



**THE FISHERIES
(UNITED STATES OF
AMERICA) (TREATY)
ACT 1988**

(NO. 4 OF 1988)



THE FISHERIES (UNITED STATES OF AMERICA) (TREATY) ACT 1988

(NO. 4 OF 1988)

Passed by the National Parliament this twenty-fourth day of March 1988.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

*J.M. Tuheitu
Clark to the National Parliament*

Assented to in Her Majesty's name and on Her Majesty's behalf this eleventh day of April 1988.

*B. Devesi
Governor-General*

Date of Commencement: see section 1.

AN ACT to make provision for purposes of the implementation, on the part of Solomon Islands, of the Treaty relating to Fisheries entered into between the Governments of certain Pacific Island States and the Government of the United States of America; and for purposes connected herewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

THE FISHERIES (UNITED STATES OF AMERICA) TREATY
ACT 1988

ARRANGEMENT OF SECTIONS

Section:

1. Short title and commencement.
2. Interpretation.
3. Certain provisions of Treaty to have force of law in Solomon Islands.
4. Power of Minister to make orders.
5. Amendment of Schedule and matters thereon consequential.
6. Power of Minister to enter into agreements for purpose of complying with administrative arrangements.
7. Financial Provisions.
8. Exemptions.
9. Offences and penalties.

1. This Act may be cited as the Fisheries (United States of America) (Treaty) Act 1988, and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Short title and commencement.

2. In this Act -

“Administrator” means the Administrator appointed pursuant to Article 1 of the Treaty;

Interpretation.

“Agreement” means the Regional Fisheries Agreement entered into amongst Pacific Island States concerning the implementation and administration of the Treaty between the Governments of certain Pacific Islands States and the Government of the U.S.A., to which Solomon Islands is a party;

“Minister” means the Minister charged for the time being with responsibility for the subject of fisheries;

“Treaty” means the Treaty entered into between the Governments of certain Pacific Island States and the Government of the United States of America, to which Solomon Islands is a party, the original of which is deposited with the Government of Papua New Guinea, and of which the text of the Articles is set out in the Schedule to this Act.

Schedule.

3. The provisions of Articles 1, 3, 4, 5 and 6 (inclusive of the Annexes and Schedules referred to therein) of the Treaty shall have the force of law in Solomon Islands.

Certain provisions of Treaty to have force by law in Solomon Islands.

4. The Minister may, by order, make such provisions as he may consider necessary or expedient for giving effect to any provisions of the Treaty.

Power of Minister to make orders.

5. (1) Where any amendment to the Treaty is ratified by the Government and the Depository notifies the Government of the entry into force of such amendment pursuant to paragraph (f) of Article 8 of the Treaty, the Minister may, by order, amend the Schedule to this Act by including therein the amendment so ratified.

Amendment of Schedule and matters thereon consequential.

(2) Any order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving due effect to the amendment ratified as aforesaid and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specific provisions of the Treaty.

(3) Every order made under this section shall be subject to negative resolution of the National Parliament.

(4) Where the Schedule to this Act is so amended pursuant to this section, any reference in this Act or any other instrument to the Treaty shall, unless the context otherwise requires, be construed as a reference to the Treaty so amended.

Power of Minister to enter into agreements for purpose of complying with administrative arrangements.

6. (1) The Minister may, for the purposes of implementing the provisions of the Treaty, enter into any agreement with any Pacific Island States, regional fisheries agencies or the Government of any other State, and may make such order as he considers necessary or expedient for giving effect to such agreement.

(2) In this section the expression 'any other state' means any country other than any Pacific Island State.

Financial Provisions.

7. All sums received by the Government pursuant to the Treaty shall be paid into the Consolidated Fund.

Exemptions.
No. 13 of 1972.

8. (1) The provisions of paragraphs (a) and (b) of subsection (1) of section 7 of the Fisheries Act shall not apply to a fishing vessel within the fishery limits, if such fishing operations are carried out pursuant to a regional licence issued by the Administrator.

(2) The Minister may by order exempt any fishing vessel from the requirements of any regulations made under the Fisheries Act, either absolutely or subject to such conditions as he thinks fit.

Offences and penalties.

9. (1) Where any fishing vessel is used in contravention of the provisions of a regional licence or any other conditions prescribed under this Act or any regulations made thereunder, the master, owner, charterer or licence holder of the vessel shall each be guilty of an offence and be liable to a penalty not exceeding two hundred and fifty thousand dollars.

(2) Where the master, owner, charterer or licence holder is convicted of any offence under this section the court may order that the fishing vessel, any fish, fishing gear cargo or stores found on the vessel be forfeited to the Government.

(3) Any fishing vessel and the crew arrested for breach of any provisions of this Act shall be immediately released upon the posting of any bond or security ordered by the court.

(4) In this section and section 8 'fishing vessel' means a fishing vessel of the United States of America.