

## FISHERIES BY-LAWS

Pursuant to Section 3 (3) (d) and (4) of the Fisheries Act 1988, the Director after consultation with the Village Council of Papa hereby issues the following by-laws governing the conservation, sustainable management and development of fisheries and marine resources for the village of Papa Palauli le Falefa in Savaii.

### *1. Short title, Application and Commencement*

(1) These by-laws may be cited as the Papa by-laws 1998.

(2) These by-laws shall apply to all residents of the village of Papa and non-residents who fish within the fishery waters of the village of Papa.

(3) These by-laws shall come into force 14 days after the date it is published in the Government Gazette.

*2. Interpretation* - In these by-laws, unless the context otherwise requires, words used shall have the same meanings as are in the Fisheries Act 1988 and the Local Fisheries Regulations 1995

*“Director”* means the Director of the Department of Agriculture, Forests, Fisheries and Meteorology.

*“Fishery Water of Papa”* means the inshore fishery water areas adjacent to and extending to 100 meters beyond the reef of the village of Papa.

*“Reserve”* means an area declared by the village council of Papa, and marked by poles within the fishery water of Papa village where fishing is prohibited, and such area is established under the Fisheries Division programme as a means of conservation and management of the fishery and marine resources.

*3. Purpose and Scope of these By-laws* - The purpose of these by-laws shall be to promote the protection, conservation, management and sustainable development of the fishery water and marine environment of the village of Papa.

## CONSERVATION AND MANAGEMENT MEASURES

*4. Reserves* - A fish reserve is established on part of the reef and lagoon of the village of Papa. The outer limits of the area covered in the fish reserve are marked by poles. Fishing of any nature in the fish reserve is prohibited.

## EXISTING NATIONAL FISHERIES LAWS AND REGULATIONS

5. **Illegal Fishing Methods** - Illegal fishing methods such as dynamite, ava niukini and other poison, as prohibited under the Fisheries Act 1988, are also prohibited within the fishery waters of Papa.

6. **Regulations** - Prohibition and conservation measures concerning minimum size limits for fish and shellfish and minimum mesh size for nets and fish traps and other restrictions stipulated under the Local Fisheries Regulations 1995 are also declared as by-laws of Papa.

**ADDITIONAL PROHIBITED AND RESTRICTED ACTIVITIES**

7. **Dumping of garbage or discharge of pollutants of any kind -**

(i) It shall be an offence for any person to pollute the fishery waters of Papa in a manner that does, or may, have an adverse affect on the fish or the environment of the fishery waters of Papa.

(ii) In addition to any fine imposed in respect of a breach of the preceding by-law, 7. (i), any person who is responsible for polluting the fishery waters of Papa shall be required, at his expense, to remove the pollution so as to reinstate the environment to its original state. This obligation shall include a liability to compensate for any irremediable destruction of the environment of the fishery waters and for the loss of fish.

(iii) The obligation under the preceding by-law, 7. (ii), shall exist even if no conviction and fine has been imposed against the person in breach of these by-laws.

8. **Penalties** - Any person who a breaches any provision of these by-laws:

(a) is liable to a fine not exceeding \$100 Tala and, where the breach is a continuing one to a further fine not exceeding \$20 Tala for every day on which the breach has continued. Where the breach involves a law or regulation as stipulated under the Fisheries Act 1988 or the Local Fisheries Regulations 1995 applicable fines under those respective laws will apply.

or

(b) is liable to such a fine or penalty as the Village Council of Papa may see just and in accordance with the Village Fono Act 1990.

**Dated at Apia** this.....day of .....1998

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(Tuisugaletaua A.S. Aveau)  
**DIRECTOR OF AGRICULTURE,**  
**FORESTS, FISHERIES AND**  
**METEOROLOGY.**