

CHAPTER 25.

AGRICULTURE AND FISHERIES.

PART I.

Subsidiary Legislation under The Agriculture and Fisheries Act (Chapter 25).

THE MARINE PRODUCTS (FISHERIES) RULES.

(SECTION 5.)

[Commencement 23rd September 1954.]

1. These Rules may be cited as The Marine Products (Fisheries) Rules.

2. In these Rules, unless the context otherwise requires—

“Act” means The Agriculture and Fisheries Act, or any subsequent enactment to amend the same or in substitution thereof ;

“canner” means the owner or operator of an establishment for canning or otherwise preserving marine products ;

“exporter” means any person who exports marine products from the Colony ;

“inspector” means an inspector appointed by the Minister for the purpose of these Rules ;

“licence” means any licence granted by the Minister under the provisions of these Rules ;

“marine products” means any fish, crawfish, turtle,

G.N. 142/1954.
G.N. 141/1931.
G.N. 14/1940.
G.N. 87/1955.
G.N. 34/1956.
G.N. 73/1956.
G.N. 106/1956.
G.N. 80/1957.
G.N. 141/1957.
G.N. 202/1957.
G.N. 198/1958.
G.N. 57/1959.
G.N. 202/1959.
G.N. 12/1960.
G.N. 141/1962.
G.N. 219/1963.
G.N. 296/1963.
G.N. 209/1964.
43 of 1964, s. 5.
S.I. 65/1965.

Short title.

Interpretation.

conch, crab or any sponge, coral, sea-fan, sea-plume, marine shell or any other form whatsoever of marine life ;

“Minister” means the Minister charged with the responsibility for the administration of the Act ;

“port of entry” for the purpose of these Rules means any place of landing, port, or settlement designated by the Minister for the purpose of inspecting crawfish ;

G.N. 34/1956.

“prohibited apparatus” means—

(a) any device, other than a schnorkel, designed for the purposes of enabling a person to breathe whilst under water ;

G.N. 295/1963.

(b) any device designed for the discharge of a missile under water except a Hawaiian sling ;

G.N. 34/1956.

“schnorkel” means a tube through which a person whose face is beneath the surface of the water can breathe air directly from the atmosphere ;

“spearfishing apparatus” means anything of the categories set out below which is used in the sport commonly known as “spearfishing”—

(a) a spear ;

G.N. 295/1963.

(b) a device made of wood for the discharge of a missile under water by the force of a spring of rubber, and known as a Hawaiian sling ;

(c) a schnorkel ;

(d) an underwater mask ;

(e) underwater goggles.

PART I.

PROHIBITIONS.

Licences
required.

Schedule.

3. No person shall export any marine products from the Colony unless he has a licence from the Minister in the form of either Form 2 or Form 3 in the Schedule to these Rules ; and no person shall can. freeze or otherwise preserve any marine products in the Colony for export unless he has a licence from the Minister in the form of Form 1 in the Schedule to these Rules.

4. No person holding a licence shall purchase or have in his possession in any place whatsoever any of the fish known as grouper, rockfish or hamlet weighing less than one pound.

Size of certain fish.

5. No person shall—

Use of seine net.
G.N. 141/1931.

(a) use a purse seine net in water less than five fathoms deep ;

(b) use any seine or net with a mesh under three quarters of an inch for the purpose of catching fish except goggle-eyes and pilchards in any territorial waters of the Colony.

6. No person shall use dogwood or other poisonous bark, poisonous wood or any other poisonous substance whatsoever for the purpose of stupifying or destroying fish anywhere in the territorial waters of the Colony, save for experimental or scientific purposes under a licence issued by the Minister for both such purposes or either of them.

Prohibition of poisons.

G.N. 73/1956.

7. No person shall—

Protection of harbours.

(a) fish for or take any fish by means of a net in the harbour or at the entrance to the harbour of any settlement in the Colony, except for food to be consumed by himself or his family ;

(b) take any edible marine product from within the harbour of any settlement or from any place within a mile of any settlement for the purpose of exporting such product.

8.—(1) No person shall within all that area of water in Nassau Harbour whose surface is approximately one hundred yards square and which is bounded on the north by that portion of Lot 10 of Paradise Island, commencing at the south east corner of the said Lot 10 and running in a westerly direction for one hundred yards (being directly over White Lime Hull), take, capture, destroy or kill any fish or marine life of any kind.

Protection of Nassau Harbour and adjacent waters

G.N. 14/1940.

(2) It shall not be lawful for any person to use a net to haul, catch, take or gather, or to attempt to use a net to haul, catch, take or gather fish in the area defined and set out in paragraph (5) of this Rule.

(3) It shall not be lawful for the owner or master or other person in charge of any vessel or boat to

permit such vessel or boat to be employed in hauling, catching, taking or gathering any fish by nets within the area defined and set out in the said paragraph (5).

(4) Paragraphs (2) and (3) of this Rule shall not apply to the catching of the fish known as goggle-eyes and passing jacks in the area set out in the said paragraph (5).

(5) All that area of water lying between the Island of Paradise Island and the Island of Athol Island to the northward and the Island of New Providence to the southward, and between the western end of the said Island of Paradise Island and a line drawn in a southerly direction to the said Island of New Providence to the westward and the eastern end of the said Island of Athol Island and a line drawn in a southerly direction to the said Island of New Providence to the eastward.

PART II

CRAWFISH

Close season

9. (1) From and including the 1st day of April to and including the 31st day of July in any year no person shall fish for, take capture, destroy or kill, or have in his possession any live or fresh crawfish without first having obtained the written permission of the Minister.

(2) From and including the 1st day of April to and including the 31st day of July in any year no person shall buy, sell, expose or offer for sale any live or fresh crawfish.

Size limit.

10. (1) No person shall fish for, take, capture, destroy, kill, have in his possession, sell, expose or offer for sale in any place whatsoever any crawfish which measures less than three and three-eighths inches from the base of the horns to the end of the jacket or which weighs less than one pound or the tail of which weighs less than five ounces.

(2) No vessel or dinghy shall engage in fishing for crawfish unless such vessel carries a measuring gauge of a pattern approved by the Minister.

Taking etc.
of egg-bearing
crawfish
prohibited.

10A. (1) No person shall fish for, take, capture, destroy or kill any egg-bearing crawfish.

(2) Any person having egg-bearing crawfish in any trap or other device used for the purpose of crawfish trapping shall immediately return them to the water alive and unharmed.

(3) No person shall clip or otherwise remove the eggs from an egg-bearing crawfish.

(4) No person shall have in his possession, sell, expose or offer for sale any egg-bearing crawfish or any crawfish from which eggs have been clipped or otherwise removed.

11. No person holding an exporter's licence shall purchase or have in his possession in any place whatsoever any crawfish which measures less than three and three-quarter inches from the base of the horns to the end of the jacket or the tail of which weighs less than seven ounces.

Exporter to observe size limit.

12.—(1) No person shall fish for, take, capture, destroy or kill any crawfish by means of a spear or harpoon of any description except for use as fresh food within the Colony.

Use of spear, harpoon or trap.

(2) No person shall fish for, take, capture, destroy or kill any crawfish by means of a trap (either wood or metallic).

G.N. 296/1963.

13. No person without a licence shall (except for the purpose of preserving live crawfish for use as fresh food within the Colony) construct any kraal or use any kraal already constructed, or use any barge, fish car, sack or other contrivance for the purpose of preserving crawfish alive, and no such contrivance shall be used unless it has been inspected and approved by the Minister:

Use of kraals, etc.

Provided that vessels equipped with fishwells shall be permitted to transport live crawfish in such wells from a fishing ground to a purchaser, such transport and sale to be completed without delay.

14. No crawfish gathered within the waters of the Colony for export shall be offered for sale within or without the Colony unless—

Crawfish for export or canning must be brought to port of entry.

(a) such crawfish have been submitted for inspection in the manner prescribed by these Rules;

(b) the exporter or canner has obtained a licence issued by the Minister in a form set out in the Schedule to these Rules.

Schedule.

15. No person shall buy or sell crawfish at a price below the minimum price fixed in accordance with the provisions of these Rules.

No sale below minimum price.

PART III.

APPLICATIONS FOR LICENCES.

Particulars of
licence.

16.—(1) Any application for an Exporter's General Licence, a Canner's General Licence, or a Bulk Exporter's Licence shall be made in writing to the Minister and the Minister may at his discretion grant or refuse such licence.

(2) A Canner's General Licence, an Exporter's General Licence and a Bulk Exporter's Licence shall be drawn in accordance with Forms 1, 2 and 3 respectively, as set out in the Schedule to these Rules.

Schedule.

(3) All licences shall be issued in triplicate and shall be signed by or on behalf of the Minister. One copy of each licence shall be issued to the licensee, one copy kept by the Minister, and one copy furnished to the inspector at the port of entry mentioned in the licence who shall keep the same for the purpose of reference.

(4) Every licence shall state the period of its duration.

(5) An application for a Canner's General Licence shall give the following particulars:—

- (a) the kind of species of marine products which it is proposed to purchase;
- (b) the area or areas in which it is proposed to purchase such marine products; and
- (c) the port of entry through which exports of such products will be cleared.

(6) An application for an Exporter's General Licence shall give the following particulars:—

- (a) the kind of species of marine products which it is proposed to export;
- (b) the place at which it is proposed to purchase marine products; and
- (c) the port of entry through which exports of such products will be cleared.

(7) An application for a Bulk Exporter's Licence shall state—

- (a) the vessel or vessels in which the applicant intends to export marine products;

(b) the name of the person or persons who own and who operate each such vessel ;

(c) the name, tonnage, description and registry of each such vessel ;

(d) the name of the master of each such vessel ;

(e) the kind or species of marine product which it is proposed to export ;

(f) the area or areas in which it is proposed to purchase marine products ; and

(g) the port of entry through which exports of such products will be cleared.

(8) During the open season the owner, operator or captain, as the case may be, of any vessel not fishing for export shall not have more than five hundred crawfish on board at any one time unless such vessel is in possession of a licence from the Minister. *G.N. 106/1956.*

17. Licences shall be issued subject to the following conditions : — *Conditions of licence.*

“(a) A licensee who purchases crawfish shall not offer for sale or dispose of such crawfish unless he has submitted the same for inspection to such person or persons as the Minister may appoint and has paid in an inspection fee of three cents per pound (notwithstanding the form in which such crawfish are offered for sale or disposal) at the ports of Nassau, Miami in Florida and West Palm Beach in Florida, and at such other places as the Minister may designate.”.

(b) a licensee shall not buy marine products elsewhere than in the area or areas mentioned in the licence ;

(c) a licensee shall in respect of each purchase of crawfish made by him prepare in quadruplicate a sales certificate in accordance with Form 4 in the Schedule to these Rules and give two copies to the inspector at the port or ports of entry named therein and one copy to the seller ; *Schedule.*

(d) all marine products exported under such licence shall be cleared from the port or ports mentioned therein ;

(e) a licence issued in accordance with Form 3 in the Schedule hereto shall not authorize the export of marine products except in the vessel mentioned therein ; *Schedule.*

(f) a licensee shall not can or export any species of marine product not covered by the licence ;

(g) a licensee shall be responsible for a breach committed by his agent or employee of any of the provisions of these Rules ;

(h) a licensee shall render a monthly report to the Minister or to such persons as the Minister may direct of all scale fish purchased by him or on his behalf, stating the kind of fish purchased, and their weight, the price paid and the area in which such fish were caught, the first such report to be rendered one calendar month from the date of the issue of his licence ;

(i) a licensee shall comply with any direction issued by the Minister in order to avoid the creation of a nuisance by reason of the cleaning of fish in any harbour in the Colony ;

(j) a licensee shall not buy conch or conch shell unless such conch or conch shell has been taken in the area or areas designated in his licence.

Cancellation
of licence.

18. The Minister may at any time cancel or suspend the authority conveyed under any licence for the purchase, export or canning of any marine product whenever there exists in the opinion of the Minister a scarcity of such marine product for consumption in the Colony.

Fishing areas.

19. The Minister may from time to time by notice published in the *Gazette* and in a newspaper—

(a) designate fishing areas in any part of the Colony ;

(b) fix a minimum price or minimum prices to be paid for crawfish purchased in any designated fishing area.

PART IV.

CONCH.

Export of
conch.
G.N. 198/1958.

20.—(1) No person shall export from the Colony any edible conch or its shell :

G.N. 12/1960.

Provided that this Rule shall not apply to any conch shell which is proved by the exporter, to the

satisfaction of the Minister, to have been gathered before the 1st day of November 1958:

Provided further that this Rule shall not apply to the cut lip of any conch shell:

G.N. 141/1962.

Provided further that this Rule shall not apply to any crushed conch shell which is proved by the exporter, to the satisfaction of the Minister, to be intended for export for use in the manufacture of terrazzo.

G.N. 219/1963.

21. During the period from and including the 1st day of October until and including the 15th day of March in each year no person may gather conch save for the purpose of using such conch as food or bait for consumption within the Colony.

Food for local consumption.

22. No person shall, in all that area of water lying within one mile of the coasts of Abaco, Andros, Grand Bahama and all that area of water lying within Main Harbour and Nixes Harbour in the Biminis take, capture, destroy or kill any conch other than conch of the varieties known as "King" and "Queen", for the purpose of exporting such conch or its shell. Such prohibition shall not apply or extend to the taking, capturing and killing of conchs when these are taken, captured or killed for use as food or bait within any of the above specified areas.

Protection of harbours.

PART V.

TURTLE.

23. All turtle brought to New Providence and intended for sale by tender or otherwise must be landed at the City Market Quay in the City of Nassau. Before it is offered for sale in the fish department of the City Market such turtle shall be displayed for inspection purposes and the vendor shall notify an officer or person authorized by the Minister when such turtle is ready to be inspected. The landing at any other point in New Providence of turtle intended for sale is strictly prohibited.

Turtle sold in Nassau.

24. Where turtle are brought to any Out Island and intended for sale by tender or otherwise in the Out Island, the vendor shall notify one of the following persons, that is to say:—

Turtle sold in Out Islands.

any officer of the Minister ; or
any person authorized by the Minister ; or
any peace officer ; or
any person acting under the authority of a
magistrate or justice of the peace,
of such sale and submit such turtle to examination by
such person.

Sale of turtle
shell.

25. Before offering any turtle shell whatsoever for sale by tender or otherwise, the vendor shall notify an officer of or person authorized by the Minister (in the case of New Providence), or one of the persons mentioned in Rule 24 of these Rules (in the case of an Out Island) of such intended sale and submit such turtle shell to examination by such person.

Size of turtle.

26. No person shall fish for or catch within the waters of the Colony, slaughter, have in possession, sell, expose or offer for sale or purchase in any place whatsoever hawksbill turtle under the size of seventeen inches from the neck scales to the tail pieces or green-turtle under the size of fifteen inches from the neck scales to the tail pieces.

Close season.

27. During the period from and including the 1st day of April until and including the 30th day of June in each year, no person shall take or capture, buy or sell or expose or offer for sale on behalf of himself or any other person in any place whatsoever within the Colony any loggerhead turtle.

G.N. 87/1955.

Capture of
turtle on beach.

28. No person shall take or capture turtle on any beach in the Colony.

Turtle eggs.

29. No person shall take, buy or sell or expose for sale on behalf of himself or any other person, in any place whatsoever within the Colony, any turtle eggs.

PART VI. BONEFISH.

Sale prohibited
in New
Providence.

30. No person shall buy, sell, expose or offer for sale on behalf of himself or any other person in any place whatsoever in or within three miles of the Island of New Providence, any bonefish.

31. No person shall take or capture by means of a net on behalf of himself or any other person any bonefish within the waters of the Colony:

Netting
prohibited.
G.N. 57/1959.

Provided that any person may take or capture on behalf of himself or any other person by means of a net which has a minimum stretched mesh of three inches measured from the inner end of one knot to the inner end of the other, in that body of water in Deadman's Cay Sound bounded on the southeast by an imaginary line extending in a southwesterly direction from the Government warehouse at Junkers Landing to Burrow's Cay Haulover, to the east and west by the main land of Long Island and to the north and west by an imaginary line extending in a westerly direction from Fowl Cay to Little Turtle Rock and thence in a southerly direction to the western end of Sandy Cay, Long Island.

PART VII.

STONE CRAB.

32. No person shall, within two miles of the coast of the islands of the Biminis and Grand Bahama, whether on behalf of himself or any other person, take, capture, destroy or kill or have in his possession any stone crab.

Killing etc.
prohibited.

PART VIII.

SPEARFISHING.

33.—(1) No person shall take, capture, destroy or kill any marine product by means of or whilst using any spearfishing apparatus within the following areas:—

Prohibited
areas.

G.N. 34/1956.

S.I. 65/1965.

(a) that body of water extending northwardly from the coast line of New Providence Island between East End Point and Clifton Point and bounded on the east by an imaginary line drawn from the said East End Point on New Providence Island to the eastern end of Athol Island on the north by Athol Island, thence by an imaginary line joining the western end of Athol Island to the easternmost point of Paradise Island (Hog Island), thence by Paradise Island (Hog Island), thence by

an imaginary line joining the western end of Paradise Island (Hog Island) to the easternmost point of Silver Cay, thence by Silver Cay, thence by an imaginary line joining the western end of Silver Cay to the eastern end of Long Cay, thence by an imaginary line joining the western end of Long Cay to the eastern end of North Cay, thence by North Cay, thence by an imaginary line joining the western end of North Cay to an imaginary point one mile due north of Northwest Point on New Providence Island on the northwest by an imaginary line drawn from the aforesaid point one mile due north of Northwest Point to another imaginary point one mile due west of Goulding Cay which lies off the western end of New Providence Island and on the southwest by an imaginary line drawn from the said point one mile due west of Goulding Cay to Clifton Point at the western end of New Providence Island ;

(b) that body of water lying between Paradise Island (Hog Island) and Athol Island commonly known as "The Narrows" and which comprises the area known as "The Sea Gardens".

(2) No person shall take, capture, destroy or kill any marine product anywhere within the waters of the Colony by means of or whilst using any prohibited apparatus.

(3) No person shall knowingly buy, sell, expose for sale, offer for sale or export any marine product which has been taken, captured, destroyed or killed anywhere within the Colony by means of any prohibited apparatus or any spearfishing apparatus, or which has been taken, captured, destroyed or killed anywhere within the waters of the Colony by a person when using any prohibited apparatus or any spearfishing apparatus.

G.N. 57/1959.

(4) No person shall engage in any spearfishing tournament or competition within the waters of the Colony.

Protected areas.

S.J. 65/1965.

34. No person shall take, capture or kill, uproot or destroy any kind of marine product other than fish or crawfish within one-half mile of the coast at low water mark of North Cay which lies off the northern coast of the Island of New Providence.

PART IX.

FACTORIES FOR THE PRESERVATION OF MARINE PRODUCTS.

35.—(1) All factories for the preservation of marine products shall be open for inspection at any reasonable time by any person authorized by these Rules to inspect such factories. A person so authorized may inspect a factory for the preservation of marine products at any reasonable time and a canner shall produce for inspection at the request of such officer any accounts prescribed by these Rules.

Inspection of
factories and
accounts.

(2) The proprietor of such factory shall keep accounts of all marine products purchased and exported by him. Such accounts shall be open to inspection by any person authorized by these Rules to inspect such factories, and the proprietor of any such factory shall render to the Minister at the end of each calendar month a statement showing therein particulars of such products purchased and exported during that month.

PART X.

APPOINTMENT OF INSPECTORS.

36.—(1) The Minister shall appoint inspectors who shall exercise the powers and duties conferred or imposed upon them by these Rules.

Powers of
inspectors.

(2) An inspector shall have the following powers:—

(a) to keep a register of all licensed exporters and canners who purchase marine products ;

(b) to count and weigh during such months of the year and such hours of the day as the Minister may direct any crawfish brought to any port of entry within or without the Colony ;

(c) to procure from the holder of any licence issued in accordance with Rule 16 of these Rules a copy of a sales certificate for each and every sale of crawfish made in respect of such licence ;

(d) to inspect and examine any marine products ;

(e) to inspect and examine any vessel in which any marine product is exported ;

(2) For the purpose of inspecting marine products an inspector may enter upon any private property or stop or enter any vessel or boat within the waters of the Colony and remain thereon for such time as may be necessary for him to perform such inspection and may cause any collection or lot of marine products to be

G.N. 34/1956.
G.N. 202/1957.

products until such sorting has been effected.

PART XII.

DISPOSAL OF SEIZED MARINE PRODUCTS.

Power of
inspector to sell
seized
products.

38.—(1) Any marine products seized under the provisions of the Act or of these Rules shall where practicable be taken to the nearest port of entry or place of landing by the inspector who has seized them, and such inspector may use for the purpose of conveying such products to such port of entry or place of landing the boat in which such products were seized, and may thereupon sell such products.

(2) The proceeds of any sale conducted under the provisions of paragraph (1) of this Rule shall be deposited in the court of the magistrate within whose jurisdiction the sale took place, and such magistrate shall dispose of them as follows:—

(a) where any person is charged with an offence against these Rules or any law relating to marine products, such offence being related to marine products seized and sold in accordance with the Act or these Rules, and the proceeds of the sale of such products being in the court of trial or any other court the trial magistrate may upon the conviction of such person order the proceeds of such sale to be forfeited, but if such person is acquitted the trial magistrate shall order the proceeds of such sale to be returned to such person ;

(b) if no such charge is preferred or if such a charge is withdrawn then any person having an interest in the proceeds of such sale may apply to the court in which such proceeds are deposited and the court may order that such proceeds shall be paid to such person ;

(c) where no proceedings are taken as provided in subparagraph (a) or (b) of this paragraph within twelve months of the payment into court of such proceeds then such proceeds shall be forfeited and shall be paid into the Public Treasury of the Colony.

PART XIII. PENALTIES.

39.—(1) Any person who wilfully obstructs or resists any inspector in the execution of his duties under these Rules shall be guilty of an offence and shall be liable on summary conviction to the penalty provided by section 6 of The Agriculture and Fisheries Act.

Licence may
also be
suspended.
S.I. 65/1963.

(2) Any person who commits a breach of these Rules shall be guilty of an offence and if no other penalty is imposed by the Act or these Rules shall be liable on summary conviction to the penalty provided by section 6 of The Agriculture and Fisheries Act.

(3) If the holder of a licence—

(a) fails to comply with the provisions of these Rules ; or

(b) commits a breach of any of the laws of the Colony in connection with purchasing for export or exporting any marine products,

the Minister may in addition to any other penalty cancel or suspend the licence of such person.

SCHEDULE.

THE AGRICULTURE AND FISHERIES ACT.

Rules 3 and 16.

FORM 1.

CANNER'S GENERAL LICENCE.

Licence No.....

Place and date of issue

1. of.....
is hereby licensed to engage in the purchase for canning or preservation of the following marine products as listed at the undermentioned fishing area or areas designated—

MARINE PRODUCTS

FISHING AREAS

.....
.....

2. Port through which marine products bought under this licence must be cleared

3. This licence is issued subject to the compliance by the licensee with the conditions specified in The Marine Products (Fisheries) Rules.

4. This licence expires on the..... of19.....

.....

*(Signature and office of
officer issuing licence.)*

THE AGRICULTURE AND FISHERIES ACT.

Rules 3 and 16.

FORM 2.

EXPORTER'S GENERAL LICENCE.

Licence No.....

Place and date of issue

1. of.....
is hereby licensed to engage in the purchase for export and shipment for export of the following marine products as listed at the undermentioned fishing areas—

MARINE PRODUCTS

FISHING AREAS

.....
.....

2. Port through which marine products bought under this licence must be cleared

3. This licence is issued subject to the compliance by the licensee with the conditions specified in The Marine Products (Fisheries) Rules.

4. This licence expires on the..... of19.....

.....
*(Signature and office of
officer issuing licence).*

THE AGRICULTURE AND FISHERIES ACT

Rules 3 and 16. FORM 3.

BULK EXPORTER'S LICENCE.

Licence No.....

Place and date of issue

1. of.....
is hereby licensed to engage in the purchase and export of the following marine products as listed from the undermentioned fishing areas—

MARINE PRODUCTS

FISHING AREAS

.....
.....
Name of vessel
Home port
Tonnage
Description
Name of owner
Name of master

2. Port through which marine products bought under this licence must be cleared

3. This licence is issued subject to the compliance by the licensee with the conditions specified in The Marine Products (Fisheries) Rules.

4. This licence expires on the..... of19.....

.....
*(Signature and office of
officer issuing licence.)*

THE AGRICULTURE AND FISHERIES ACT.

Rule 17. FORM 4.

SALES CERTIFICATE.

Fishing areas

Date.....