

BERMUDA STATUTORY INSTRUMENT

SR&O 25/1972

FISHERIES REGULATIONS 1972

*[made under section 13 of the Fisheries Act 1972 [title 25 item 8] and
brought into operation on 22 June 1972]*

ARRANGEMENT OF REGULATIONS

- | | | | |
|----|--|-----|---|
| 1 | Interpretation | 15 | Closed season for spiny lobsters |
| 2 | Issue of licences by Minister | 16 | Spear fishing |
| 3 | Application for fishing vessel licence | 17 | Using instrument |
| 4 | Issue of fishing vessel licence | 18 | Grant of licence to use fishing lines rigged with more than 15 hooks |
| 4A | Fixed fishing gear | 19 | Duty to return fish which may not be taken |
| 5 | Register of fishing vessels | 20 | Use of explosives; poison |
| 6 | Identification marks | 20A | Prohibition against introducing live or unfrozen and uncooked fish into waters of Bermuda |
| 7 | Transfer of interest | 21 | Interfering with nets without consent of owner |
| 8 | Production of licence | 22 | Punishment of offenders and forfeiture; suspension or revocation of licence |
| 9 | Catch and effort returns | 23 | Inspection and enforcement |
| 10 | Minister to keep register of fishermen | | |
| 11 | Use of fishing nets | | |
| 12 | General restrictions on taking fish | | |
| 13 | Sale of fish | | |
| 14 | Protected fish | | |

FISHERIES REGULATIONS 1972

24 Revocation [omitted]
25 Commencement [omitted]

SCHEDULE
[Rescinded by BR 16/1990]

Interpretation

1 (1) In these Regulations, unless the context otherwise requires—

"the Act" means the Fisheries Act 1972 [title 25 item 8];

"Department" means the Department of Environmental Protection;

"fisherman" means any person who engages in fishing for reward or who disposes of his catch for financial gain, and includes the operator and crew of a charter fishing vessel but does not include a person engaged in fishing from a foreign fishing vessel;

"fishing net" has the meaning assigned to that expression in paragraph (2);

"fishing vessel licence" means a licence to use a fishing vessel issued under regulation 4;

"fish pot" includes every kind of trap for taking or holding fish;

"fixed fishing gear" means any fish pot, trap, weir, snare or other type of stationary gear that is used for taking fish;

"foreign" in relation to a fishing vessel has the meaning assigned to it by section 7(3) of the Act;

"full-time fisherman" means any fisherman who spends a minimum of one hundred days per annum at sea in a licensed fishing vessel and who, in the opinion of the Marine Resources Board, is wholly devoted to the fishing industry:

Provided that in the case of a fisherman who is prevented by illness during any year from spending a minimum of 100 days at sea the Board may, on receipt of a medical certificate to that effect signed by a registered medical practitioner, exempt such fisherman from that requirement;

"holding" in relation to live fish, means storing or retaining;

"lobster" means any crustacea of the family Palinuridae, including spiny, guinea chick or star lobster, or of the family Scyllaridae, including locust or sand lobster;

"owner" in relation to a fishing vessel includes a part owner and any person who has possession of a fishing vessel by virtue of a hire purchase agreement or a demise charterparty;

"prescribed" in relation to any fee means prescribed by regulations made under the Government Fees Act 1965 [*title 15 item 18*];

"sell" includes offer or expose for sale;

"shell-fish" means crustacea and mollusca;

"use" means use for the purpose of taking fish.

(2) "Fishing net" means any form of net for taking or holding fish, namely a bait net, a gill net, cast net, seine and trawl which, for the purposes of these Regulations, are defined as follows—

- (a) "bait net" means any surrounding fishing net—
 - (i) of which the length does not exceed one hundred and fifty feet; and
 - (ii) of which the depth does not exceed eighteen feet; and
 - (iii) of which the distance between the knots or intersection of any mesh is not less than one-eighth of an inch nor more than one-half of an inch when measured diagonally at full stretch;
- (b) "cast net" means any circular fishing net which may be deployed by being thrown from the hands, and of which the distance between the knots or intersections of any mesh is not less than one-eighth of an inch (3.2mm) or greater than two inches (50.8 mm) when measured diagonally at full stretch;
- (c) "gill net" means any fishing net designed or used for entangling fish, and includes bottom and floating entangling gill nets and all nets constructed of monofilament twine, except a cast net;
- (d) "seine" means any net, other than a bait net, used for hauling fish by surrounding the fish;
- (e) "trawl" means any net used for catching fish by dragging with one or more vessels.

[Regulation 1 amended by 1991:91 effective 1 January 1992; "owner" amended by BR 70/1998 effective 22 September 1998; "Department" amended by 2000:20 s.2 & Sch effective 26 June 2000; "Department" substituted by 2002:18 s.2 & Sch effective 1 April 2002]

FISHERIES REGULATIONS 1972

Issue of licences by Minister

2 (1) Subject to these Regulations, the Minister shall be the authority responsible for the issue of all licences under these Regulations.

(2) The Minister shall, in deciding whether or not to issue a licence under any of these Regulations have regard to—

- (a) the economic condition and safety of the local fishing industry;
- (b) the condition of the Bermuda marine environment, including but not limited to, the condition of the existing fish population;
- (c) the number of licences of the type applied for already issued.

(3) Nothing in these Regulations shall require the Minister to issue any licence if he is of the opinion that the issue of such licence would not be in the interest of the promotion, development, improvement or protection of the fisheries and fishing industry of Bermuda.

Application for fishing vessel licence

3 (1) Subject to paragraph (2), an application for a fishing vessel licence shall be made by the owner of the fishing vessel. The application shall set out the name and address of the owner of the vessel and of each fisherman operating from such vessel and shall be in such form as the Minister may determine.

(2) An application under paragraph (1) shall only be made during such period in any year as may be specified by the Minister by notice published in the Gazette.

Issue of fishing vessel licence

4 (1) Upon receipt of an application for a fishing vessel licence and the licence fee, the Minister may, subject to regulation 2, issue a licence, valid for one year, ending the 31st March to the owner of the fishing vessel.

(2) The Minister may, on the issue of a licence under paragraph (1), impose such conditions as he may think fit for the better regulation of the fishing industry and the safety of fishing vessels.

(3) When the Minister issues a licence under paragraph (1), he shall also issue to the owner a coloured decal in such form as the Minister may determine indicating that the fishing vessel is licensed for the current year.

(4) When the fishing vessel is in use, the owner shall exhibit the coloured decal referred to in paragraph (3) upon the fishing vessel in respect of which it was issued in such manner and in such position as the Minister may direct by notice published in the Gazette.

(5) An owner who fails to comply with paragraph (4) commits an offence against these Regulations.

(6) Any person who uses or causes or allows any other person to use any fishing vessel within the exclusive economic zone unless a fishing vessel licence has been issued by the Minister and is in force in respect of that fishing vessel commits an offence against these Regulations.

[Regulation 4 amended by 1996:10 effective 11 June 1996; and by BR 5/1998 effective 23 January 1998]

Fixed fishing gear

4A (1) Notwithstanding any provision in these Regulations, it shall be lawful for a person to have in his possession or to use a fixed fishing gear if that person is authorized by a licence issued by the Minister to have in his possession or to use such gear for any or all of the following purposes:

- (a) for the purpose of scientific research or experiment;
- (b) for the purpose of exploiting certain marine resources specified in the licence;
- (c) for the purpose of aquaculture.

(1A) The Minister may impose such conditions as he thinks fit on a licence issued under paragraph (1) and the conditions shall be specified in the licence.

(2) Any person who is not licensed in accordance with this regulation and who is in possession of or uses a fixed fishing gear that person shall be guilty of an offence against these Regulations.

(3) Any person who is licensed in accordance with this regulation and uses a fixed fishing gear for a purpose other than for any of the purposes mentioned in paragraph (1) shall be guilty of an offence against these Regulations.

[Regulation 4A inserted by BR 16/1990 effective 30 March 1990; and amended by BR 38/1998 effective 8 May 1998]

Register of fishing vessels

5 (1) The Minister shall keep a register of every fishing vessel in respect of which a fishing vessel licence has been issued which shall set out the name and address of the owner and of each fisherman operating from such vessel and any conditions of the licence imposed under regulation 4(2).

- (2) Any person, on payment of the prescribed fee—

FISHERIES REGULATIONS 1972

- (a) may inspect the fishing vessel register;
- (b) may require to be furnished with a certificate of the registration in the register of any fishing vessel or owner thereof or with a certified copy of an entry in the register.

(3) A certificate of registration or a certified copy of an entry in the register shall be certified under the hand of an officer of the Department duly authorized in that behalf and, if it purports to be so certified, shall in all legal proceedings, whether civil or criminal, be prima facie evidence of the facts certified therein.

Identification marks

6 (1) The Minister shall assign a separate identification mark to every fishing vessel licensed and registered under these Regulations and shall enter in the fishing vessel register and in the fishing vessel licence the marks so assigned.

(2) Every licensed fishing vessel shall display the identification mark assigned thereto on the sides of the vessel and on the cabin top or the deck in such position as to be visible from above in characters not less than nine inches in height and one and one-half inches in width and spaced not less than three inches apart and the characters shall be marked red, black or such other colour contrasting with the background on which they are displayed as may in any particular case, be approved by a fisheries inspector.

(3) The owner of a licensed fishing vessel who fails to comply with paragraph (2) commits an offence against these Regulations.

(4) Any person who owns or operates any fishing vessel or other vessel which is not a licensed fishing vessel and which is marked with an identification mark which so resembles an identification mark assigned under this regulation as to be calculated to deceive commits an offence against these Regulations.

(5) Any person whose fishing vessel licence has been suspended or revoked pursuant to any of these Regulations shall, upon such suspension or revocation immediately remove from the vessel any mark identifying it as a fishing vessel.

Transfer of interest

7 (1) A registered owner of a fishing vessel desiring to transfer a licence issued to him under regulation 4 to a different vessel or to another person shall make application to the Minister for such transfer in such form as the Minister may determine.

(2) Upon receipt of an application for a transfer of a licence under paragraph (1), the Minister may—

- (a) re-issue the licence to the new owner or to a different vessel after making such modifications as appear to him to be necessary for the better regulation of the fishing

industry and may continue in force any conditions of the licence imposed under regulation 4;

(b) refuse to permit the transfer of the licence.

Production of licence

8 (1) The registered owner of a fishing vessel shall produce his licence when so required by a fisheries inspector:

Provided that it shall be sufficient compliance with this regulation if the person on whom the requirement is imposed produces such licence at a police station within seven days of the date of the requirement.

(2) Any person who fails to comply with paragraph (1) commits an offence against these Regulations.

Catch and effort returns

9 (1) The owner of every licensed fishing vessel or, if the fishing vessel is operated by a person other than the owner, that person shall keep a true and correct daily log of catch and effort statistics relating to the operation of that fishing vessel in the waters adjacent to Bermuda and shall make a weekly return thereof to the Department in such form as the Minister may determine.

(2) The owner or, as the case may be, the operator of a licensed fishing vessel who fails to keep a true and correct daily log of catch and effort statistics or make the returns required by paragraph (1) commits an offence against these Regulations.

(3) In the event of persistent contravention of this regulation the Minister may, by notice to the owner, suspend or revoke his fishing vessel licence.

[Regulation 9 amended by BR 16/1990 effective 30 March 1990]

Minister to keep register of fishermen

10 (1) The Minister shall maintain a register containing the names and addresses of all fishermen ordinarily resident in Bermuda.

(2) Any person desiring to be registered as a fisherman shall apply to the Minister in writing to have his name and address entered in the register of fishermen maintained by the Minister under this regulation; and in the event of any subsequent change of address, such fisherman shall inform the Minister of the new address, within thirty days of the change.

(3) The Minister may, upon receipt of the prescribed fee, enter the name and address of the applicant on the register of fishermen

FISHERIES REGULATIONS 1972

subject to such terms and conditions as the Minister may think fit for the better regulation of the fishing industry.

(4) Any fisherman who fails to comply with paragraph (2) commits an offence against these Regulations.

(5) The registration of any person as a fisherman under this regulation shall expire on 31st March of each year unless renewed upon payment of the prescribed fee for registration.

Use of fishing nets

11 (1) Without prejudice to regulation 12, any person who uses any fishing net other than a cast net or a bait net—

(a) in that part of Flatts Inlet lying to the east of the piers of the former railway bridge at Flatts; or

(b) in Harrington Sound,

commits an offence against these Regulations.

(2) Without prejudice to any other provision of law, any person who—

(a) sets a fishing net in such a manner as to obstruct free access to any channel, pier, dock, or landing; or

(b) sets a fishing net in the exclusive economic zone and does not remove the net within a period of six days from the time it was set; or

(c) uses a bait net, except for holding fish, other than as a single bait net; or

(d) uses or has in his vessel a gill net, unless authorised to use or have in his vessel such a net by a permit issued by the Minister in writing,

commits an offence against these Regulations.

(3) Notwithstanding this regulation, the Minister may permit any registered fisherman to allow his net to remain in the exclusive economic zone for a period exceeding six days from the time it was set, and such permission may be subject to such conditions as the Minister may impose.

(4) Any person who, in any of the places specified in paragraph (1) takes by any fishing net any fish mentioned in this paragraph, that is to say—

(a) yellow tail, hogfish, or any fish of the family Serranidae (including rockfish, hind and grouper);

(b) any other fish imported into Bermuda for stock purposes,

commits an offence against these Regulations.

(5) Notwithstanding any other provision of these Regulations, any person who—

- (a) uses a fishing net with meshes measuring less than 1/8 inch (3.2mm) when measured diagonally at full stretch; or
- (b) uses a seine with meshes measuring less than 1/2 inch (13mm) when measured diagonally at full stretch; or
- (c) uses a trawl with meshes measuring less than 3 inches (76mm) when measured diagonally at full stretch; or
- (d) not being a registered fisherman operating from a licensed fishing vessel, uses or has in his vessel or on the shore-line any fishing net other than a cast net or a bait net not exceeding 75 feet (23 m) in length and 9 feet (2.7m) deep,

commits an offence against these Regulations.

[Regulation 11 amended by 1996:10 effective 11 June 1996]

General restrictions on taking fish

12 (1) Any person who takes, sells or purchases any fish for purposes other than for use as bait or human or animal consumption commits an offence against these Regulations:

Provided that nothing in this paragraph shall prevent the taking of fish for sport or for the purposes of any private aquarium or personal shell collection or the retention of fish as a trophy.

(2) Any person who takes, injures, sells, purchases, or is in possession of, any lobster whether alive or dead at any time when the lobster is bearing eggs, commits an offence against these Regulations.

(2A) Any person who has in his possession, when on a vessel or while swimming, the tail section of a lobster which has been separated from the remainder of the body of the lobster commits an offence against these Regulations.

(3) Any person who takes any bonefish (*Albula vulpes*), or any pompano (*Trachinotus glaucus*) otherwise than on a hook and line commits an offence against these Regulations.

(4) Any person who takes a lobster by any means shall be guilty of an offence against these Regulations except a person who takes a lobster in accordance with the means specified in a licence issued to him under paragraph (5).

FISHERIES REGULATIONS 1972

(5) The Minister may, subject to regulation 2, and upon application for that purpose made during the period specified by the Minister by notice published in the Gazette issue to any person a licence to take lobsters not exceeding two in number during any continuous period of twenty-four hours. Such licence shall be valid until 31st August in each year and the applicant therefor shall, prior to the issue of the licence, pay the prescribed fee:

Provided that such licence shall not confer a right to take spiny lobsters (*Panulirus Argus*) during the period specified in regulation 15 but shall apply to other lobsters during that period.

(6) A licence issued under paragraph (5) shall have the following conditions attached thereto—

- (a) only a noose or snare of a type approved by the Minister may be used for taking lobsters;
- (b) no lobster so taken shall be sold;
- (c) the holder of the licence shall make a return to the Minister of catch and effort statistics, which return shall be in such form and shall be made at such intervals of time as the Minister shall specify;
- (d) the taking of lobsters shall be done only from such area or areas within the exclusive economic zone as specified in the licence;
- (e) the holder of the licence can take not more than two lobsters during any continuous period of twenty-four hours.

(7) An holder of a licence issued under paragraph (5) who takes a spiny lobster (*Panulirus argus*) during the period specified in regulation 15 or contravenes any or all of the conditions specified in paragraph (6) shall be guilty of an offence against these Regulations.

(8) If any person, not being the holder of a valid licence issued to him under paragraph (5) of this regulation authorising him to take lobsters, is found in possession of a lobster on a vessel or on shore, he shall be deemed to have taken the lobster in contravention of these Regulations and shall be guilty of an offence against these Regulations unless the contrary is proved.

(8A) Any person who, not being the holder of a valid licence issued to him under paragraph (5) of this regulation authorising him to take lobsters, is found in possession of an instrument capable of taking a lobster, other than a spear, harpoon or other similar device, either on a vessel or while swimming commits an offence against these Regulations.

(9) Any person who takes any marine turtles on any beach or foreshore commits an offence against these Regulations.

(10) Any person who takes or on a vessel is found in possession of more than one fish of each of the following description, that is to say,—

- (a) *Mycteroperca interstitialis*, which includes Monkey rockfish, Flag rockfish and Salmon rockfish; and
- (b) *Mycteroperca bonaci*, which includes Black rockfish, Runner rockfish and Black grouper,

during any continuous period of twenty-four hours shall be guilty of an offence against these Regulations.

(11) Any person who takes or on a vessel is found in possession of more than ten red hinds (*Epinephelus guttatus*) during any continuous period of twenty-four hours during the period beginning on 1st May and continuing until and throughout the 31st August in any year shall be guilty of an offence against these Regulations.

(12) Any person, other than a registered fisherman, who takes or, on a vessel which is not a licensed fishing vessel is found in possession of, more than thirty fish of the following description:

<i>Lutjanus synagris</i>	Lane snapper
	Silk snapper
	Whitewater snapper

during any continuous period of twenty-four hours shall be guilty of an offence against these Regulations.

[Regulation 12 amended by BR 16/1990 effective 30 March 1990; by BR 23/1996 effective 3 May 1996; and by 1996:10 effective 11 June 1996]

Sale of fish

13 (1) Subject to section 18 of the Act and paragraph (2), a person who sells any fish taken in the exclusive economic zone commits an offence against these Regulations unless—

- (a) he is a fisherman registered under regulation 10; and
- (b) the fish has been taken from a fishing vessel licensed under regulation 4.

(2) Paragraph (1) shall not apply to the sale of fish taken by a registered fisherman using a licensed fishing vessel where the sale takes place in any shop, supermarket, restaurant or any eating establishment.

(2A) Any fisherman who—

- (a) is not licensed to take lobsters under these Regulations; and

Monkey rockfish (<i>Mycteroperca interstitialis</i>)	50 cm (20 ins) fork length
Red hind (<i>Epinephelus guttatus</i>)	35 cm (14 ins) fork length
Hogfish (<i>Lachnolaimus maximus</i>)	35 cm (14 ins) fork length
Yellowtail snapper (<i>Ocyurus chrysurus</i>)	30 cm (12 ins) fork length
Lane snapper (<i>Lutjanus synagris</i>)	25 cm (10 ins) fork length

(c) in relation to yellowfin tuna (*Thunnus albacares*) and bigeye tuna (*Thunnus obesus*) a weight of 7 lbs. (3.2 kgs) and bluefin tuna (*Thunnus thynnus*) a weight of 30 kgs (66 lbs) or 115 cm (45 ins) fork length and Swordfish (*Xiphias gladius*) a weight of 25 kgs (55 lbs) or 125 cm (49 ins) fork length measured from the lower jaw;

(d) in relation to blue marlin (*Makaira nigricans*) a weight of 114 kgs (250 lbs) and white marlin (*Tetrapturus albidus*) a weight of 23 kgs (50 lbs).

(3) Without prejudice to the generality of the foregoing, any person who, not carrying with him, or on the vessel or shore from which he is fishing, a measuring instrument capable of measuring a spiny lobster as specified in paragraph (2) (a) or of measuring a fish specified in paragraph (2) (b) or (c), takes or injures any such fish of these species mentioned in paragraph (2), commits an offence against these Regulations.

[Regulation 14 amended by BR 23/1996 effective 3 May 1996; para 2(d) inserted by BR 38/2001 effective 27 July 2001]

Closed season for spiny lobsters

15 Without prejudice to regulation 12 or 14, any person who takes, injures, sells, purchases, or is in possession of, any fish mentioned in this regulation at or during the periods specified therein, that is to say, spiny lobsters (*Panulirus argus*) or any part thereof, during the period beginning on the first day of April and continuing until and throughout the thirty-first day of August in any year, commits an offence against these Regulations.

FISHERIES REGULATIONS 1972

Spear fishing

16 (1) Nothing in this regulation shall derogate from or abridge any provision of regulation 14 or of regulation 15,

(2) Any person —

(a) who uses a spear gun in taking or attempting to take fish; or

(b) who uses an aqualung in taking or attempting to take fish by any means,

commits an offence against these Regulations.

(3) Any person —

(a) who takes or injures any lobster by spear fishing; or

(b) who takes or injures by spear fishing in any one day more than two fish of any one species; or

(c) who takes or attempts to take by spear fishing any fish within one nautical mile of the shore of any of the islands of Bermuda,

commits an offence against these Regulations.

(4) Any person who sells any fish taken by spear fishing commits an offence against these Regulations.

(5) Notwithstanding anything in the foregoing provisions of this regulation, the Minister may issue licences subject to such conditions as the Minister may impose, authorizing any person to take, or, as the case may be, to sell, any fish in circumstances which would, in the absence of any such licence, constitute a contravention of the foregoing provisions of this regulation.

(6) In this regulation —

(a) "aqualung" means any appliance, apparatus or mechanism whereby a person can continue to breathe when fully submerged in water;

(b) "spear fishing" means using a spear, harpoon or similar device above or under water except when gaffing a fish caught by a fishing line;

(c) "spear gun" means any weapon, apparatus or mechanism so constructed as to be capable of being used under water for the discharge (whether complete or partial) of any projectile, whether or not a spear or harpoon.

(7) Any fish found in a vessel in which an aqualung is being carried or any fish found in the possession of any person equipped with

an aqualung shall be presumed to have been taken in contravention of paragraph (2) until the contrary is proved.

(8) Any person found swimming within an area in which spear fishing is prohibited by these Regulations while carrying a spear, harpoon or other similar device, or swimming in an area in which the taking of lobsters by diving is prohibited while carrying an instrument capable of taking a lobster other than a spear, harpoon or other similar device commits an offence against these Regulations.

(9) Subject to these Regulations, any person found with an instrument capable of taking a lobster, or with a spear, harpoon or other similar device and an aqualung in his possession, either when in a vessel or on his person while swimming, commits an offence against these Regulations.

[Regulation 16 amended by BR 16/1990 effective 30 March 1990]

Using instrument

17 Subject to these Regulations, any person who uses any fixed fishing gear for taking fish shall be guilty of an offence against these Regulations.

[Regulation 17 replaced by BR 16/1990 effective 30 March 1990]

Grant of licence to use fishing lines rigged with more than 15 hooks

18 (1) The Minister may, subject to regulation 2, upon application made to him for that purpose, issue to a registered fisherman a licence to use fishing lines rigged with an aggregate of more than fifteen hooks (whether vertically or horizontally) from or independently of a fishing vessel of whatever description, subject to such terms and conditions as he may think fit to impose for the better regulation of the fishing industry.

(2) No person shall use any fishing gear specified in paragraph (1) of this regulation unless—

- (a) he is a registered fisherman operating from a licensed fishing vessel;
- (b) he is licensed by the Minister under paragraph (1) to use that type of fishing gear;
- (c) where floats are used, he has marked all floats on his fishing lines with the identification number of his fishing vessel from which he is operating at the time;
- (d) no more than six lines are used when set independently of his fishing vessel;

FISHERIES REGULATIONS 1972

- (e) in any case no more than fifteen hundred hooks are used at any one time.

[Regulation 18 amended by BR 16/1990 effective 30 March 1990; and amended by BR 38/1998 effective 8 May 1998]

Duty to return fish which may not be taken

19 Where a person takes any fish which cannot lawfully, by reason of any provision of these Regulations or of any order made under sections 4 and 5 of the Act be taken, injured, sold, purchased or kept in possession, it shall be the duty of the person taking the fish to return it forthwith into the sea; and if the person fails to do so he commits an offence against these Regulations.

Use of explosives; poison

20 (1) Any person who takes or injures any fish by means of any explosive or poisonous substance commits an offence against these Regulations:

Provided that nothing in this paragraph shall apply in relation to any explosive substance utilized —

- (a) in connection with the breaking up of any rock or shoal or of any wreck; or
- (b) in connection with the improvement of any ship channel; or
- (c) in connection with any operation carried out under the Warlike Experiments Act 1878.

(2) Any person who uses any dredge or trawl commits an offence against these Regulations:

Provided that this paragraph shall not apply to any person authorised to use a dredge or trawl by a licence issued to him by the Minister and which is used in accordance with the conditions which the Minister imposed in the licence on the issue thereof.

(3) For the purpose of this regulation "dredge" means any device having a rigid frame with a basket, bucket or hose attached, and used by being dragged in contact with the bottom of the sea, or used to scoop or suck fish from the bottom of the sea.

Prohibition against introducing live or unfrozen and uncooked fish into waters of Bermuda

20A Any person who introduces into the waters of Bermuda or into any system which discharges untreated wastes into the waters of Bermuda any live or unfrozen and uncooked fish, or any parts thereof, which have been imported into Bermuda commits an offence against these Regulations unless he has been authorised to do so by a licence

issued to him by the Minister and he has complied with the terms and conditions of the licence.

Interfering with nets without consent of owner

21 Without prejudice to anything contained in the Criminal Code [title 8 item 31], any unauthorized person—

- (a) who hauls up, moves, empties or casts adrift any fishing net set for the taking or holding of fish, or fish car set for the storing of fish or any mooring, mark or buoy used in connection therewith, without the consent of the person owning or setting the fish net, fish car, mooring, mark or buoy; or
- (b) who removes any fish from any fishing net or fish car without the consent of the person setting the fish net or fish car; or
- (c) who hauls up, moves, empties or casts adrift any fish pot or any mooring, mark or buoy used in connection therewith or who removes any fish from a fish pot without the consent of the owner of the pot and without a licence to do so by the Minister,

commits an offence against these Regulations.

Punishment of offenders and forfeiture; suspension or revocation of licence

22 (1) Subject to section 14 of the Act, where any person commits an offence against these regulations:

Punishment on summary conviction: imprisonment for one year or a fine of \$5000 or both such imprisonment and fine; and any fish taken in contravention of these Regulations and any vessel, instrument or equipment used in such taking shall be liable to forfeiture.

(2) Without prejudice to anything contained in paragraph (1), where a person licensed by the Minister under any provision of these Regulations—

- (a) has violated a term or condition of his licence; or
- (b) has been found guilty of an offence against these Regulations,

the Minister may, in his discretion, after giving the person concerned an opportunity to be heard, suspend or revoke the licence the term or condition of which was violated or in relation to which the offence was committed.

[Regulation 22 amended by BR 38/1998 effective 8 May 1998]

FISHERIES REGULATIONS 1972

Inspection and enforcement

23 (1) For the purposes of ascertaining whether there is, or has been, any contravention of these Regulations, a fisheries inspector shall have the power —

- (a) to enter any premises or any vehicle, vessel or place where fish may be held; or
- (b) to haul up and inspect any fishing net, fish pot, or other fishing gear (whether of the foregoing kind or not) and to remove therefrom any fish which cannot lawfully by reason of any provision of the Act or these Regulations be taken, and to seize any such fishing net, fish pot or other fishing gear which is used or possessed in contravention of the Act or these Regulations; or
- (c) to require any person suspected of committing or having committed an offence against these Regulations to give his name and address to him; or
- (d) to require the operator of a vessel to stop the vessel.

(2) Where any fishing net, fish pot, or other fishing gear is seized under paragraph (1), the fisheries inspector may cause it to be brought before a court of summary jurisdiction and the court may, after hearing any representations made by the owner thereof, order the destruction or disposal of such fishing net, fish pot or other fishing gear in such manner as the court may direct.

(3) Any person issued a licence by the Minister under any provision of these Regulations shall, when required to do so by a fisheries inspector, produce his licence:

Provided that it shall be sufficient compliance with this paragraph if the person on whom the requirement is imposed produces such licence at the Fisheries Office or a police station within seven days of the date of the requirement.

(4) Any person who fails to comply with any requirement imposed on him by a fisheries inspector under paragraph (1) or (3) commits an offence against these Regulations.

(5) Where any unidentified fishing gear or thing is seized under paragraph (1) the Minister may order such gear or thing to be destroyed or otherwise disposed of or, if such thing is living, to be released into the sea.

[Regulation 23 amended by BR 5/1998 effective 23 January 1998]

Revocation

24 [omitted]

Commencement
25 [omitted]

FISHERIES REGULATIONS 1972

SCHEDULE (Reg. 17(3))

[Schedule rescinded by BR 16/1990 effective 30 March 1990]

[Amended by:

SR&O 34/1973	BR 52/1984	BR 5/1998
SR&O 40/1975	BR 55/1984	BR 38/1998
SR&O 73/1975	BR 1/1985	BR 70/1998
SR&O 32/1976	BR 11/1986	BR 38/2001
BR 58/1977	BR 40/1988	2000 : 20
BR 5/1978	BR 16/1990	2002 : 18]
BR 26/1979	1991 : 99	
BR 25/1981	BR 23/1996	
BR 51/1984	1996 : 10	