

**FISHERIES ACT**  
(Chapter 158)

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FISHERIES (REGISTRATION ON USE OF UNDERWATER  
BREATHING APPARATUS) REGULATIONS, 1997  
(Section 9)

In exercise of the power conferred on me under paragraph (a) of section 9 of the Fisheries Act, I have made the following Regulations

*Short title*

1. These Regulations may be cited as the Fisheries (Restrictions on Use of Breathing Apparatus) Regulations, 1997.

*Commencement*

2. These regulations shall come into force on 1 March 1997.

*Interpretation*

3. In these Regulations –

- (a) "fish" has the same meaning assigned to it under the Fisheries Act, and;
- (b) "underwater breathing apparatus" means and includes scuba gear, compressors and other mechanical and robotical means in the collection, catching and diving for fish.

*Restriction of use of underwater breathing apparatus*

4. (1) Subject to regulation 5, no person shall:

- (a) in any way collect, take, or dive for fish using underwater breathing apparatus;
- (b) be in possession of underwater breathing apparatus for the purpose of collecting, catching and diving for fish.

(2) Any person who contravenes the provision of this regulation shall be liable to a fine of four hundred dollars or imprisonment for a term of six months or to both fine and imprisonment.

*Exemptions*

5. (1) The Permanent Secretary or any person appointed by him in writing, may upon a written request by any person, exempt that person by writing under his hand, from the provisions of regulation 4(1) if, that person holds a valid licence to fish issued by the Fisheries Department and in addition, the person has satisfied the Permanent Secretary or the person appointed by him in that behalf that the person –

(a) holds a valid licence issued by the Fisheries Department to operate underwater breathing apparatus;

(b) holds a certificate of safety in regulation to the underwater breathing apparatus to be used, issued by the Ministry of Labour and Industrial Relations;

(c) is a certified being diving operator being so certified by a reputable diving instructor, and

(d) fish stock and traditional fishing rights in the area of operation will not be adversely affected.

Made this 7th day of February 1997.

**M LEWEMQMA**  
Minister for Agriculture, Fisheries, Forests &  
Agricultural Landlord and Tenant Act