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of  
Subsidiary Legislation**

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**CHAPTER 61:61**

**PROTECTION OF FISHERMEN ACT**

**ARRANGEMENT OF SECTIONS**

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**CHAPTER 61:61****PROTECTION OF FISHERMEN ACT**

8 of 1963. **AN ACT relating to the beaching of boats by fishermen and to matters incidental thereto.**

Commencement. [1st March 1963]  
[10 of 1966].

Short title. **1. This Act may be cited as the –**  
**PROTECTION OF FISHERMEN ACT.**

Interpretation. **2. In this Act –**  
[25 of 1964  
3 of 1966].

“adjoining land” means lands adjoining the foreshore of the State and extending not more than twenty-five yards beyond the landward limit of the foreshore;

“building” means any structure of a permanent character, covered with a roof and built of wood or blocks or both so as to be capable of affording shelter and protection and used as a shop or dwelling house or as a place of amusement or recreation;

“fishing” includes purposes incidental to fishing;

“foreshore” means the shore and bed of the sea and of any tidal water, below the line of the medium high tide between the spring tide and the neap tides;

“reserved fishing beach” means any area established as a reserve fishing beach in accordance with section 3;

“the public” includes any class of the public.

Reserved fishing beach. [25 of 1964].

**3. (1) The House of Assembly may, from time to time, by resolution, declare that there shall be established a reserved fishing beach upon any part of the foreshore and adjoining land in any part of the State.**

(2) Upon the passing of a resolution as aforesaid, the Minister may by Order specify the boundaries or the limits of the reserved fishing beach referred to in the resolution, on condition that –

(i) the area of a reserved fishing beach shall not exceed one  
acre in extent; and

(ii) no building shall be included within the limits of a reserved fishing beach.

(3) From and after the date of publication of the Order in the *Gazette*, there shall be vested in the public the following rights:

- (a) to beach, house and repair fishing boats;
- (b) to dry, store and repair fishing nets and other fishing gear and equipment; and
- (c) to pursue activities usually connected with fishing and the occupation of fishermen;

in, over and upon the reserved fishing beach specified in the Order.

(4) From and after the date of publication of the Order in the *Gazette* no person exercising any of the rights aforesaid, on the land within the limits of the reserved fishing beach, as specified in the Order, shall be deemed a trespasser thereon.

(5) The Minister may by Order declare that any Order specifying the boundaries or limits of a reserved fishing beach shall be cancelled, and the reserved fishing beach shall cease to be a reserved fishing beach from and after the date of publication of the Order in the *Gazette*, and all rights, in and over the said reserved fishing beach as conferred by virtue of this Act shall cease to exist.

(6) Where a reserved fishing beach, or any part thereof, is established on any adjoining land, the owner or other person, as the case may be, in lawful occupation of the adjoining land at the date of passing of the resolution in respect of the establishment of the reserved fishing beach, shall be entitled to be paid out of the general revenue of the State a sum by way of compensation in respect of any cultivation, or growing crops of economic value, existing on the adjoining land at the date of the passing of the resolution.

(7) If the owner of any adjoining land referred to in subsection (6) can prove to the satisfaction of the Minister that the adjoining land had been granted by the State to himself, or to some other person through whom he claims title to the said adjoining land, he shall be entitled, in addition to any compensation payable under subsection (6), to be paid out of the general revenue of the State a sum by way of compensation in respect of the loss of use of the land. The amount of compensation to be paid under this subsection shall be calculated at a rate per acre equivalent to the rate per acre paid to the State for the purpose of obtaining the grant of the adjoining land.

(8) The compensation to be paid under subsection (6) shall be assessed in the manner prescribed by Regulations made under this Act; and until such Regulations are made, the compensation shall be assessed in the manner prescribed by the Compensation for Buildings or Growing Crops Regulations.

Sub. Leg.  
Ch. 46:01.

4. (1) Nothing contained in this Act shall affect any rights enjoyed by any person over the foreshore, where such rights existed immediately before the date of coming into operation of this Act.

Savings.  
[25 of 1964].

(2) Except as otherwise provided by Regulations made under this Act, the establishment of a reserved fishing beach, or any part thereof, upon the foreshore or upon adjoining land shall not affect any rights enjoyed by fishermen over the foreshore or over such adjoining land, where such rights existed immediately before the establishment of the reserved fishing beach.

5. The Minister may make Regulations generally for the proper carrying out of the purposes and provisions of this Act and in particular but without prejudice to the generality of the foregoing, may make Regulations –

Power to make  
Regulations.  
[25 of 1964].

- (a) for securing the observance of sanitary and cleanly conditions and practices at and in respect of the foreshore and reserved fishing beaches;
- (b) providing for the prevention of danger or annoyance to, or obstruction of, any member of the public lawfully using any part of the foreshore or the territorial waters of the State;
- (c) for the preservation of good order and conduct among members of the public using the foreshore, or reserved fishing beaches;
- (d) prescribing the erection or placing on the foreshore, or on reserved fishing beaches, of huts, booths, tents, sheds, stands and stalls (whether fixed or moveable); and
- (e) prescribing the manner in which compensation payable

6. (1) As soon as practicable after an Order made under section 3 (2) has been published in the *Gazette*, the Minister shall forward to the Registrar of the High Court a notification in the form "A" set out in the Schedule, containing the particulars therein specified, and upon the receipt thereof the Registrar shall file the same in the register, to be kept for the purpose and to be known as the "Register of Reserved Fishing Beaches" and the register shall be open to inspection by the public on payment of the appropriate fee.

Registration of  
notification of  
establishment and  
cancellation of  
reserved fishing  
beaches.  
[25 of 1964].  
Schedule.  
Form A.

(2) Every notification duly filed by the Registrar pursuant to the provisions of subsection (1) shall take effect with respect to any adjoining land within the limits of the area specified in the Order referred to in the notification as if the notification were a document duly registered under the Registration and Records Act, or the Title by Registration Act, and shall be good and effectual both at law and in equity, in accordance with section 3 (3) and (4) of this Act, against the owner of the adjoining land, and with respect to any assurance or disposition of the said land or any part thereof, and against all judgment creditors of any owner of the adjoining land.

Ch. 19:04.  
Ch. 56:50.

(3) Where any adjoining land has been brought under the provisions of the Title by Registration Act, the Registrar of Titles shall cause a noting to be made and signed by him upon the certificate of title relating to the land, referring to the notification filed in the Register of Reserved Fishing Beaches in accordance with subsection (1) of this section. For the purpose of making such a noting on the duplicate certificate of title issued to the registered proprietor, the Registrar of Titles shall have the same powers as are conferred upon him by section 142 of the Title by Registration Act.

(4) As soon as practicable after an Order made under section 3 (5) of this Act has been published in the *Gazette*, the Minister shall forward to the Registrar of the High Court a notification in the form "B" set out in the Schedule, containing the particulars therein specified, and upon the receipt thereof, the Registrar shall file the same in the register referred to in subsection (1).

Schedule.  
Form B.

(5) Every notification when duly filed in accordance with subsection (4), shall take effect, as if the notification were a document duly registered under the Registration and Records Act, or the Title by Registration Act, and shall be good and effectual both at law and in equity in accordance with section 3 (5) of this Act, with respect to the adjoining land to which it relates.

(6) Where a notification forwarded to the Registrar under subsection (4) relates to adjoining land brought under the Title by Registration Act, the Registrar of Titles shall cancel the notings previously made under subsection (3) of this section on the certificates of title relating to the land, by writing across the notings the word "Cancelled" in red ink, with a reference to the notification filed under subsection (4) of this section, and he shall date and sign the same. For the purpose of effecting the cancellation upon the duplicate certificate of title issued to the registered proprietor, the Registrar of Titles shall have the same powers as are conferred upon him by section 142 of the Title by Registration Act.

Offence.  
[25 of 1964].

7. Any person who wilfully obstructs or interferes with the exercise of any of the rights conferred on the public by virtue of this Act is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

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## SCHEDULE

### FORM A

Section 6(1)

#### *Protection of Fishermen Act*

Notification given by the Minister of the Establishment of a Reserved Fishing Beach, under section 6 (1) of the above-mentioned Act.

To the Registrar of the High Court.

#### TAKE NOTICE:

1. That a Reserved Fishing Beach has been established at (a) by virtue of an Order made by me and published in the *Gazette* on the (b) day of , 19 , which Order is shortly entitled the (c) Order, 19 , (No. (d) of 19 ).

2. The said Order affects lands owned by (e) at (f) and known as (g) in the parish of St. (h) in this State.

3. I hereby cause this Notification to be filed in the Registry of the Reserved Fishing Beaches, and take such other action as may be necessary under section 6 (1) of the above-mentioned Act.

Date:.....,19.....

.....  
*Minister*

## FORM B

Section 6 (4).

*Protection of Fishermen Act*

Notification given by the Minister of the cancellation of a Reserved Fishing Beach, under section 6 (4) of the above-mentioned Act.

To the Registrar of the High Court.

**TAKE NOTICE:**

1. That the Reserved Fishing Beach, established by virtue of an Order made by me and published in the *Gazette* on the (b) day of , 19 , which Order was shortly entitled the (c) Order, 19 , (No. (d) of 19 ) has been cancelled by virtue of an Order made by me and published in the *Gazette* on the (b) day of 19 , which Order is shortly entitled the (c) Order, 19 , (No. (d) of 19 ).

2. Please cause this Notification to be filed in the Register of Reserved Fishing Beaches, and take such other action as may be necessary under section 6 of the above-mentioned Act.

Date:....., 19.....

.....  
*Minister*

Note at:

- (a) Insert name of beach.
- (b) Insert Date on which appropriate Order was gazetted.
- (c) Insert Short Title of appropriate Order.
- (d) Insert Number of appropriate Order.
- (e) Insert Name of owner of adjoining land which has been included in the area of the Reserved Fishing Beach.
- (f) Insert Name (if any) of place where land is situated.
- (g) Insert Name (if any) of land or Estate.
- (h) Insert Name of Beach.

**SUBSIDIARY LEGISLATION****RESERVED FISHING BEACHES ORDER***made under section 3*

Short title.

**1. This Order may be cited as the –****RESERVED FISHING BEACHES ORDER.**

Limits of reserved fishing beaches.

**2. The boundaries and limits of the Fishing Beaches mentioned in column 1 are set out in column 2 of the said Schedule.****SCHEDULE****COLUMN 1****COLUMN 2**

(FISHING BEACHES)

(BOUNDARIES AND LIMITS OF FISHING BEACHES)

56/1966.

Anse Du Mai  
Fishing Beach

All that portion of land being a part of the Anse Du Mai beach, in the Parish of St. Andrew containing 0.846 acres, and bounded as follows:

On the West : by a cliff

On the North : by the sea

On the East : by the Anse Du Mai river

On the South : by lands of Richard Carrier, Mayona Francois, Conrad Paul, Maman Toussaint, Clarence Francois, Charles Joseph, K. ~~Abraham and Anne Abraham~~

all as the same is more particularly delineated and described in the plan thereof made by Jerome A. Robinson, A.R.I.C.S., licensed surveyor and recorded in the General Registry in Book of Plans No. C folio

COLUMN 1

COLUMN 2

(FISHING  
BEACHES)

(BOUNDARIES AND LIMITS OF FISHING BEACHES)

Stowe Fishing  
Beach

All that portion of land being part of the Stowe <sup>2/1967.</sup>  
beach in the Parish of St. Patrick containing 13,468.75  
square feet and bounded as follows:

North-West : by Stowe Estate  
North-East : by the Public Road  
South-East : by Stowe Estate  
South-West : by the Sea,

all as the same is more specifically delineated and  
described in the plan thereof made by Jerome A.  
Robinson, A.R.I.C.S., licensed surveyor and recorded  
in the General Registry in Book of Plans No. C folio  
828.

Calibishie Fishing  
Beach

All that portion of land being part of the <sup>30/1976.</sup>  
Calibishie beach in the Parish of St. Andrew containing  
10,775 square feet and bounded as follows:-

North : the sea.

All other sides are bounded by lands of Mrs. Clifford  
Nixon. All as the same is more specifically deline-  
ated and described in the plan thereof made by  
Jerome A. Robinson, A.R.I.C.S., licensed surveyor  
and recorded in the General Registry in Book of  
diagrams "C" 828.

