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CHAPTER 108

FISHERIES ACT

An Act to provide for the promotion and management of fisheries in the fishery waters of Grenada, and for incidental and connected matters.

[Act No. 15 of 1986 amended by Act No. 25 of 1989, Act No. 1 of 1999.]

[6th October, 1986.]

PART I

Preliminary

1. Short title

This Act may be cited as the Fisheries Act.

2. Interpretation

In this Act—

“access agreement” means an agreement under section 7;

“aquaculture” includes mariculture;

“authorised officer” means any fisheries officer, any customs officer or police officer and any other person or category of persons designated as an authorised officer by the Minister under section 27;

“Chief Fisheries Officer” means the person appointed as Chief Fisheries Officer under section 3(2)(a);

“court” means magistrate’s court;

“fish” means any aquatic animal, whether piscine or not, and includes shellfish, turtle, mollusc, crustacean, coral, sponge, sea moss, weed, echinoderm, their young and their eggs;

“fisheries officer” means the Chief Fisheries Officer, a fisheries officer, an assistant fisheries officer and any other officer appointed under section 3(2);

“fisheries plan” means the plan for the management and development of fisheries prepared under section 4;

“fisheries plan” means the plan for the management and development of fisheries prepared under section 4;

“fishery waters” means the waters of the territorial sea and of the exclusive economic zone, and the internal waters and the archipelagic waters, as defined in section 2 of the Territorial Sea and Maritime Boundaries Act, Chapter 318, and any other waters over which Grenada claims fisheries jurisdiction;

“fishing” means fishing for or catching or taking or killing fish by any method or placing any fish aggregating device and includes searching for fish;

“fishing” means fishing for or catching or taking or killing fish by any method or placing any fish aggregating device and includes searching for fish;

“fishing licence” includes a foreign and a local fishing licence;

“fishing vessel” means a vessel used for commercial fishing or related activities and includes sport fishing;

“foreign fishing licence” means a licence issued in respect of a foreign fishing vessel under section 8;

foreign fishing vessel” means a fishing vessel other than a local fishing vessel;

“licence” means a licence issued under this Act;

“local fishing licence” means a licence issued in respect of a local fishing vessel under section 11;

“local fishing vessel” means a fishing vessel that is wholly owned—

(a)

by the Government or by a public corporation established by or under any written law;

(b)

by one or more citizens of Grenada; or

(c)

by a company, society or other association of persons incorporated or established under a written law of which at least fifty-one per cent of the voting shares are held by citizens of Grenada;

“locally based foreign fishing vessel” means any foreign fishing vessel based in Grenada from which all its catch is landed in Grenada;

“master” means the person having control of a fishing vessel including a fishing master, fleet commander or pilot;

“Minister” means the Minister responsible for matters relating to fishing;

“related activities”, in relation to fishing, means—

(a)

transshipping fish to or from any vessel;

(b)

storing, processing or transporting fish taken from the fishery waters up to the time it is first landed;

(c)

refuelling or supplying fishing vessels or performing other activities in support of fishing operations;

(d)

attempting or preparing to do any of the foregoing.

3. Promotion of fisheries

(1) The Minister shall take such measures as he or she thinks fit under this Act to promote the management and development of fisheries, for the purpose of ensuring the optimum utilisation of fisheries resources in the fishery waters for the benefit of Grenada.

(2) There may be appointed—

(a)

a Chief Fisheries Officer; and

(b)

such other fisheries officers, assistant fisheries officers and other officers as may be necessary to give effect to this Act.

4. Fisheries management and development plan

(1) The Chief Fisheries Officer shall prepare and keep under review a fisheries plan for the management and development of fisheries in the fishery waters.

(2) The fisheries plan shall—

(a)

identify each fishery and assess the present state of its exploitation;

(b)

specify the objectives to be achieved in the management of each fishery;

(c)

specify the management and development measures to be taken; and

(d)

specify the licensing programmes to be followed for each fishery, the limitations (if any) to be applied to local fishing operations and the amount of fishing (if any) to be allocated to foreign fishing vessels.

(3) In the preparation and review of the fisheries plan, the Chief Fisheries Officer shall consult with local fishermen, local authorities, other persons affected by the fisheries plan and with the Fisheries Advisory Committee appointed under section 5.

(4) The fisheries plan and each review thereof shall be submitted to the Minister for approval.

5. Fisheries Advisory Committee

(1) The Minister may appoint a Fisheries Advisory Committee to advise on the management and development of fisheries.

(2) The Fisheries Advisory Committee appointed under this section shall include the Chief Fisheries Officer and such other persons as the Minister considers capable of advising on the management and development of fisheries.

6. Regional co-operation in fisheries

(1) The Minister may enter into arrangements or agreements with other countries in the region or with any competent regional organisation, providing for—

(a)

the harmonisation of systems for the collection of statistics, and the carrying out of surveys and procedures to assess the state of fisheries resources;

(b)

the harmonisation of licensing procedures and conditions in respect of foreign fishing vessels;

(c)

schemes for the issue of fishing licences in respect of foreign fishing vessels by any competent regional organisation on behalf of the Minister and the recognition of regional licences issued by such an organisation, subject to such conditions as may be specified in the agreement or arrangement and to such additional conditions as the Minister may specify from time to time;

(d)

the taking of joint or harmonised enforcement measures in respect of foreign fishing vessels contravening fisheries laws in the region;

(e)

the establishment and operation of joint or regional fisheries management bodies;

(f)

the establishment of a regional register of fishing vessels;

(g)

such other co-operative measures as are or may seem to him or her appropriate, including measures for promoting the welfare of fishermen and the insurance of fishing vessels and fishing gear.

(2) For the purpose of giving effect to any arrangement or agreement entered into under this section, the Minister may by Order—

(a)

authorise a competent regional organisation designated in the Order to issue on his or her behalf fishing licences in respect of foreign fishing vessels within the limits set out in the Order;

(b)

exempt from the requirements of section 8 any foreign fishing vessel or class of foreign fishing vessel holding valid regional fishing licences issued by a competent regional organisation designated in the Order; and

(c)

prescribe the conditions to be observed by foreign fishing vessels exempted under paragraph (b) while fishing or navigating in the fishery waters.

(3) An Order made under subsection (2) shall be subject to negative resolution of each House of Parliament.

7. Fisheries access agreements

(1) The Minister may enter into access agreements with foreign states and with associations representing foreign fishing vessels, owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations.

(2) The fishing rights allocated under agreements entered into under this section shall not exceed the total resources or the amount of fishing allowed to the appropriate category of foreign fishing vessels under the fisheries plan.

(3) An agreement entered into under this section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fishery waters.

(4) For the purposes of this section and section 8(4), “state” includes any regional organisation to which the power to negotiate access agreements has been delegated by the member countries.

8. Foreign fishing licences

(1) No foreign vessel shall be used for fishing or related activities in the fishery waters without a valid foreign fishing licence issued under this section.

(2) An application for a foreign fishing licence shall be made, in the prescribed form, to the Minister or to a competent regional organisation authorised to issue fishing licences under section 6(2)(a).

(3) Subject to the provisions of this Act and the Regulations, the Minister may issue a foreign fishing licence whether in writing or by telex or cable authorising a foreign fishing vessel to be used in the fishery waters for such fishing or related activities as may be specified in the licence.

(4) Subject to subsection (5), no foreign fishing licence shall be issued to any foreign fishing vessel unless there is in force with the government of the flag state of the vessel, or with an association of which the owner or charterer is a member, an agreement entered into under section 7 to which the Government of Grenada is a party.

(5) Subsection (4) shall not apply to a licence issued in respect of—

(a)

fishing operations undertaken over a limited period of time with the approval of the Chief Fisheries Officer for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of locally-based fishing operations;

(b)

a locally-based foreign fishing vessel.

(6) Where a fishing vessel is used in contravention of subsection (1) or of any condition of a foreign fishing licence the master, owner and charterer of that vessel are each guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars.

9. Stowage of fishing gear

The fishing gear of a foreign fishing vessel which is prohibited by section 8 from fishing within the fishery waters shall be stowed, in such manner as may be prescribed by the Minister, while within the fishery waters.

10. Observation of laws

No licence shall relieve a foreign fishing vessel, its master or crew, of any obligation or requirement imposed by law concerning navigation, customs, immigration, health or other matters.

11. Local fishing licences

(1) Unless exempted by virtue of an Order under section 41, a local fishing vessel shall not be used for fishing or related activities in the fishery waters without a valid licence issued under this section in respect of that vessel.

(2) An application for a local fishing licence shall be made in the prescribed form to the Chief Fisheries Officer.

(3) Subject to subsection (4), the Chief Fisheries Officer may issue a local fishing licence in the prescribed form.

(4) An application for a local fishing licence shall not be refused except on one of the following grounds, namely—

(a)

that the refusal is necessary in order to give effect to a licensing programme specified in the fisheries plan;

(b)

that the Chief Fisheries Officer has reason to believe that the applicant will not comply with the conditions of the licence;

(c)

that the vessel in respect of which the application is made does not have a valid certificate of inspection (where so required under the laws governing merchant shipping) or is not in compliance with regulations prescribed under section 40 relating to the safety of the vessel,

or on such other grounds as are specified in this Act or the Regulations.

(5) Where a local fishing vessel is used in contravention of subsection (1), or of a condition of a local fishing licence, the master, owner and charterer of that vessel are each guilty of an offence and liable, on summary conviction, to a fine of ten thousand dollars.

12. Validity of fishing licences

(1) Unless earlier cancelled or suspended in accordance with section 15, a fishing licence shall be valid for a period of not more than twelve months.

(2) If a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the licence shall automatically terminate.

(3) The term of a foreign fishing licence shall not extend beyond the term of validity of the applicable access agreement.

(4) No licence shall be transferable except with the written permission of the Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister.

13. Conditions of fishing licences

(1) Every fishing licence shall be in the prescribed form and shall be subject—

(a)

to such general conditions as may be prescribed;

(b)

to such other conditions as may be specified under subsection (2) or (3).

(2) The Minister may, by Order, specify general conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject including conditions relating to close seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.

(3) The Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister may attach to any fishing licence such special conditions as he or she thinks fit.

(4) The Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister may vary any of the special conditions attached to a fishing licence where he or she is satisfied that it is expedient for the proper management of fisheries in the fishery waters.

(5) Where the Minister or the Chief Fisheries Officer varies any of the special conditions attached to a fishing licence he or she shall notify the licence holder of such variation as soon as practicable.

14. Fees, royalties, etc.

There shall be payable in respect of every fishing licence such fees as may be prescribed and such royalties or other charges as the Minister may determine.

15. Cancellation or suspension of fishing licences

(1) The Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister may cancel or suspend a fishing licence on any of the grounds set out in subsection (2).

(2) A fishing licence may be cancelled or suspended where the Minister or the Chief Fisheries Officer, as the case may be, is satisfied that—

(a)

it is necessary in order to allow for the proper management of any particular fishery;

(b)

the vessel in respect of which the licence has been issued has been used in contravention of this Act or of the Regulations or of a condition of the licence or in breach of any applicable access agreement; or

(c)

he or she is required or authorised to do so in accordance with the provisions of any arrangement or agreement entered into under section 6.

(3) Where a fishing licence has been cancelled or suspended under subsection (1), notification of the cancellation or suspension shall be given to the person to whom the licence was issued.

(4) Where a fishing licence has been suspended or cancelled on the ground specified in subsection (2)(a), a proportion of any fees paid for the fishing licence representing the unexpired period of that licence or the period of suspension, as the case may be, shall be reimbursed to the licensee at his or her request.

16. Notice to be in writing, etc.

(1) A notification given under section 13(5) or (3) shall be in writing, except as otherwise specified in subsection (2).

(2) In the case of a foreign fishing vessel, a notification referred to in subsection (1) may be in writing or by telex, radio, or in such other form or by such other means as the Minister deems appropriate.

17. Appeals

A person aggrieved by a decision of the Chief Fisheries Officer under section 15 may within twenty-one days of the receipt of notification of that decision appeal against it to the Minister whose decision shall be final.

18. Fish processing establishments

(1) The Minister may grant to any person a licence to operate a fish processing establishment on payment of such fees and subject to such conditions as may be prescribed from time to time.

(2) A person who operates or allows to be operated a fish processing establishment except under a licence granted under this section and in accordance with the conditions of such licence is guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars.

(3) In this section, “fish processing establishment” means any land, premises or other place on or in which fish are canned, dried, gutted, salted, iced, chilled, frozen or otherwise processed for sale in or outside Grenada.

19. Local fisheries management area

(1) The Minister may, by Notice published in the *Gazette*—

(a)

designate an area as a local fisheries management area;

(b)

designate any local authority fishermen’s co-operative or fishermen’s association or other appropriate body representing fishermen in the area as the Local Fisheries Management Authority for that area.

(2) Where there is no appropriate body representing fishermen in the area the Minister may promote the formation of such a body.

(3) The Chief Fisheries Officer shall, to the extent he or she deems it practicable, provide to a Local Fisheries Management Authority such assistance as may be reasonably necessary for the performance of its functions.

20. By-laws

(1) A Local Fisheries Management Authority designated under section 19(1)(b) shall make By-laws, not inconsistent with this Act or the Regulations, regulating the conduct of fishing operations in its designated area.

(2) By-laws made under subsection (1) require the approval of the Minister, and shall be published in the *Gazette*, before they come into effect.

(3) By-laws made under subsection (1) may provide that a breach of any by-law shall constitute an offence and may provide for penalties by way of fines, on summary conviction, not exceeding one thousand dollars.

PART III

Marine Protected Areas and Conservation Measures

21. Fishing priority areas

The Minister may, by Order, declare any area of the fishery waters to be a fishing priority area where he or she considers that special measures are necessary to ensure that authorised fishing within the area is not impeded or otherwise interfered with.

22. Leasing of land for aquaculture

(1) The Government may lease land including areas of the foreshore and sea-bed for the purposes of aquaculture if the Minister is satisfied, after reasonable enquiry, that such lease will not substantially prejudice the rights of the members of the public thereto, and such lease shall be in conformity with any regulations made under section 40 relating to the leasing of land for aquaculture.

(2) The provisions of the Crown Lands Act, Chapter 73, shall apply, *mutatis mutandis*, to the leasing of lands including the foreshore and sea-bed for the purposes of aquaculture under this section.

(3) Notwithstanding the provisions of the Crown Lands Act, Chapter 73, the Minister shall, by Notice published in the *Gazette*, give particulars of any lease granted under subsection (1) including the boundaries of the area leased, and the Minister may restrict and control by regulations made under section 40 the use of such land including the foreshore and sea-bed by members of the public.

23. Marine protected areas

(1) The Minister may, by Order, declare any area of the fishery waters and, as appropriate, any adjacent or surrounding land, to be a marine protected areas where he or she considers that special measures are necessary—

(a)

to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;

(b)

to allow for the natural regeneration of aquatic life in areas where such life has been depleted;

(c)

to promote scientific study and research in respect of such areas;

(d)

to preserve and enhance the natural beauty of such areas;

(e)

to allow for the sustainable use of such areas; or

(f)

to protect and preserve historic monuments and other artefacts of ecological significance.

(2) A person who, in any marine protected areas, without permission granted under subsection (3)—

(a)

fishes or attempts to fish;

(b)

takes or destroys any flora and fauna other than fish;

(c)

dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any way disturbs, alters or destroys the natural environment; or

(d)

constructs or erects any buildings or other structures on or over any land or waters,

is guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars.

(3) The Minister, or any person authorised by him or her in writing, may give written permission to do any of the things mentioned in subsection (2) where the doing of such things

may be required for the proper management of the reserve or for any of the purposes referred to in subsection (1).

24. Permission to undertake fisheries research

(1) The Minister may on the submission of a fisheries research plan approved by the Chief Fisheries Officer give written permission for a vessel or person to undertake research into fisheries in the fishery waters and in so giving may in writing exempt the vessel or person from any specified provisions of this Act.

(2) The Minister may include such conditions as he or she deems fit in any permission given under subsection (1).

(3) A person who undertakes or assists in fisheries research in the fishery waters—

(a)

without permission given under subsection (1); or

(b)

in contravention of a condition included pursuant to subsection (2) in the permission, is guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars.

25. Prohibited fishing methods

(1) A person who—

(a)

permits to be used, uses or attempts to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught; or

(b)

carries or has in his or her possession or control any explosive, poison or other noxious substance in circumstances indicating an intention to use the same for any of the purposes referred to in the preceding paragraph,

is guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars.

(2) Any explosive, poison or other noxious substance found on board a fishing vessel shall be presumed, unless the contrary is proved, to be intended for the purpose referred to in subsection (1)(a).

(3) A person who lands, sells, receives or is found in possession of fish obtained in consequence of a contravention of subsection (1)(a), knowing or having reasonable cause to believe such fish to have been so obtained, is guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars.

(4) In proceedings instituted under this section, a certificate as to the cause and manner of death or injury of any fish, signed by the Chief Fisheries Officer or by a person authorised by him or her in writing, shall be accepted as *prima facie* evidence in a court without proof of the signature of the person appearing to have signed the certificate or his or her official character:

Provided that the defendant shall have been given by or on behalf of the prosecution not less than fourteen days written notice of intention to adduce the certificate as evidence.

26. Unlawful use and possession of fishing gear

A person who, within the fishery waters, uses for fishing—

(a)

any net, the mesh size of which is less than the prescribed minimum mesh size for that type of net;

(b)

any trap or fishing gear which does not conform to standards prescribed for that type of trap or fishing gear; or

(c)

any net or fishing gear which is prohibited by this Act, or who, within the fishery waters, has on board a fishing vessel any such net, trap or fishing gear in circumstances which indicate an intention to use the same for fishing in the fishery waters, is guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars.

27. Designation of authorised officers

The Minister may, by Notice published in the *Gazette*, designate such persons as he or she deems fit, including members of the enforcement authority of any country or of any regional or sub-regional marine enforcement entity, to be authorised officers for the purpose of enforcing this Act.

28. Powers of authorised officers

(1) For the purpose of enforcing this Act, an authorised officer may, without a warrant—

(a)

stop, board and search a foreign fishing vessel in the fishery waters and a local fishing vessel in or outside the fishery waters and stop and search a vehicle;

(b)

require to be produced, examine and take copies of a licence or other document required under this Act;

(c)

require to be produced and examine a fishing net or fishing gear whether at sea or on land.

(2) An authorised officer, who has reasonable grounds to believe that an offence has been committed under this Act may, without a warrant—

(a)

enter and search any premises, other than premises used exclusively as a dwelling-house, in which he or she has reason to believe that the offence has been committed or where he or she has reason to believe that fish illegally taken are being stored;

(b)

take samples of fish found in a vessel, vehicle or premises searched under this section;

(c)

seize a vessel (together with its gear, stores and cargo), vehicle, fishing gear, net or other fishing appliance which he or she has reason to believe has been used in the commission of the offence or in respect of which the offence has been committed;

(d)

seize fish which he or she has reason to believe has been caught in the course of the commission of the offence, or is possessed in contravention of this Act;

(e)

seize explosive or poison which he or she has reason to believe has been used or is possessed in contravention of this Act.

(3) A vessel seized under subsection (2) and the crew thereof shall be taken to the nearest or most convenient port and the vessel may be detained pending the outcome of any legal proceedings under this Act or its release on bond or other security in accordance with the provisions of section 33.

(4) Where, following the commission of an offence under this Act by a foreign fishing vessel, the foreign fishing vessel is pursued beyond the limits of the fishery waters, the powers conferred on authorised officers under this section shall be exercisable beyond the limits of the fishery waters, in the circumstances and to the extent recognised by international law.

(5) After a vessel has been stopped under the provisions of this section an authorised officer may, concerning it or in relation to fish or fish products therein, exercise any of the powers conferred by this section.

(6) An authorised officer in exercising any of the powers conferred on him or her by this section shall, on demand, produce means of identification to show that he or she is an authorised officer for the purposes of this Act.

29. Sale of perishable goods seized

(1) Any fish or articles of a perishable nature seized under this Act may, at the direction of the Chief Fisheries Officer, be sold and the proceeds of sale shall be held and dealt with in accordance with the provisions of this Act.

(2) If, after making all reasonable efforts, the Chief Fisheries Officer is unable to sell the fish or other articles referred to in subsection (1), or if such fish or other articles are unfit for sale, he or she may dispose of them in such other manner as he or she thinks fit.

30. Immunity of authorised officer

No action shall be brought against an authorised officer in respect of anything done or omitted to be done by him or her in good faith in the execution or purported execution of his or her powers and duties under this Act.

31. Assault, etc., on authorised officer

A person who obstructs, assaults or threatens with violence an authorised officer acting in the exercise of the powers conferred on him or her by this Act is guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for two years.

32. Liability of master

Where an offence against this Act has been committed by a person on board or employed on a fishing vessel, the master of the vessel shall also be guilty of the offence.

33. Release of vessel, etc., on bond

The court may, on application, order the release of a fishing vessel (together with its gear, stores and cargo), vehicle, fish, fishing gear, net or other fishing appliance seized under this

Act on receipt of a satisfactory bond or other security from the owner or other person claiming such property.

34. Court's power of forfeiture

Where a person is convicted of an offence against this Act, the court, in addition to any other penalty imposed—

(a)

may order that a fishing vessel (together with its fishing gear, stores and cargo) and any vehicle, fishing gear, net or other fishing appliance, used in the commission of the offence be forfeited;

(b)

shall order that fish caught in the course of the commission of the offence or the proceeds of sale of such fish and any explosive, poison or other noxious substance used in the commission of the offence be forfeited.

35. Presumptions

(1) Until the contrary is proved, fish found on board a fishing vessel which has been used in the commission of an offence against this Act shall be presumed to have been caught in the course of the commission of that offence.

(2) In legal proceedings instituted under this Act following the seizure of a foreign fishing vessel by an enforcement vessel, where the place in which an event is alleged to have taken place is in issue, the place stated in a certified copy of the relevant entry in the log book or other official record of the enforcement vessel as being the place in which the event took place shall be presumed, until the contrary is proved, to be the place in which the event took place.

36. Onus of proof

In legal proceedings under this Act where the defendant is charged with having committed an offence under which a licence, authority or the permission of a person is required for the doing of an act, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence, authority or permission was duly held.

37. Disposal of vessel, etc., forfeited

A fishing vessel (together with its fishing gear, stores and cargo) and any vehicle, fishing gear, net or other fishing appliance, explosive, poison or other noxious substance ordered to be forfeited under this Act shall be disposed of in such manner as the Minister shall direct.

38. Jurisdiction

An offence against this Act or regulations made under this Act committed within the fishery waters by a person, and any such offence committed outside the fishery waters by a citizen of, or person ordinarily resident in, Grenada or by a person on board a local fishing vessel, shall be triable in any court as if such offence had been committed in a place within the local limits of its jurisdiction.

39. Minister's powers to compound offences and procedure

(1) Subject to subsections (3) and (4) the Minister may, where he or she is satisfied that a person has committed an offence against this Act or regulations made under this Act, compound such offence by accepting on behalf of the Government from such person a sum of money not exceeding the maximum fine specified for that offence.

(2) On compounding an offence under this section, the Minister may order the release of any article seized under section 28 or the proceeds of sale of such article held under section 29 on such conditions (including the payment of such additional sums of money not exceeding the value of the article seized) as he or she may think fit.

(3) No offence shall be compounded under this section unless the person who has committed the offence has expressed his or her willingness in a prescribed form that the offence be so dealt with.

(4) The compounding of an offence under this section shall be notified in writing under the signature of both parties to the appropriate magistrate's court.

(5) In proceedings brought against a person for an offence against this Act or any regulation made under this Act, it shall be a defence if the person proves that the offence with which he or she is charged has been compounded under this section.

(6) The powers conferred on the Minister by subsection (1) may be exercised by the Chief Fisheries Officer in respect of an offence committed by or in connection with a local fishing vessel.

(7) This section does not apply in respect of offences under section 25 or 31.

40. Regulations

(1) The Minister may make regulations generally for the management and development of fisheries in the fishery waters.

(2) In particular, without limiting the generality of subsection (1), the Minister may make regulations for all or any of the following purposes—

(a)

the licensing, regulation and management of any specified fishery;

(b)

measures for the protection and conservation of fisheries, including mesh sizes, standards of fishing gear, minimum species sizes, close seasons, closed areas, prohibited methods of fishing, prohibited fishing gear and schemes for limiting entry into all or any specified fisheries;

(c)

the constitution, functions and duties of the Fisheries Advisory Committee appointed under section 5;

(d)

the catching and utilisation of fish taken incidentally when fishing for a species for which a licence has been issued;

(e)

the registration and licensing of fishermen, fishing gear and other fishing appliances;

(f)

the organisation and regulation of sport fishing in the fishery waters;

(g)

controlling the use of SCUBA equipment;

(h)

regulating or prohibiting the use of spear guns and other similar devices;

(i)

regulating the landing, marketing and distribution of fish;

(j)

regulating the movement of foreign fishing vessels through the fishery waters, including the manner in which fishing gear therein or thereon is to be stowed;

(k)

rewarding persons who provide information concerning the operations of foreign fishing vessels leading to a conviction of or the compounding of an offence against this Act;

(l)

prescribing the form of foreign fishing licences;

(m)

the implementation of any agreement or arrangement entered into under section 6;

(n)

regulating or prohibiting the entry into a fishing priority area, established under section 21, of any class of vessel and prescribing activities which may not be undertaken in that area;

(o)

the licensing and control of fish aggregating devices, and rights to fish aggregated by such devices;

(p)

imposing charges in respect of the grant or issue of any licence, permit or other document provided for under this Act;

(q)

governing—

(i)

the management and protection of marine protected areas and fishing priority areas,

(ii)

the taking of coral and shells,

(iii)

the setting of fishing fences,

(iv)

the taking of aquarium fish,

(v)

aquaculture development,

aquaculture operations;

(r)

measures for the protection of turtles, lobsters, conches, sea moss and weeds and species of fish which may be endangered;

(s)

controlling or prohibiting the import or export of fish;

(t)

measures for the safety of local fishing vessels and fishermen;

(u)

regulating or prohibiting entry into land leased for the purpose of aquaculture or into waters superjacent upon such land;

(v)

prescribing the terms and conditions of leases for aquaculture;

(w)

prescribing any other matter which is required or authorised to be prescribed by this Act.

(3) In subsection (2)(o) and regulations made thereunder

41. Exemptions

The Minister may, by Order published in the *Gazette*, exempt from the requirements of section 11, any local fishing vessel of a size, type or class specified in the Order.

42. Special powers of Minister of Health

(1) Notwithstanding anything contained in this Act but subject to this Part, the Minister of Health shall be responsible for the regulation of the storage, processing, inspection, export, import and testing of fishery products and any vessel or other craft used in connection therewith.

(2) For the purposes of subsection (1), the Minister of Health may make rules and regulations respecting the storage, processing, inspection, export, import and testing of fishery products and any vessel or other craft used in connection therewith.

43. Designation of fish inspectors

Notwithstanding anything contained in any other enactment, the Minister of Health shall, by order, for the purposes of this Part and the Public Health Act designate such fisheries officers as fish inspectors as he or she determines from time to time.

44. Competent Authority

(1) For the purposes of this Part, and any rules and regulations made thereunder, the Competent Authority shall be the Chief Public Health Inspector who shall perform such duties in relation to this Part as may be prescribed by or under this Act or any other enactment.

(2) All fish inspectors shall assist the Chief Public Health Inspector with respect to his or her duties under rules and regulations made under this Part.

45. Penalties

There may be attached to rules and regulations made under section 42(2) a fine of ten thousand dollars or imprisonment for six months.

46. Interpretation

For the purposes of this Part, “fishery product” means all seawater or freshwater animals or part thereof, including their roes but excluding aquatic mammals, frogs and aquatic animals prohibited by any law enacted in a member state of the European Community