

VIRGIN ISLANDS
STATUTORY RULES AND ORDERS
1982, No. 31

The Fisheries Rules, 1982 made by the Minister under section 12 of the Fisheries Ordinance, (No. 13 of 1979).

[Gazetted 21st October, 1982]

- Short title. 1. These Rules may be cited as the Fisheries Rules, 1982.
- Definitions. 2. In these Rules:-
- "commercial fishing boats"
means a fishing boat which is used for taking marine products, part or all of which catch is offered for sale;
- "pleasure fishing boat"
means a fishing boat of fifteen feet or over in overall length which is used only for amateur angling or sport fishing;
- "big game sport fishing boat"
means a fishing boat used for pleasure fishing and using special fishing gear and equipment for taking big game fish.
- Spiny lobster. 3. (1) No person shall catch, destroy, sell, offer for sale, export or have in his possession any female spiny lobster, (crawfish or cray fish) carrying eggs, or strip the eggs of such spiny lobster.
- (2) No person shall take any female spiny lobster carrying eggs from any fishing gear, apparatus or contraption; and any such lobster caught in that manner shall immediately be returned to the sea unharmed.
- (3) No person shall capture any spiny lobster other than by hand, snare, tangle net, pot or trap; and no person shall have in his possession or sell any spiny lobster that has been speared hooked or otherwise impaled.
- (4) Any person who contravenes this rule is guilty of an offence and on summary conviction is liable to the penalty as specified in section 13 of the Fisheries Ordinance.
- Minimum size of lobster. 4. (1) No person shall sell, offer for sale, buy or have in his possession any spiny lobster that is less than one pound in weight or measure less than three and a half inches in carapace, or head length.

(2) This rule does not apply where the fisheries officer certifies that a spiny lobster of the dimension or weight referred to in subrule (1) is kept or intended to be kept in an approved spiny lobster farm.

(3) For the purpose of this rule "length" means the distance from midway between the eye horns to the rear margin of the carapace or head.

(4) Any person who contravenes this rule is guilty of an offence and on summary conviction is liable to a fine of two hundred dollars.

Certain methods of fishing prohibited.

5. (1) No person shall use or possess within the exclusive fisheries zone a fish trap, fish pot or trap made in part or whole of wire mesh with openings of less than one and one half inches measured midway along the aperture in the mesh.

(2) No person may use a fish pot or trap or set nets or seine net while such person is aboard a pleasure fishing boat.

(3) Any person who contravenes this rule is guilty of an offence and on summary conviction is liable to a fine of fifty dollars.

Interference with fish traps etc. prohibited.

6. (1) No person shall within the exclusive fisheries zone wilfully molest, interfere with or have any fish trap, seine, net or other fishing apparatus without the prior consent of the owner of such fish trap, seine, net or other apparatus.

(2) Any persons who contravenes the provision of subsection (1) shall be guilty of an offence and shall on conviction before a magistrate or liable to a penalty not exceeding \$250.00.

Licensing of fishing boats.

7. (1) All fishing boats taking marine products in the exclusive fishing zone must be licenced annually; and the owner or agent of any vessel engaged in taking marine products in the exclusive fishing zone is required to be in possession of a licence granted by the Minister.

(2) Notwithstanding subrule (1), the owner or agent of a foreign pleasure fishing boat or of a foreign big game sport boat intending to fish in the exclusive fishing zone must take out permits when clearing with Customs and Immigration Departments on entering the Territory.

(3) The owner or agent of a foreign commercial fishing boat that is registered in another country must apply in writing to the Minister for a licence; and the Minister may refuse such licence without giving any reasons.

- Licence and fees. 8. (1) The licensing period for all fishing boats taking marine products in the exclusive fishing zone is from 1st January in each year.
- Second Schedule. (2) Applications for fishing boat licences must be on a form set out in the Second Schedule issued by the Department of Agriculture.
- (3) Notwithstanding subrule (1), a new fishing boat licence may be issued at any time during the yearly period. If such licence is issued during the first half of the year the full fee must be paid. But if such licence is issued during the second half of the year then half of the fee must be paid.
- First Schedule. (4) The fees set out in the First Schedule must be paid on the granting of a fishing boat licence under this rule.
- Registration of fishing boats. 9. (1) A register of all fishing boats taking fish in the exclusive fisheries zone must be kept in the Department of Agriculture. The register must show the ownership, category and registered number of each fishing boat.
- (2) Where the ownership of a fishing boat is changed, a fishing boat licence may be transferred to the new owner by making application to the Department of Agriculture on a form issued by that Department and on payment, of the fee set out in the First Schedule.
- First Schedule. 10. Where a fishing boat licence is lost, damaged or destroyed, a duplicate licence may be issued on payment of the fee set out in the First Schedule.
- Duplicate licence. First Schedule.
11. Each registered commercial fishing boat must be given a number in the Series 001 to 500. This number, prefixed by the letters "BVI", must be displayed prominently in four-inch symbols on both sides of the bow of the boat, or on both sides of the wheelhouse, or on a board painted on the sides of the boat with the letters and numbers fixed above the foredeck so as to be plainly visible.
- Markings on commercial fishing boats.
12. Each registered pleasure fishing boat must be given a number in the series 501 to 999. This number must be prefixed by the letters "BVI" and followed by the letter "P" and must be displayed in four-inch symbols either on both sides of the bow of the boat or on both sides of the wheelhouse or across the stern transom.
- Markings on pleasure fishing boats.
14. (1) No person shall use, or being the owner or agent, shall permit any other person in the exclusive fisheries zone unless such fishing boat is licenced.
- (2) Any person who contravenes subrule (1) is guilty of an offence and on summary conviction is liable to a fine of fifty dollars.
- (3) A fishing boat licence must be in the form set out in the Second Schedule.
- Second Schedule.

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 # 13
 Use of fishing boat without
 license prohibited.

Taking marine products without fisherman's licence.

15. (1) No non-belonger shall take any marine product in the exclusive fishing zone, unless he has in his possession a licence granted by the Minister and has paid the fee set out in the First Schedule.

Second Schedule.

(2) A licence under subrule (1) shall be in the Form A of the Second Schedule.

(3) An application for a licence under subrule (1) may be made through the Department of Agriculture; but a daily tourist fishing permit may be issued on behalf of the Department of Agriculture by a registered charter boat owner or operator.

(4) Any person who contravenes subrule (1) is guilty of an offence and is liable on summary conviction to a fine of twenty-five dollars.

FIRST SCHEDULEFEESA. Fisherman's Licence

Non-belonger	-	\$20 per annum
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B. Fishing Boats

(a) Commercial	-	\$10
(b) Big Game Sport	-	\$200
(c) Foreign Commercial	-	\$50
(d) Pleasure	-	\$25
(e) Duplicate Licence	-	\$3.00
(f) Transfer of Licence	-	\$3.00

SECOND SCHEDULE

ARRANGEMENT OF FORMS

- FORM A - Non-Belonger's Fisherman's Licence
- B - Commercial Fishing Boat Licence Application
- C - Big Game Sport Fishing Boat Licence Application
- D - Foreign Commercial Fishing Boat Licence Application
- E - Pleasure Fishing Boat Licence Application
- F - Fishing Boat Licence.