

SAINT VINCENT AND THE GRENADINES

STATUTORY RULES AND ORDERS

2017 NO.

(Gazetted 2017)

IN EXERCISE of the powers conferred by section 45 of the Fisheries Act, Chapter 59, the Minister makes the following Regulations –

FISHERIES (PREVENTION OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING) REGULATIONS 2017

1. These Regulations may be cited as the Fisheries (Prevention of Illegal, Unreported and Unregulated Fishing) Regulations 2017. **Citation**
2. In these Regulations, unless the context otherwise requires – **Interpretation**
 - “conservation and management measures” mean measures to conserve and manage one or more species of living marine resources and that are adopted and in force in accordance with the relevant rules of international law or any other law;
 - “contracting party” means a contracting party to the international convention or agreement establishing a regional fisheries management organisation, as well as States, fishing entities or any other entity that cooperate with such an organisation and have been granted cooperating non-contracting party status with respect to such organisation;
 - “fishery products” has the meaning assigned under the Fisheries (Fish and Fish Products) Regulations; **Cap. 59**
 - “fishing authorisation” means entitlement to engage in fishing activities;
 - “fishing vessel” means any vessel of any size used or intended for use for the purposes of commercial exploitation of fishery resources including –

- (a) support ships;
- (b) fish processing vessels;
- (c) vessels engaged in transshipment;
- (d) carrier vessels equipped for the transportation of fishery products, except container vessels; and
- (e) vessels used in or equipped for provisioning, servicing, repairing or maintaining any vessel of a foreign fishing fleet;

“flag State” means the State whose flag a fishing vessel is entitled to fly;

“illegal fishing” means fishing activities –

- (a) conducted by national or foreign fishing vessels in maritime waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- (b) conducted by fishing vessels flying the flag of States that are contracting parties to a relevant regional fisheries management organisation, but which operate in contravention of the conservation and management measures adopted by that organisation and by which those States are bound, or of relevant provisions of the applicable international law;
- (c) conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organisation;

“illegal, unreported and unregulated fishing” or “IUU fishing” means fishing activities that are illegal, unreported or unregulated;

“regional fisheries management organisation” means a subregional, regional or a similar organisation with competence, as recognised under international law, to establish conservation and management measures for

living marine resources placed under its responsibility by virtue of the convention or agreement by which it is established;

“the Act” means the Fisheries Act;

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“transhipment” means the unloading of all or any fish or fishery products on board a fishing vessel to another fishing vessel;

“unregulated fishing” means fishing activities –

- (a) conducted in the area of application of a relevant regional fisheries management organisation by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organisation or by any other fishing entity, in a manner that is not consistent or contravenes the conservation and management measures of the organisation;
- (b) conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with State responsibilities for the conservation of living marine resources under international law;

“unreported fishing” means fishing activities –

- (a) that have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations;
- (b) that have been undertaken in the area of competence of a relevant regional fisheries management organisation and have not been reported, or have been misreported, in contravention of the reporting procedures of that organisation.

Landing of fish or fishery products

3. (1) Fish or fishery products to be landed in Saint Vincent and the Grenadines by a foreign fishing vessel shall be accompanied by a catch certificate.

**Landing of fish
or fishery
products**

- (2) A catch certificate referred to in subregulation (1) shall –
 - (a) be validated by the flag State of the foreign fishing vessel or foreign fishing vessels that made the catches from which the fish or fishery products have been obtained; and
 - (b) be submitted to the Chief Fisheries Officer at least forty-eight (48) hours before the estimated time of arrival of the foreign fishing vessel at a port of entry.
- (3) A catch certificate referred to in subregulation (1) –
 - (a) shall be used to certify that such catches have been made in accordance with applicable laws, regulations and international conservation and management measures; and
 - (b) shall contain the following information –
 - (i) the name, address and contact information of the validating authority;
 - (ii) the port and flag State of the fishing vessel;
 - (iii) the name of the fishing vessel;
 - (iv) the licence number of the fishing vessel;
 - (v) the International Maritime Satellite Organisation number of the fishing vessel;
 - (vi) the International Maritime Organisation number of the fishing vessel;
 - (vii) the area fished; and
 - (viii) details of the fish or fishery products to be landed (including the commercial and scientific name, and the weight, of the fish or fishery products).

4. The Chief Fisheries Officer may refuse the landing in Saint Vincent and the Grenadines of fish or fishery products if – **Refusal of landing**

- (a) a catch certificate for the fish or fishery products has not been submitted or such certificate has not been submitted within the time stipulated by regulation 3 (2) (b);
- (b) the fish or fishery products intended for landing are not the same as those mentioned in the catch certificate;
- (c) the catch certificate is not validated by the flag State as required by regulation 3 (2) (a); or
- (d) the catch certificate does not contain the information specified by regulation 3 (3) (b).

Conditions for access by foreign fishing vessels

5. For the purpose of preventing, deterring and eliminating illegal, unreported and unregulated fishing, a foreign fishing vessel calling at a port in Saint Vincent and the Grenadines shall be inspected in accordance with section 33 of the Act. **Inspection of foreign fishing vessel**

6. (1) Unless a foreign fishing vessel complies with the requirements of these Regulations, access to the following is prohibited – **Access to ports**

- (a) access to ports in Saint Vincent and the Grenadines;
- (b) access to port services; and
- (c) access to the conduct of landing or transshipment operations in such ports.

(2) If it is believed that a foreign fishing vessel is engaged in IUU fishing, Saint Vincent and the Grenadines may prohibit that vessel from having access to the ports, port services or landing or transshipment operations in such ports.

(3) This regulation does not apply in cases of *force majeure* or distress within the meaning of article 18 of the 1982 United Nations Convention on the law of the sea in relation to services required to remedy those situations.

**Designated
ports**

7. (1) The Minister may designate ports, or places close to the shore, where landings or transshipment operations of fish or fishery products are permitted.

(2) Access to port services and the conduct of landing or transshipment operations by foreign fishing vessels shall be authorised only in designated ports or places.

(3) A list of designated ports or places, or changes to such list, shall be notified in the *Gazette* or in at least one newspaper in general circulation in Saint Vincent and the Grenadines.

(4) A person who conducts landing or transshipment operations in contravention of this regulation is guilty of an offence.

Prior notice

8. (1) A master of a foreign fishing vessel or his agent shall notify, by electronic means if possible, the Chief Fisheries Officer at least forty-eight hours (48) before the estimated time of arrival at the port of entry, of the following information –

- (a) name of designated port or place of destination and the purposes of the call, landing, transshipment or access to services;
- (b) fishing authorisation, or where appropriate, authorisation to support fishing operations or to tranship fish or fishery products; and
- (c) estimated date and time of arrival at port or place.

(2) The notification referred to in sub regulation (1) shall be accompanied by a catch certificate validated in accordance with regulation 3 (2) (a) if the foreign fishing vessel carries on board fish or fishery products.

(3) The Chief Fisheries Officer may exempt foreign fishing vessels from the requirement in subregulation (1) for a limited or renewable period, or make provision for another notification period taking into account, among other things, the type of fish or fishery products on board the foreign fishing vessel.

**Authorisation
to access port**

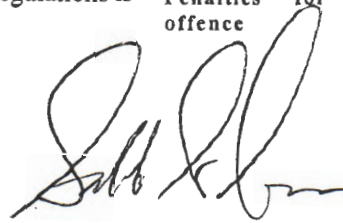
9. (1) A foreign fishing vessel shall be permitted to access a designated port or place only if the information set out in regulation 8 (1) is complete and if the vessel carries on board fish or fishery products, is accompanied by the catch certificate referred to in regulation 8 (2).

(2) Authorisation to commence landing or transshipment operations shall be subject to a check to determine the completeness of the information submitted and to an inspection carried out in accordance with section 33 of the Act.

Miscellaneous

10. A person who is guilty of an offence under these Regulations is liable to a fine of five thousand dollars.

Penalties for
offence

A handwritten signature in black ink, appearing to read 'Saboto Caesar', written over the printed name.

Made this 22nd day of May 2017

Hon. Saboto Caesar
Minister of Agriculture, Forestry
Fisheries and Rural
Transformation