



SAINT VINCENT AND THE GRENADINES

ACT NO. 26 OF 2001

I ASSENT

CHARLES J. ANTROBUS

Governor-General

10th September, 2001

[L.S.]

AN ACT to provide for the control of fishing on the high seas and for matters incidental hereto and connected therewith.

[18th September, 2001]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:—

PART 1
PRELIMINARY

1. This Act may be cited as the High Seas Fishing Act 2001 and shall come into effect on such date as the Governor-General may by Proclamation appoint.

Short title and
commencement

2. In this Act, unless the context otherwise requires;

Interpretation

"Agreement" means the agreement to promote Compliance with the International Conservation and Management Measures by Fishing Vessels on the High Seas adopted by the Conference of the FAO on the 24th day of November, 1993;

"Authorized Officer" means an officer appointed under section 3 of this Act or any person acting on the orders of an authorized officer;

"Court" means Magistrates Court;

"Chief Fisheries Officer" means the Chief Fisheries Officer appointed under section 3 of The Fisheries Act;

"FAO" means the Food and Agriculture Organization;

"Fish" includes any living marine resource;

"Fishing" means

- (a) the catching or taking of fish;
- (b) any other activity which can reasonably be expected to result in catching or taking of fish;
- (c) any other activity directly related to fishing including the operation of mother ships;

"Fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of fish, including mother ships and any other vessels directly engaged in fishing operations;

"Saint Vincent and the Grenadines fishing vessel" means a fishing vessel authorized to fly the Saint Vincent and the Grenadines flag;

"Fishery waters" has the definition given to it under section 2 of the Fisheries Act;

"Foreign Fishing Vessel" means a fishing vessel other than a fishing vessel of Saint Vincent and the Grenadines;

"High Seas" means the marine waters beyond the territorial sea, archipelagic waters, fisheries zone or exclusive economic zone of any state;

"High Seas Fishing Licence" means a fishing licence issued pursuant to section 7 of this Act;

"International conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law reflected in the 1982 United Nations Convention on the law of the sea either by global, regional or sub-regional fisheries organizations subject to the rights and obligations of their members, or by treaties or other international agreements;

"Length" means for any fishing vessel;

- (a) built after 18 July 1982, ninety-six percent of the total length on a waterline at eighty-five percent of the

least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline; if that be greater. In vessels designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;

- (b) built before 11 July 1982, the registered length entered on the national register or other record of vessels;

"Licensed fishing vessel" means a fishing vessel in respect of which a licence has been issued pursuant to section 7.

"Master" includes in relation to fishing vessel, the person for the time being in command or in charge of the fishing operations on board the vessel.

"Minister" means the Minister responsible for Fisheries."

PART II ADMINISTRATION

3. (1) This Act shall be administered by the Chief Fisheries Officer who shall be responsible for:-

- (a) maintaining a record of all fishing vessels in respect of which high seas fishing licences have been issued under this Act, and such record shall include all information provided by the applicant under section 6;
- (b) the collection of statistics concerning fish stock and fishing on the high seas;
- (c) the monitoring, control, and surveillance of the operations of fishing vessels of Saint Vincent and the Grenadines pursuant to Articles V and VI of the Agreement;
- (d) the issue, variation, suspension and revocation of licenses for fishing in the high seas;
- (e) the collection of fees in respect of licences of fishing vessels;
- (f) the giving of such information to relevant international organizations;
- (g) the taking of appropriate measures in co-operating with other states for the implementation of Articles VII and VIII of the Agreement;

Duties of Chief
Fisheries Officers
and authorized
officers

- (h) the making of such reports to the Minister as he may require or as the Chief Fisheries Officer may consider appropriate;
- (i) the taking of all such other measures as the Chief Fisheries Officer may consider appropriate for the implementation of the Agreement under this Act;

(2) Subject to subsection (3) the Chief Fisheries Officer may in writing, authorize any public officer to exercise any or all of his powers either concurrently with him or in his absence subject to such conditions and restrictions, as he may stipulate in the authorization.

Provided that the Chief Fisheries Officer shall personally exercise the powers provided under section 21.

(3) In the performance of his duties under this Act, the Chief Fisheries Officer shall be subject to the directions of the Minister on matters of policy.

(4) This Act shall be enforced by authorized officers acting subject to the directions of the Chief Fisheries Officer and for that purpose authorized officers shall have the powers set out in sections 12 and 13 of this Act.

(5) The following persons shall be deemed authorized officers:

- (a) fisheries officers appointed under the Fisheries Act;
- (b) all members of the Saint Vincent and the Grenadines Police Force;
- (c) such other public officers of Saint Vincent and the Grenadines or any other State as may be designated by the Minister.

PART III

LICENSING OF FISHING VESSELS ON THE HIGH SEAS

Prohibition of
fishing on the High
Seas without a
licence

4. (1) Notwithstanding any provisions in any other Act, no Saint Vincent and the Grenadines fishing vessel shall fish on the High Seas without a valid licence issued under this Act.

(2) Where a Saint Vincent and the Grenadines fishing vessel is used in contravention of subsection (1) the master, owner and charterer of the vessel shall each commit an offence and shall be liable on conviction to a fine as may be prescribed by the Minister or to a term of imprisonment not exceeding three months.

5. (1) Subject to subsection (2) any Saint Vincent and the Grenadines fishing vessel shall be eligible for a high seas fishing licence save where the vessel has been authorized to be used for fishing on the high seas by another state and the state has either –

Vessels eligible for high seas fishing licence

- (a) suspended the authorization of the vessel and the suspension has not expired; or
- (b) withdrawn the authorization within the three years preceding the application made to the Chief Fisheries Officer.

(2) The exceptions contained in subsection (1) shall not apply where such fishing vessel has undermined the effectiveness of international conservation and management measures and

- (a) ownership of that vessel has changed since the suspension or withdrawal of authorization and the owner has provided evidence to the satisfaction of the Chief Fisheries Officer that the previous owner, charterer or operator has no further legal, beneficial or financial interest in or control of the vessel; or
- (b) the Chief Fisheries Officer has decided, after taking into account all the relevant facts, that the issue of a high seas fishing licence in respect of the vessel shall not undermine the object and purpose of the Agreement.

6. (1) An application for the issue of a high seas fishing licence shall be:

Application and fees for high seas fishing licence

- (a) made in writing on the appropriate form as set out in the First Schedule to this Act;
- (b) accompanied by the information required under subsection (2) and such other information and documents as may be prescribed by the Chief Fisheries Officer;
- (c) accompanied by such fees as may be prescribed.

(2) An application for a high seas fishing licence shall relate to a specific fishing vessel and shall contain the information as set out in the First Schedule to the Act.

7. (1) A high seas fishing licence shall be issued by the Minister after consultation with the Chief Fisheries Officer.

Issue of high seas fishing licence and conditions relating thereto

(2) The Minister shall not issue a Saint Vincent and the Grenadines fishing licence unless he is satisfied that Saint Vincent and the Grenadines will be able to exercise effectively its responsibilities under the Agreement in respect of that vessel.

(3) A high seas fishing licence may authorize a vessel to be used for fishing on the high seas or such licence may be subject to the conditions relating in particular to:

- (a) the area in which fishing is authorized;
- (b) the description, quantities, size and type of fish species which may be taken;
- (c) the period, times or particular voyages during which fishing is authorized; or
- (d) the method of fishing.

(4) A high seas fishing licence shall be subject to the following conditions:

- (a) the licensed Saint Vincent and the Grenadines fishing vessel shall display an identification mark assigned to it by the Chief Fisheries Officer as he may prescribe;
- (b) the records of fishing operations shall be kept on board the licensed fishing vessel and the returns shall be submitted to the Chief Fisheries Officer concerning the areas of fishing, catches and landing of fish and such other information and matters relating to fishing as may be stipulated in the licence or as shall be notified by the Chief Fisheries Officer to the person to whom the licence is issued;
- (c) the licensed fishing vessel shall not engage in any activities which may undermine the effectiveness of international conservation and management measures for the species of living marine resources in the high seas as may be specified by the Chief Fisheries Officer in writing;

(5) An owner, master or charterer who fails to comply with subsection (3), or (4) of this section commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand US dollars.

**Revocation of high
seas fishing licence**

8. (1) A high seas fishing licence may be:

- (a) varied from time to time;
- (b) revoked; or
- (c) suspended

where it appears to the Chief Fisheries Officer that it is necessary or expedient to do so for the conservation or management of living marine resources in the high seas.

9. (1) Subject to subsection (2) the period of validity of a high seas fishing licence shall be one year or such other period as may be specified in the licence.

Period of validity
of high seas fishing
licence

(2) A high seas fishing licence shall cease to be valid with immediate effect if the fishing vessel in respect of which it was issued ceases to be entitled to fly the flag of Saint Vincent and the Grenadines.

PART IV

INTERNATIONAL COOPERATION

10. (1) The Chief Fisheries Officer shall provide to any relevant international organization, any information contained in the record provided for under section 3 (1) (a) of this Act.

Provision of
information

11. (1) The Chief Fisheries Officer shall make such arrangements as may be appropriate to enable him to exchange information, including evidentiary material, with other States that are parties to the Agreement so as to better implement the objects of the Agreement.

Exchange of
information with
other states

(2) Pursuant to subsection (1) above the Chief Fisheries Officer shall in particular, where he has reason to believe that a foreign fishing vessel has engaged in activities which undermine international conservation and management measures –

- (a) provide to the appropriate authorities of the flag state of the foreign fishing vessel concerned such information, including evidentiary material, relating to those activities as may be necessary to assist the flag State in identifying the vessel; and
- (b) when such foreign vessel is voluntarily in a port of Saint Vincent and the Grenadines promptly notify the appropriate authorities of the flag State of the vessel accordingly.

PART V

ENFORCEMENT

12. (1) For the purpose of enforcing this Act, an authorized officer may exercise any of the following powers with respect to any Saint Vincent and the Grenadines fishing vessel in the high seas and in the fishery waters of Saint Vincent and the Grenadines;

General powers of
authorized officers
at sea

- (a) he may stop the vessel;
- (b) he may require the master to stop fishing and retrieve the fishing gear of the vessel;
- (c) he may require the master to facilitate the boarding of the vessel by all appropriate means;
- (d) he may go on board the vessel and take with him such other persons as he may require to assist him in the exercise of his powers;
- (e) he may require the master, crew or any of them to produce any certificate of registry, licence, official log book, official paper, article of agreement, record of fish caught and any other document relating to the vessel or crew or any member thereof for examination;
- (f) he may muster the crew of the vessel;
- (g) he may require the master to appear and give any explanation concerning the vessel or any crew or any person on board the vessel and any document mentioned in paragraph (e);
- (h) he may make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Act has been contravened;
- (i) he may take or require the master to take the vessel to any place, port or harbour in Saint Vincent and the Grenadines or any other designated port for the purpose of carrying out any search, examination or enquiry;
- (j) in the case of any person who appears to him to have committed any offence under this Act, he may without summons, warrant or other process, take the suspected offender and require the master of the vessel to take the vessel in respect of which it appears to him that there has been an offence committed; together with the crew of the vessel to a port or harbour in Saint Vincent and the Grenadines or any other designated port and bring them before a competent court and detain them along with the vessel in Saint Vincent and the Grenadines until the alleged offence has been adjudicated upon;
- (k) he may, having regard to the safety of the vessel take steps to immobilize any fishing vessel seized, taken

or detained in accordance with this section for the purpose of preventing the vessel being taken by any person, prior to the release of the vessel under section 13 or 15 by the Court;

- (l) in the case of any offence against section 4 he may seize any vessel together with its equipment;
- (m) he may seize any fishing gear, instruments or appliances which he has reasonable cause to believe have been used in the commission of such offence;
- (n) he may seize any fish products or other perishables which he believes may have been taken or produced in the commission of such offence;
- (o) he may seize or take copies of any document which he believes may be relevant to any such offence.

(2) In exercising the powers referred to in subsection (1) an authorized officer may use such force as may be reasonably necessary.

13. (1) Where a fishing vessel is taken, seized or detained under this Act and an information or charge is laid against the master, owner or the charterer of the vessel in respect of the offence for which the vessel has been detained, the master, owner or charterer of the vessel may at any time before the determination of the information or charge, apply to the Court for the release of the vessel on the provision of security in accordance with this section.

Security for release
of a fishing vessel

(2) On hearing the application in relation to subsection (1) the Court shall either:

- (a) being satisfied that reasonable security has been given to the Crown in respect of the aggregate of the maximum penalty to which the owner, master or charterer may be liable, and taking into account the costs and expenses which the Crown may recover under section 19, order the release of the fishing vessel; or
- (b) order the release of the fishing vessel on the payment by any suitable person or persons approved by the Court; of a reasonable bond in favour of the Crown in a prescribed form and conditioned in accordance with subsection (4) of this section of an amount not less than the aggregate of the maximum penalty to which such owner, master or charterer may be liable and the costs and expenses which the Crown may recover under section 19.

(3) Notwithstanding subsection (2) the Court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be for a specified amount which is less than the amount required under subsection (2).

(4) The condition of the bond shall state that where the owner, master or charterer –

- (a) is found not guilty of the offence charged; or
- (b) on being convicted of the charge, pays in full within fourteen days after he is convicted, the amount of all costs and expenses due by him to the Crown under section 19 the bond shall be of no effect:

Provided that where the amount ordered to be paid to the Court remains outstanding, the bond shall remain in effect.

(5) The amount specified in the bond shall be recoverable in full in any court of competent jurisdiction as a debt due to the Crown jointly and severally by the owner, master or charterer by whom the bond is given unless the owner, master or charterer proves the due performance of the condition for which the bond was made.

(6) For the purposes of this section "fishing vessel" includes all equipment on board or equipment used by the vessel and also includes any fish which has been seized from the vessel under this Act and is detained on board the vessel in the custody of the Crown.

Disposal of seized
fish or other
perishables

14. (1) Notwithstanding any other provisions of this Act; where any fish or any other perishable goods are seized by the Chief Fisheries Officer or any duly authorized officer; the Chief Fisheries Officer may either:

- (a) return the fish or other perishable goods to the person from whom it was seized on the receipt of adequate security, which is in the opinion of the Chief Fisheries Officer equivalent to the value of the fish or perishable goods by way of a bond or any other stipulated condition for payment of such equivalent value in the event that such amount shall be adjudged by the Court to be forfeited to the Crown; or
- (b) cause the sale of the fish or other perishable goods at a reasonable market value; and the proceeds from such sale shall be paid into Court pending an order by the Court in respect of the forfeiture or otherwise of the proceeds.

Provided that where proceedings have not been instituted the Chief Fisheries Officer shall release the proceeds of the sale to the person from whom the fish or perishable goods was seized in accordance with section 12.

(2) Where any live fish has been seized in accordance with section 12 such fish may be released or destroyed at the discretion of the authorized officer in consultation with the Chief Fisheries Officer where he considers such act desirable in order to prevent undue suffering or for any other good and sufficient reason.

15 (1) Any person arrested and, subject to Section 14, any vessel, fish or other perishable goods detained or seized shall be brought before the court of competent jurisdiction without undue delay.

Persons arrested
and Disposal of
vessels and other
things detained

(2) Where a person who has been arrested is released without charge; or has not been prosecuted within thirty days of his arrest; any vessel, article or thing detained or seized belonging to the person shall be returned to him:

Provided that where a sale has been effected on any article or goods seized from the person the proceeds of the sale shall subject to section (14) (2) be returned to him.

(3) Where a person who has been properly charged with an offence fails to appear before the court to answer his charges within ninety days of his arrest and the Court holds in its possession any vessel, article or property seized during the arrest, the Chief Fisheries Officer may apply to the Court for such vessel, article or any other property to be forfeited to the Crown and the Court shall make such order as it considers fit.

(4) Where the Court fails or refuses to make an order for forfeiture under subsection (3) the Chief Fisheries Office may appeal to the High Court whose decision shall be final.

(5) Subject to subsection (6) and section 14 of the Act where a vessel, article or any other property is detained or seized and has been arrested; the vessel, article or other property so detained or seized shall be returned to the owner or the person having possession care or control of such vessel, article or property at the time the detention or seizure was made.

(6) Where the lawful owner of a vessel, article or any other property which has been detained or seized under section 12 cannot be traced within thirty days after such detention or seizure; the vessel, article or property so detained or seized shall be forfeited to the Crown and be disposed of at the discretion of the Chief Fisheries Officer.

(7) Any proceeds of the sale under subsection (6) shall be paid in to the consolidated fund.

(8) Where a vessel article or any other property has been detained or seized and the court does not order the forfeiture of such vessel, article or property the proceeds realized from the disposal of such vessel, article or property shall be returned to the owner or the person in possession, care or control of such vessel, article or property at the time of the detention or seizure.

(9) Where the owner of a vessel, article or any other property or the person having the possession, care or control thereof at the time of detention or seizure is convicted of an offence under this Act and a fine is imposed:

(a) the vessel, article or any other property may be detained until the fine is paid;

(b) the vessel article or any other property may be sold in satisfaction of the fine; or

(c) any proceeds realized from the disposal of such vessel, article or other property may be used for the payment of the fine in accordance with section 14.

(10) The Chief Fisheries Officer may cause any fish, vessel or fishing gear found or seized to be destroyed.

PART VI

PROHIBITIONS AND OFFENCES

Prohibition of activities which undermine the effectiveness of international conservation and management measures

16. (1) No Saint Vincent and the Grenadines fishing vessel shall engage in any activity on the high seas which undermines the effectiveness of international conservation and management measures.

(2) The Minister may, by regulation, prescribe any activities as being activities which undermine the effectiveness of international conservation and management measures.

(3) Where a fishing vessel of Saint Vincent and the Grenadines contravenes subsection (1) of this section, the master, owner or charterer each commits an offence and upon conviction shall be liable for a fine not exceeding one million US dollars.

Obstruction of authorized officers, and giving of false information and alteration of licences

17. (1) Any person who:

(a) assaults, resists or willfully obstructs an authorized officer while in the course of exercising his powers under this Act;

(b) refuses or neglects to comply with any order, requisition or direction lawfully made or given under this Act;

(c) without reasonable cause or excuse fails to:

(i) answer any question put to him by an authorized officer; or

(ii) give any information or produce any thing required to be produced in accordance with this Act;

(d) fails to allow a search or inspection of a Saint Vincent and the Grenadines fishing vessel under this Act; or

(e) prevents or attempts to prevent another person from complying with such orders, requisition or directions or from answering such questions, or producing any thing or allowing a search or inspection;

commits an offence and shall be liable upon conviction to a fine not exceeding two million U.S. dollars.

(2) Any person who:

(a) for the purpose of obtaining a licence; or

(b) for purported compliance with any requirement to furnish any information under this Act,

knowingly or recklessly provides information which is false in a material particular, commits an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand U.S. dollars.

(3) Any person who without any lawful authority alters a licence issued under this Act commits an offence and upon conviction shall be liable to a fine not exceeding two million U.S. dollars.

18. (1) Any person who contravenes any provision of this Act for which no offence is specially provided commits an offence.

(2) Any person who commits an offence against this Act for which no penalty is specifically provided shall be liable on conviction to a fine as may be prescribed.

(3) Where any person is convicted of an offence under this Act the Court may in addition to any other penalty which it may so impose; order that any fishing gear, instruments or appliances used in the commission of such offence and any fish found on board the fishing vessel or the proceeds of any sale thereof, shall be forfeited to the Crown and shall be disposed of in such manner as the Chief Fisheries Officer, may direct.

Other offence,
Penalties and
proceedings

(4) For the purpose of any proceedings under this Act any fish found on board a fishing vessel shall unless the contrary is proved be presumed to be caught:

- (a) on the high seas; and
- (b) within the vicinity of the vessel at the time the fish is so found.

(5) An attempt to commit an offence under this Act shall itself constitute an offence and may be dealt with in a like manner as if the offence had been committed.

(6) Any master or other person who transships, receives on board a fishing vessel, transports, sells, offers for sale, process or in any other manner deals with any fish caught in contravention of this Act commits an offence.

(7) Any person who aids, abets, counsels or procures an offence under this Act or conspires to commit such offence commits the offence so aided, abetted, counselled or procured or conspired to be committed.

(8) When a person is convicted for a repeated offence under this Act he shall be liable to a penalty which shall be double the normal penalty imposed for that offence.

(9) A certificate purporting to be signed by the Chief Fisheries Officer or any officer authorized by him for that purpose stating that on a date specified in the certificate;

- (a) a fishing vessel specified in that certificate was not licensed under this Act; or
- (b) the accused person or any other named person was not the holder of a licence under this Act;
- (c) a person was the holder of a licence or permit under this Act;

shall, in the absence of any proof to the contrary, be sufficient evidence of the matter stated in the certificate.

PART VII

COURT PROCEEDINGS PENALTIES AND COMPOUNDING OF OFFENCES

Jurisdiction of the
court

19. (1) All penalties, offences and proceedings under this Act shall be, prosecuted and taken before a Court.

(2) In respect of offences charged under this Act and notwithstanding the provisions of the Criminal Procedure Code the Court shall hereby be given extended territorial jurisdiction to impose any fine provided for under this Act and may award the Crown such costs and expenses incurred in relation to the prosecution of such charges as may appear to be proper.

20. Where a person is convicted of an offence against this Act the Court may in addition to any other penalty order that any licence issued under this Act and any fees paid for such licence by the convicted person shall be forfeited and that such person be disqualified from the date of the conviction from holding a licence for a period not exceeding three years.

Forfeiture of
licence and
disqualification

21. (1) Where the Chief Fisheries Officer has reasonable cause to believe that:

Compounding
penalty

- (a) an offence against this Act has been committed by any person;
- (b) the offence committed is of a minor nature;
- (c) having regard to the previous conduct of the person concerned and of the vessel where a vessel is involved, it would be appropriate for him to impose a penalty under this section;

he may in accordance with subsection (2) cause a notice in writing to be served on that person.

(2) A notice under subsection (1) shall specify:

- (a) the date and nature of the offence;
- (b) a summary of the facts upon which the allegation that an offence has been committed is based; and
- (c) any other matters which the Chief Fisheries Officer considers relevant to the imposition of a penalty;

(3) A notice issued under subsection (2) shall contain a statement setting out the provisions of this section.

(4) Any person on whom a notice under subsection (1) has been served may, within thirty days after receipt of such notice, require that the proceeding in respect of the alleged offence be dealt with by the court.

(5) Where a person states his intention to have his proceedings dealt with by the Court as prescribed under subsection (4); no further proceedings shall be taken under this section by the Chief Fisheries Officer.

Provided that nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence or the conviction of the person of any offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(6) Where a person on whom a notice under subsection (1) is served does not request that his proceedings with respect to the alleged offence be dealt with by the Court he may by notice in writing served on the Chief Fisheries Officer:

- (a) admit the offence; and
- (b) make submissions to the Chief Fisheries Officer as to the matters which he requires the Chief Fisheries Officer to take into account when imposing any penalty under this section.

(7) Where a person upon whom a notice under subsection (1) has been served fails within thirty days after the notice is served on him:

- (a) to request that proceedings in respect of the alleged offence be dealt with by the Court; or
- (b) admit the offence;

he shall on the expiration of that period be considered to have admitted the offence.

(8) Where under this section a person admits or is considered to have admitted an offence; the Chief Fisheries Officer shall on consultation with the Minister and after taking into account any submissions by that person under subsection (4), may impose a penalty on that person in respect of the offence not exceeding one half of the maximum penalty to which the person would have been liable if such person were convicted of the offence by the Court.

(9) Where the Chief Fisheries Officer imposes a penalty on a person under this section in respect of an offence he shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on that person.

(10) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within thirty days after the notice of the penalty is served on him.

(11) Without prejudice to the requirement of subsection (8), a penalty imposed under this section shall be recoverable by the Crown from the person upon whom it has been imposed in the same manner in which a fine is recoverable on conviction of an offence.

(12) Notwithstanding any other provisions of this act or of any other enactment, where an offence has been admitted or is considered to have been admitted under this section no information or charge shall be laid in respect of the offence against any person by whom the offence has been admitted or considered to have been admitted.

(13) Nothing in this section shall apply:

- (a) in respect of any offence or alleged offence under section 4; or
- (b) to any offence or alleged offence in respect of which any information or charge has already been laid.

22. (1) Where any fine or amount of costs is adjudged to be due by the owner, master or charterer of any fishing vessel in respect of a contravention of any provision of this Act the Court may, if no security or insufficient security has been given to the Crown, order that in default of payment forthwith the owner, master or charterer shall give security for the payment of the amount due and if the security is not made to the satisfaction of the Court an order for the detention of the fishing vessel shall be made by the Court and the vessel may accordingly be detained in Saint Vincent and the Grenadines until the amount due is paid or sufficient security has been given to the satisfaction of the Court.

Detention or
forfeiture of fishing
vessel on failure to
pay or secure fine

(2) Where a fine is not paid or no security is given within thirty days of the order of the Court or for such longer period as the Court may determine, the Court may order that in the case of any offence committed under section 4 any vessel and its equipment used in the commission of the offence be forfeited to the Crown and if so forfeited shall be disposed of in such manner as the Chief Fisheries Officer shall direct.

PART VIII

REGULATIONS

23. (1) The Minister may make regulations for the better carrying into effect of the purposes of this Act.

Power to make
Regulations

(2) In particular and without prejudice to the generality of subsection (1) such regulations may provide for:

- (a) anything which is to be or may be prescribed under this Act;
- (b) the payment of fees on applications for licences and on the issue of licences;

- (c) the conditions and procedures of applications for licences and their forms;
- (d) the placing of observers on fishing vessels;
- (e) the provision by applicants for licences and licensees of bonds or other forms of security in order to ensure compliance with the obligations under the terms and conditions of their licences;
- (f) reports to be made for the purposes of this Act;
- (g) notification of contribution to international conservation and management measures recognized by Saint Vincent and the Grenadines;
- (h) activities that shall be considered to be activities which undermine the effectiveness of international conservation and management measures.

Section 6

SCHEDULE

Amnd. by
Act 25/03

APPLICATION FORM FOR LICENCE TO FISH ON THE HIGH SEAS

INSTRUCTIONS - Underline surnames

For "address" provide complete mailing address
If not applicable write NA - Leave no blanks
Specify units of measurement if not metric

ADDRESS TO: THE CHIEF FISHERIES OFFICER

I hereby apply for a fishing licence to fish on the High seas.

1. Name of Vessel
2. History of Vessel
3. Previous Names (if known)
4. Registration Number (if any)
5. Port of Registry
6. Vessel's Previous Flag (if any)
7. Vessel's International
Radio Call Sign (if any)



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No. 26

High Seas Fishing

Amended by
Act 25/03
2001

8. Names and Addresses of
Vessel's Owners and Operators
9. When and Where Vessel Was Built
10. Type of Vessel
11. Length of Vessel
12. Type of Fishing Method (s)
13. Moulded Depth of Vessel
14. The Beam of the Vessel
15. Gross Register Tonnage (where available)
16. Power of Main Engine (s) of Vessel

Passed in the House of Assembly this 26th day of June, 2001.

J. THERESA ADAMS
Clerk of the House of Assembly

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