAR GUNS**

24. No person shall use a spear gun (fish gun) for fishing in the waters of Saint Kitts and Nevis without first having obtained written permission from the Chief Fisheries Officer for the use of that type of fishing gear in the fishery waters in Saint Christopher and Nevis.

#### **MINIMUM MESH SIZE FOR NETS AND TRAPS**

25. (1) The minimum size of a seine shall not be less than one inch square.

(2) The mesh size of a "ballyhoo net" shall not be less than one half of an inch square.

(3) The mesh size for fish trap (fish pot) wire shall not be less than two inches.

#### **FISHING (USING SCUBA OR HOOKAH)**

26. No one shall use SCUBA OR HOOKAH gear for fishing within the Fishery waters of St. Kitts and Nevis unless special approval is given in writing by the Chief Fisheries Officer.

#### **MARINE RESERVES**

27. All temporary visitors wishing to dive in the waters of the state shall be allowed



to do so only through a locally licensed operator unless special approval is given in writing by the Chief Fisheries Officer.

### **DIVING FACILITIES**

28. (i) A person shall be required to apply to the Chief Fisheries Officer for a license to operate a SCUBA or HOOKAH diving facility.

(ii) All operators shall be registered with the Chief Fisheries Officer.

(iii) All operators shall ensure that all diving associated equipment is properly maintained according to standard operating procedures.

### **TANK (SCUBA) FILLING STATIONS**

29. (i) A person shall possess some form of identification attesting to an acceptable level of SCUBA certification e.g. (PADI) Professional Association of Diving Instructors or (NAUI) National Association of Underwater Instructors.

(ii) No tank shall be accepted by a filling station unless the following conditions are met.

(a) it possess a current internal inspection stamp.

(b) it is filled for certified divers.

(c) the tank is inspected and tested by a company legally registered to do so.

### **MOORINGS**

30. All boats wishing to stay in a Marine Reserve or Dive site must use the moorings provided. Where there are no moorings special permission must be given by the Chief Fisheries Officer for anchoring in accordance with such condition as he may specify.

### **FISH AGGREGATING DEVICES**

31. (i) No person shall place a fish aggregating device in the waters of St. Kitts and Nevis except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify or which are otherwise specified in this Part.

(ii) Permission to place a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

(iii) The master of any vessel placing a fish aggregating device shall notify the Chief Fisheries Officer of the nature of the location of the device within one month or such other period as the Chief Fisheries Officer may specify.

### **Designated Fish Aggregating Device**

32. (i) The Chief Fisheries Officer may, by notice published in the *Gazette*,

declare any fish aggregating device to be designated fish aggregating device for the purpose of this regulation.

(ii) No person shall fish within a radius of one nautical mile from a designated fish aggregating device except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify.

(iii) The Chief Fisheries Officer may, by notice published in the *Gazette*, declare that any class of persons who are citizens of St. Kitts and Nevis may fish within a radius of one nautical mile from a designated fish aggregating device or a class of designated fish aggregating devices.

#### **Marking of Devices**

33. Any fish aggregating device placed in the Fishery waters of St. Kitts and Nevis shall:

- (i) be clearly marked with the name of the owner and of the vessel from which the device was placed;
- (ii) bear a radar, reflector and such other equipment or markings as the Chief Fisheries Officer may from time to time require.

#### **Disposal of Unauthorized Devices**

34. Any fish aggregating device placed in the fishery waters of St. Kitts and Nevis otherwise than in accordance with a permission given under regulation 31 or found in the St. Kitts and Nevis waters without a marking or a piece of equipment required under regulation 33 may be used or disposed of in such a manner as the Chief Fisheries Officer may direct.

#### **FISHING PRIORITY AREAS**

35. Vessels entering or leaving ports in St. Kitts and Nevis should not make passage through Fishing Priority Areas or Marine Reserves unless special permission is given in writing by the Chief Fisheries Officers in accordance with such conditions as he may specify.

### **PART VII – MISCELLANEOUS PROVISION**

#### **PROHIBITION AGAINST INTERFERING WITH OR DISTURBING FISHING**

36. No person shall –

- (a) remove, harm, take away, empty or cast adrift any fishing net, fish pot or trap, gear, tackle or other fishing equipment belonging to some other person without the consent of that other person;
- (b) place any object in the water, or promote or undertake any activities so as

to obstruct a fishing operation of a fisherman unless authorized in writing by the Chief Fisheries Officer;

- (c) destroy, damage, displace, or alter the position of any fishing net, fish pot or trap, gear, tackle, other fishing equipment or any buoy, float or other marker connected to it;
- (d) remove fish from the fishing net, fish pot or trap, tackle or other fishing equipment belonging to another person, without that other person's consent;
- (e) insert grass or other material into the meshes of any fishing net, fish pot or trap or reduce the size of the meshes; or
- (f) set or place any fish pot or trap without an identifying mark issued or approved by the Chief Fisheries Officer.

#### **PROTECTION OF FISHING IN FISHING PRIORITY AREAS**

37. (1) No person shall build, construct or erect or cause to be built, constructed or erected any buildings, structure on, over or under any waters in any fishing priority area declared by the Minister under section 21 of the Act, which may constitute an obstruction, impediment or interference with fishing in that area.

(2) No person shall use any fishing priority area referred to in sub-Regulation (1) for the anchorage of any yacht or vessel except in the event of a storm, hurricane or such other natural event as would render the yacht or vessel unseaworthy.

(3) Where a person uses such fishing priority area in the circumstances mentioned in sub-regulation (2) he shall immediately notify the Chief Fisheries Officer or such person designated by him, of such use; and the Chief Fisheries Officer, or such designated person may extend the time of such use on such terms and conditions as he deems fit.

#### **POLLUTION**

38. (i) No person, company, or their employees or agents shall put or cause to be put any poison, noxious substance or other pollutants into the fishery waters of St. Kitts and Nevis.

(ii) Any costs incurred for remedial action in respect of any pollution may, in addition to any fine imposed be borne by the person or company found guilty of an offence under this regulation.

#### **OFFENCES AND PENALTIES**

39. Any person contravening any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

**SCHEDULE I****(Regulation No. 6)****FEES FOR FOREIGN FISHING LICENCES**

<u>Size of Vessel (overall length)</u>	<u>Fee Payable per year</u>
Less than 30 feet (9.68 metres)	1000 dollars
30 feet or more up to 60 feet (19.36 metres)	2000 dollars
Over 60 feet	4000 dollars

**SCHEDULE II****(Regulation No. 12)****FEES FOR LOCAL FISHING VESSEL LICENCES**

<u>Size of vessel (overall length)</u>	<u>Fees payable per year</u>
Less than 10 feet (3.23 metres)	no fees
10 feet or more up to 30 feet	25 dollars
30 feet or more up to 60 feet (19.36 metres)	50 dollars
Over 60 feet	500 dollars

**SCHEDULE III****(Regulation No. 16)****FEES FOR FISH PROCESSING ESTABLISHMENT LICENCE**

For fish processing establishment of any kind.	\$500.00
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Made this 19th day of June, 1995.

HUGH C. HEYLIGER,  
Hugh C. Heyliger  
*Minister of Agriculture, Lands,  
Housing and Development.*