

*Fisheries Regulations*

## SAINT LUCIA

STATUTORY INSTRUMENTS 1994, No. 9.

[ 5th March, 1994 ]

## PART I

## PRELIMINARY

1. **Short Title.** These Regulations may be cited as the Fisheries Regulations, 1994.

2. **Interpretation.** In these Regulations unless the context otherwise requires—

“Act” means the Fisheries Act, 1984 (No. 10 of 1984);

“crayfish” means any species of the kind or similar to those of the genera *macrobrachium* or *atylia* or belonging to the group *palaemonidae*, their eggs or their young;

“fresh water shrimp” means any species of the kind or similar to those of the genera *macrobrachium* or *atylia* or belonging to the group *palaemonidae*, their eggs or their young;

3. **Application.**—(1) These Regulations apply to any fishing vessel or other vessel capable of being used for fishing within the fishery waters at a distance greater than three miles from the nearest land.

(2) For ease of reference the equivalent imperial measurements for the metric measurements used in these Regulations are set out in the Eleventh Schedule.

4. **Safety Equipment.** Every vessel shall carry on board—

(a) a bailer capable of removing water from the vessel;

(b) a hand-held compass or other compass approved by the Chief Fisheries Officer;

(c) not less than 13.64 litres of fresh drinking water stowed in a closed container for each person on board the vessel less than 7.62 metres in length over-all or 22.73 litres per person on a vessel 7.62 metres and over;

(d) one set of oars and one main sail;

(e) a battery-operated water-proof flash light;

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- (f) non-perishable rations stowed in a waterproof container, sufficient to sustain each person for at least 5 days;
- (g) a small glass mirror capable of being used as a reflector;
- (h) at least two flares suitable for use at night;
- (i) at least two flares suitable for use in daylight;
- (j) a sea anchor of a size and design appropriate to the vessel;
- (k) at least one lifejacket for each person on board the vessel; and
- (l) a radar reflector.

5. **Fine for infringement of Regulation 4.** Any owner, master or charterer who contravenes the provisions of Regulation 4 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

PART II

FISHERIES ADVISORY COMMITTEE

6. **Fisheries Advisory Committee.**—(1) There is hereby established a Fisheries Advisory Committee (hereinafter referred to as “the Committee”).

(2) The Committee shall comprise the following:

- (a) the Permanent Secretary in the Ministry of Agriculture, who shall be the Chairperson;
- (b) the Chief Fisheries Officer, who shall be the Secretary;
- (c) at least three persons who shall be appointed by the Minister from among professional fishermen to represent the views of professional fishermen; and
- (d) two such other persons as the Minister may think fit to appoint.

(3) The term of office of the Committee shall be for a period of three years.

(4) Five members, including the Chairperson and the Secretary shall constitute a quorum of the Committee.

(5) The names of members appointed to the Committee shall be published in the *Gazette*.

(6) The Committee may invite the Head of any Government Department or his representative or such other person as it may think fit to participate in its meetings where matters of concern to the Government Department or person invited are being discussed, or where it considers that the presence of that Government Department or person would benefit the deliberations of the Committee.

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**7. Committee's functions.**—(1) The functions of the Committee are to advise the Minister on:

- (a) the management and development of fisheries;
- (b) the plan for the management and development of fisheries in the fishery waters and any review of such plan;
- (c) the need for any amendment to the Act or Regulations;
- (d) proposals for access agreements, joint venture investments in fisheries, or development projects in the fisheries sector;
- (e) initiatives for the regional harmonization of fisheries regimes, including any regional licensing scheme for foreign fishing vessels; and
- (f) co-ordination of the policies and activities of Government Departments and Ministries with respect to any of the matters contained in this Regulation.

(2) Subject to the provisions contained in this Regulation the Committee shall have power to regulate its own proceedings.

**8. Additional functions.** The Minister may from time to time assign additional functions to the Committee.

PART III

FOREIGN FISHING LICENCES

**9. Application for foreign licence.** An application for a foreign fishing licence shall be made to the Minister—

- (a) in writing or by cablegram or telex; or
- (b) be in the appropriate form containing the information set out in the First Schedule.

**10. Form of licence.** The Minister may issue a foreign fishing licence which shall be—

- (a) in writing in the form set out in the Second Schedule; or
- (b) in the form of a telex, cablegram or fax containing the information set out in the Second Schedule.

**11. Fees**—(1) The fees payable for the issue of a foreign fishing licence are set in the Third Schedule.

(2) Access Fees, Export Fees and Resource Management Fees to be determined by the Minister may be attached to a foreign fishing licence and shall be distinct from the fees mentioned in Sub-Regulation (1).

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**12. Conditions for issuance of licence.** The Minister shall not issue a foreign fishing licence unless he is satisfied that any fees payable in respect of that licence have been paid, and that adequate arrangements have been made for the payment of any royalties or other charges payable under section 14 of the Act.

**13. General conditions attached to licence.** A foreign fishing licence issued under section 8 of the Act is subject to the following general conditions—

- (a) no fishing shall be undertaken in the fishery waters except as authorised by the licence;
- (b) any change in the information set out in the application form for the licence, shall be notified to the Chief Fisheries Officer as soon as is reasonably practicable and, in any case, not later than seven days from the date of the change;
- (c) no fish shall be trans-shipped from or onto the vessel while in the fishery waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify; and
- (d) the master of the vessel, while in the fishery waters, shall take all reasonable measures and precautions to avoid damage to any local fishing operations including non-commercial operations.

**14. Conditions of licence for foreign fishing vessel—**(1) Every foreign fishing licence issued under section 8 of the Act in respect of a foreign fishing vessel of 9.14 metres or more is subject to the following further conditions:

- (a) the master of the vessel while in the fishery waters shall at all times—
  - (i) fly the vessel's State flag; and
  - (ii) display in a manner that is clearly visible from the sea and the air
    - (A) the vessel's international radio call sign; or
    - (B) the number assigned to the vessel in its licence or on any regional register established under section 6 (1) (f) of the Act;
- (b) the master of the vessel shall cause written reports to be prepared at such times as the Chief Fisheries Officer may require, setting out information on the operations of the vessel in the fishery waters;
- (c) each report referred to in paragraph (f) shall be made in such form and for such period that the Chief Fisheries Officer may require, and the report shall be delivered to the Chief Fisheries Officer within fifteen days of the period to which the report applies;
- (d) the master of the vessel shall maintain a log-book on a daily basis, in a form specified by or satisfactory to the Chief Fisheries Officer, for the purpose of recording the fishing operations of the vessel while within the fishery waters;

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- (e) the master shall, within forty-eight hours of any request made by the Chief Fisheries Officer, transmit the log-book, in its original form to the Chief Fisheries Officer, or to any person or organisation designated by the Chief Fisheries Officer. The master shall further submit any other documents specified in the request in respect of catches made by the vessel in the fishery waters or in respect of the disposition of such catches;
- (f) the log-book maintained under paragraph (h) shall be retained by the master for a period of at least twelve months following the voyage to which such log-book pertains;
- (g) the master of the vessel shall cause radio reports to be made at the following times specified by the Chief Fisheries Officer :
  - (i) immediately upon entry of the vessel into the fishery waters;
  - (ii) on any day during the period that the vessel is in the fishery waters;
  - (iii) at least four hours prior to the departure of the vessel from the fishery waters; and
  - (iv) at such other times as the Chief Fisheries Officer may specify;
- (h) each report made under paragraph (k) shall contain details of:
  - (i) the vessel's international radio call sign or the number assigned to the vessel in its licence or on any regional register established under section 6 (1) (f) of the Act;
  - (ii) the position of the vessel at the time of reporting;
  - (iii) the total catch by species on board the vessel at the time of reporting; and
  - (iv) such other matters relating to the fishing operations as the Chief Fisheries Officer may require;
- (i) the master or owner of the vessel or his authorised local representative shall notify the Chief Fisheries Officer, or such other person or organisation as the Chief Fisheries Officer may designate, of the estimated time of entry of the vessel into any port in St. Lucia at least twenty-four hours before the vessel's entry, except that a shorter period of notification may be allowed if the master of the said vessel satisfactorily proves that the vessel was in distress, or in the event of a medical emergency;
- (j) the master of the vessel shall, while in the fishery waters, allow any person authorised in writing by the Chief Fisheries Officer to board and remain on board the vessel as an observer and shall —
  - (i) allow the observer full access to all equipment, including navigation and communication equipment, records, documents, or to any fish on board the vessel;

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- (ii) allow the observer to make tests, observations and records and to take and remove samples as he may reasonably require to monitor the vessel's activities in the fishery waters; and
- (iii) provide, without charge, food and accommodation equivalent to that provided for officers of the vessel; and
- (k) the master of the vessel shall proceed to such port or place as the Chief Fisheries Officer may require to allow an observer to board or disembark from the vessel.

(2) The general conditions contained in paragraphs (a) to (d) of Regulation 13 shall also apply to the conditions for licencing a foreign fishing vessel under Regulation 14.

**15. Conditions of licence for foreign fishing vessel less than 9.14 metres.** Every foreign fishing licence issued under section 8 of the Act in respect of a foreign fishing vessel with a length over-all of less than 9.14 metres is subject to the following conditions —

- (a) no fishing shall be undertaken in the fishery waters except as authorised by the licence;
- (b) any change in the information set out in the application form after issuance of the licence, shall be notified to the Chief Fisheries Officer as soon as is reasonably practicable and, in any case, not later than seven days from the date of the change;
- (c) no fish shall be trans-shipped from or onto the vessel while in the fishery waters except with the permission of the Chief Fisheries Officer and in accordance with such conditions as he may specify;
- (d) the master of the vessel, while in the fishery waters, shall take all reasonable measures and precautions to avoid damage to any local fishing operations, including non-commercial operations;
- (e) the master of the vessel shall at all times while in the fishery waters display in a manner that is clearly visible from both the sea and the air the registration or licence number assigned to the vessel by its country of origin or where no such registration or licence number has been assigned to it, such number or other marking as will adequately identify the vessel and its country of origin;
- (f) the master of the vessel shall, while in the fishery waters, maintain a record of catches and other information as the Chief Fisheries Officer may require; and
- (g) the master of the vessel shall provide information on the fishery operations carried out in the fishery waters as the Chief Fisheries Officer may require.

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16. **Additional conditions for fishing licence.** Any notice or instruction given by the Chief Fisheries Officer may be incorporated into the foreign fishing licence as a further condition of the licence and may be communicated by —

- (a) radio message to the master of the licensed vessel;
- (b) letter, telex, cablegram or fax sent to the licence holder or to the authorised flag state or association representative of the licence holder, or
- (c) such other means that the Chief Fisheries Officer may consider practicable.

17. **Records in English language.** Any records, reports, log-books or notifications required to be maintained or made as a condition of a foreign fishing licence shall be maintained or made in English.

18. **Stowage.** For the purposes of section 9 of the Act —

(1) Fishing gear of a foreign fishing vessel shall —

- (a) be stowed in such a manner that it is not readily available for fishing;
- (b) not be baited or contain any lure that may render it readily available for fishing;
- (c) be stowed wholly on board the vessel;
- (d) be stowed below deck, where possible; and
- (e) be secured to some part of the superstructure or hull of the vessel when carried above deck.

(2) All nets, trawlboards and weights shall be disconnected from the towing or hauling wires or ropes and all mechanical hauling devices shall be sufficiently disconnected as to be incapable of immediate use.

**PART IV****LOCAL FISHING LICENCES AND REGISTRATION**

19. **Application for local fishing vessel licence.** Every application to the Minister for a licence in respect of a local fishing vessel shall be in the form set out in the Fourth Schedule and a licence so issued shall be in writing in the form set out in the Fifth Schedule.

20. **Fees.** The fees payable for the issue or renewal of a licence in respect of a local fishing vessel are set out in the Sixth Schedule.

21. **Grounds for refusal of licence.** No licence shall be issued or renewed in respect of a local fishing vessel unless —

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- (a) an application has been made in accordance with Regulation 19 and the information contained therein is true and correct in every way;
- (b) the fees prescribed under Regulation 20 have been paid; and
- (c) any information requested by the Minister or the Chief Fisheries Officer and relevant to the proposed fishing operation has been provided in the manner requested.

**22. General conditions of licence—**(1) A licence issued in respect of a local fishing vessel shall be subject to the following conditions —

- (a) any change in the information set out in the application form for a licence shall be notified to the Chief Fisheries Officer by the licence holder as soon as is reasonably practicable and in any case not later than seven days from the date of the said change;
- (b) the owner of the vessel shall display the identification markings assigned to it by the Chief Fisheries Officer in such manner as the Chief Fisheries Officer may require;
- (c) the owner of the vessel shall comply with the law relating to safety and with such safety standards as the Minister may from time to time determine by notice published in the *Gazette*;
- (d) no fishing shall be undertaken except as authorised by the licence;
- (e) no fish shall be trans-shipped from or onto the vessel except with the written permission of the Chief Fisheries Officer and in accordance with such conditions as the Chief Fisheries Officer may specify;
- (f) the master of any vessel over 9.14 metres length-over-all shall —
  - (i) if required by the Chief Fisheries Officer, cause a log-book or other record to be maintained for the purpose of recording the fishing operations of the vessel; and
  - (ii) transmit the log-book or other record in its original and unaltered form to the Chief Fisheries Officer at such time as he may require;
- (g) the master and every member of the crew of the vessel shall comply with any direction given by an authorised officer;
- (h) the master and every member of the crew of the vessel shall be persons registered as local fishermen in a Register of Local fishermen;
- (i) the master and every member of the crew shall co-operate with any authorised officer or other person designated by the Chief Fisheries Officer in compiling catch data or in the taking of samples on behalf of the Chief Fisheries Officer for statistical or scientific purposes;
- (j) the master shall provide information as soon as is reasonably practicable and in any case, not later than seven days, on the fishery operations carried out by the vessel outside the fishery waters, in such form and at such times as the Chief Fisheries Officer may require;

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- (k) if the vessel is fishing in the waters of a country, other than in the fishery waters of Saint Lucia, then the master of that vessel shall comply with the laws of that other country as may be recognized by the Government of Saint Lucia as having force in the waters in which the vessel is fishing; and
- (l) the master and every member of the crew of the vessel shall comply with the requirements of the Act and of any Regulations or other instruments made under the Act.

(2) Any notice or instrument given by the Minister or Chief Fisheries Officer pursuant to Sub-Regulation (1) may, after the licence has been issued, be set out as a further condition of the licence and transmitted in writing to the licence holder by such means as the Chief Fisheries Officer may consider practicable.

**23. No berthing except in designated landing area.** No person shall haul up or berth any fishing vessel in any area except in a designated landing area as set out in the Tenth Schedule.

**24. Registration of fishermen—**(1) The Chief Fisheries Officer shall keep or cause to be kept a Register of fishermen in which shall be entered—

- (a) the name of any applicant for a licence as the charterer, owner or master of a local fishing vessel; or
- (b) the name of any fisherman who requests in writing or in person that his name be registered as a local fisherman.

(2) Every person whose name is entered in the Register of fishermen shall be given a registration card and number signifying that he is registered as a local fisherman.

(3) A registration card granted under Sub-Regulation (2) shall be kept in safe custody by the local fisherman to whom it is issued and shall be produced for inspection at any reasonable time when so required by an authorised officer.

PART V

SPORTSFISHING LICENCES

**25. Minister's permission for sportsfishing event—**(1) No person shall organise or hold a sportsfishing event or tournament, without the consent in writing of the Minister

(2) In this Regulation "sportsfishing" means fishing by any vessel within the fishery waters for sporting purposes or for purposes other than commercial.

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**26. Sportsfishing licence**—(1) No owner or operator of a vessel shall permit the vessel to be engaged in sportsfishing unless —

- (a) he holds a licence granted by the Minister under this Regulation authorising the vessel to be so engaged; and
- (b) he pays the prescribed fee for the licence as set out in the Third Schedule.

(2) Sub-Regulation (1) shall not apply to a Saint Lucian owned and licensed vessel entering Saint Lucia for the purpose of participating in competitive sporting events or to a boat normally towed or carried by a vessel to which the said Sub-Regulation (1) applies.

(3) Every application for a licence under Sub-Regulation (1) shall be made to the Minister in the form set out in the First Schedule and shall be submitted —

- (a) to the Customs Officer at the Port of Entry at which the vessel first called, where the vessel enters Saint Lucia for the purpose of sportsfishing; or
- (b) to the Chief Fisheries Officer in any other case.

(4) The licence granted under Sub-Regulation (3) shall be in the form set out in the Second Schedule.

**27. Sportsfishing rules**—(1) The following rules shall apply to sportsfishing —

- (a) a person shall fish by the traditional method of angling with a hook or lure attached to a line held in the hand or attached to a pole, rod or reel;
- (b) a person unless otherwise authorised by the relevant licence, shall not use a spear, fish trap, or a net other than a cast net or a landing net;
- (c) the owner or operator of the vessel shall not use more than six rods or reels unless he is in possession of a licence authorising the use of more rods or reels;
- (d) any migratory fishery resource that is caught shall not consist of more than 18 kingfish, dolphinfish or wahoo per person on the boat, and any resource not intended to be used shall not be injured unnecessarily but shall be returned to the sea alive;
- (e) no vessel shall have on board any turtle;
- (f) no vessel shall have on board more than ten conch or six lobsters per person at any time;
- (g) no owner or operator of the vessel shall catch any demersal piscine resource less than 482.6 millimetres in total length.

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(2) The limitations specified in Sub-Regulation (1) (d), Sub-Regulation (1) (e) and Sub-Regulation (1) (g) shall also apply to a Saint Lucian vessel engaged in fishing for purposes other than commercial by persons who are not Saint Lucians.

PART VI

FISH PROCESSING ESTABLISHMENT LICENCES

28. **Form of application and licence.** Every application to the Minister to operate a fish processing establishment shall be in the form set out in the Seventh Schedule and every licence so issued shall be in the form set out in the Eighth Schedule.

29. **Issue of licences.** The Minister shall not issue a licence to operate a fish processing establishment unless he is satisfied that the fish processing establishment has been constructed in such a manner as to allow for the operation of the fish processing establishment in accordance with approved standards established by law.

30. **Fees.** The fees payable for the issue or renewal of a licence to operate a fish processing establishment are set out in the Ninth Schedule.

31. **Conditions of licence.** Every licence to operate a fish processing establishment shall be subject to the following conditions —

- (a) the fish processing establishment shall be maintained and operated in a clean and sanitary manner;
- (b) accurate records relating to the operation of the fish processing establishment shall be maintained and shall include information in respect of the quantity, species and quality of fish imported, received, processed, sold or exported;
- (c) the records maintained in paragraph (b) of this Regulation shall be open to inspection by an authorised officer; and
- (d) the records concerning the operation of the fish processing establishment shall be submitted to the Chief Fisheries Officer as he may from time to time require.

PART VII

FISHERY CONSERVATION MEASURES

32. **Prohibition against removing from the fishery waters or being in possession of lobsters—**(1) No person shall harm, give, receive from anyone, or at any time have in his possession, expose for sale, sell or purchase:

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- (a) any lobster that is undersized;
- (b) any lobster carrying eggs; and
- (c) any lobster which is moulting.

## (2) No person shall —

- (a) remove the eggs from a lobster, or have in his possession, or sell, or purchase a lobster from which the eggs have been removed;
- (b) spear, hook or attempt to spear a lobster;
- (c) sell any lobster that has been speared, hooked, or otherwise impaled; and
- (d) fish for, remove from the fishery waters, give, or at any time have in his possession, expose for sale, sell or purchase any lobster between the 30th day of April to the 1st day of September in every year, or as otherwise stated by the Minister by notice published in the *Gazette* and in a newspaper which is printed or circulated in the State.

## (3) In this Regulation —

- (a) “lobster” includes the whole or any part of any lobster;
- (b) “undersized” means in relation to lobsters —
  - (i) less than 9.5 centimetres (3.75 ins.) in carapace length measured from the ridge at the base of the horns to the end of the carapace (back shell); or
  - (ii) if the tail has been removed, a tail weight of less than 340 grammes (12 ounces).

**33. Prohibition against disturbing, removing from the fishery waters or being in possession of turtles—**(1) No person shall —

- (a) disturb, remove from the fishery waters, expose for sale, sell, purchase, or at any time have in his possession any turtle eggs;
- (b) interfere with any turtle nest, or turtle that is nesting;
- (c) remove from the fishery waters, expose for sale, sell, purchase, or at any time have in his possession any undersized turtle;
- (d) set within 100 metres of the shores of Saint Lucia any net or seine or any other artifice for the purpose of or with the intention of fishing for, catching or taking any turtle; and
- (e) fish for, remove from the fishery waters, or at any time have in his possession, expose for sale, sell or purchase any turtle between the 28th day of February to the 1st day of October in every year, or as otherwise stated by the Minister by notice published in the *Gazette* and in a newspaper which is printed or circulated in the State.

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(2) In this Regulation —

- (a) “turtle” includes the whole or any part of any turtle;
- (b) “undersized” means a weight less than —
  - (i) 27.22 kilograms for Hawksbill (*Eretmochelys imbricata*);
  - (ii) 34.02 kilograms for Green (*Chelonia mydas*) and loggerhead (*Caretta caretta*); or
  - (iii) 294.84 kilograms for leatherback (*Dermochelys coriacea*).

**34. Prohibition against taking possession of corals, sponges or marine algae.** No person shall take, collect, have in his possession or damage any coral, sponges or marine algae from or in the fishery waters except with the written permission of the Chief Fisheries Officer, and in accordance with any such conditions as the Chief Fisheries Officer may specify.

**35. Prohibition against the sale of or taking possession of conch—**(1) No person shall —

- (a) take from the fishery waters, sell, purchase, or at any time have in his possession any immature conch; or
- (b) take from the fishery waters, expose for sale, purchase or at any time have in his possession any conch during the closed season for conch as specified by the Minister by notice published in the *Gazette* and in a newspaper which is printed or circulated in the State.

(2) In this Regulation —

- (a) “conch” includes the whole or any part of any conch;
- (b) “immature conch” means a conch with —
  - (i) a total weight of less than one kilogramme;
  - (ii) meat weight of less than 280 grammes after removal of the digestive gland;
  - (iii) a shell which is smaller than eighteen centimetres in length; or
  - (iv) a shell which does not have a flared lip.

**36. Prohibition against the disturbance of sea urchins.** No person shall disturb, damage, take from the fishery waters, have in his possession, purchase, expose for sale, or sell any sea urchins —

- (a) except with the written permission of the Chief Fisheries Officer, and in accordance with any such conditions as the Chief Fisheries Officer may specify; or
- (b) between the 30th day of November to the 1st day of September of the following year, or as otherwise stated by the Minister by notice

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published in the *Gazette* and in a newspaper which is printed or circulated in the State.

**37. Prohibition against disturbing, removing from rivers of St. Lucia or being in possession of fresh water shrimp or crayfish.** No person shall —

- (a) disturb, remove from the rivers of Saint Lucia, expose for sale, sell, purchase or at any time have in his possession any eggs taken from fresh water shrimp or crayfish;
- (b) interfere with any nest of fresh water shrimp or crayfish that is nesting;
- (c) remove from the rivers of St Lucia, expose for sale, sell, purchase, or at any time have in his possession any fresh water shrimp or crayfish;
- (d) set in the rivers of Saint Lucia any net, seine or any other artifice for the purpose of or with the intention of fishing for, catching or taking any fresh water shrimp or crayfish.

**38. Protection of marine mammals in bays and harbours.** No person shall take, kill, damage or fish for any marine mammal or any species of marine mammals in any bay or harbour of Saint Lucia.

**39. Protection of fishing in fishing priority areas—**(1) No person shall build, construct or erect or cause to be built, constructed or erected any building or structure on, over or under any waters in any fishing priority area declared by the Minister under section 20 of the Act, which may constitute an obstruction, impediment or interference with fishing in that area.

(2) No person shall use any fishing priority area referred to in Sub-regulation (1) for the anchorage of any yacht or vessel except in the event of a storm or hurricane or such other natural event as would render the yacht or vessel unseaworthy.

(3) Where a person uses such fishing priority area in the circumstances mentioned in Sub-regulation (2) he shall immediately notify the Chief Fisheries Officer or such person designated by him, of such use; and the Chief Fisheries Officer, or such designated person may extend the time of such use on such terms and conditions as he deems fit.

**40. Prohibition against the importation, or export of aquarium fish.** No person shall import, sell or export any aquarium fish without the permission of the Chief Fisheries Officer and except in accordance with any such conditions as the Chief Fisheries Officer may specify.

**41. Restriction on use of traps—**(1) No person shall —

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- (a) use a cast net with a mesh size of less than 25.4 millimetres;
- (b) use a beach seine with a mesh size of less than 31.75 millimetres, except when no more than one-third of the entire length of seine is of mesh size less than 31.75 millimetres;
- (c) use a trawl net or a bottom gillnet with a mesh size of less than 76.2 millimetres;
- (d) use a flyingfish gillnet with a mesh size of less than 19.05 millimetres;
- (e) use a net to fish in rivers with a mesh size of less than 31.75 millimetres;
- (f) use a trammel net for fishing purposes without the written permission of the Chief Fisheries Officer and in accordance with any conditions as the Chief Fisheries Officer may specify;
- (g) allow a fishing net to remain in place in the sea for longer than eight consecutive hours without the written permission of the Chief Fisheries Officer and in accordance with any conditions as the Chief Fisheries Officer may specify; or
- (h) use any fish trap or pot with a mesh size of less than 38.1 millimetres when measured across the narrow part.

(2) In this Regulation, unless otherwise stated, “mesh size” means the average of the measurements taken diagonally of any ten consecutive meshes, each measurement being taken across the widest opening of the mesh at full stretch.

**42. Prohibition against interfering with or disturbing fishing—**(1) No person shall —

- (a) remove, haul, take away, empty or cast adrift any fishing net, fish pot or trap, gear, tackle or other fishing equipment belonging to some other person without the consent of that other person;
- (b) place any object in the water, or promote or undertake any activities so as to obstruct a fishing operation of a fisherman unless authorised in writing by the Chief Fisheries Officer;
- (c) destroy, damage, displace, or alter the position of any fishing net, fish pot or trap, gear, tackle, other fishing equipment or any buoy, float or other marker connected to it;
- (d) remove fish from the fishing net, fish pot or trap, tackle or other fishing equipment belonging to another person, without that other person’s consent;
- (e) insert grass or other material into the meshes of any fishing net, fish pot or trap to reduce the size of the meshes; or
- (f) set or place any fish pot or trap without an identifying mark issued or approved by the Chief Fisheries Officer.

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(2) Any fish in a fishing net, or fish pot or trap shall be deemed to be private property belonging to the owner of such fishing net, or fish pot or trap.

**43. Application for SCUBA and Hookah licence—**(1) A person shall apply to the Minister for a licence to operate a SCUBA or Hookah diving facility.

(2) No person shall —

- (a) operate a SCUBA or Hookah diving facility in Saint Lucia without a licence issued by the Minister;
- (b) use SCUBA or Hookah diving gear without being registered to do so by a Fisheries Officer;
- (c) use SCUBA or Hookah diving gear for fishing unless authorised to do so in writing by the Chief Fisheries Officer; or
- (d) contravene the conditions of the licence issued by the Minister to operate a SCUBA or Hookah diving facility.

(3) In these Regulations —

- (a) “SCUBA diving gear” means diving equipment which allows the user to remain submerged for a prolonged period of time without surface air supply;
- (b) “Hookah diving gear” means diving equipment which allows the user to remain submerged for a prolonged period of time with surface air supply.

**44. Restriction on use of spear gun—**(1) Application for permission to use a spear gun in the fishery waters of Saint Lucia shall be made to the Chief Fisheries Officer.

(2) No person shall use a spear gun or fishing gun for fishing in the fishery waters without having first obtained written permission from the Chief Fisheries Officer and in accordance with any conditions as the Chief Fisheries Officer may specify.

(3) Notwithstanding the provisions of Sub-Regulation (2) no person shall use a spear gun for fishing in the fishery waters of Saint Lucia while using SCUBA or Hookah gear.

(4) Subject to Sub-Regulation (5), the Chief Fisheries Officer may grant his permission, upon an application made under Sub-Regulation (1), and may specify conditions to the grant of his permission as he deems necessary.

(5) The use of a spear gun for fishing is prohibited in a Marine Reserve.

**45. Prohibition against pollution of aquatic environment—**(1) No person, company, or their employees or agents shall put or cause to be put any poison,

*Fisheries Regulations*

noxious substance or other pollutant into the fresh, estuarine, or marine waters of Saint Lucia.

(2) Any costs incurred by the Department of Fisheries for remedial action in respect of any pollution may, in addition to any fine imposed, be borne by the person or company found guilty of an offence under this Regulation.

**46. Restriction on use of Marine Reserve.** No person shall use a Marine Reserve for recreational or other purposes except with the written permission of the Chief Fisheries Officer and in accordance with any such conditions as the Chief Fisheries Officer may specify.

**47. Restriction on import and export of fish.** No person shall import fish into Saint Lucia or export fish caught in the fishery waters of Saint Lucia except with the written permission of the Chief Fisheries Officer and in accordance with the conditions as he may specify.

**48. Scientific Research—**(1) The Minister may authorize any person or class of persons to perform such acts, for the purpose of engaging in scientific research, which would otherwise constitute an offence under this Regulation.

(2) An authorization given under this Regulation may be subject to such terms and conditions as the Minister thinks fit.

(3) It shall be a defence to a prosecution for a breach of a Regulation that the person charged was authorized under Sub-Regulation (1) at the time of the alleged offence to perform such acts in respect of which the charge was preferred.

**49. Offences and penalties.** Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and, unless otherwise provided for in the Act, shall be liable on summary conviction to a fine not exceeding five thousand dollars.

## PART VIII

## MISCELLANEOUS

**50. Rewards—**(1) The Minister may authorise payment of a reward to any person who provides information leading to a conviction or to the compounding of an offence under the Act or under these Regulations.

(2) Any reward referred to in Sub-Regulation (1) shall be paid from the sums paid in compounding the offence, and shall not exceed one-third of those sums, as the Minister may determine.

*Fisheries Regulations*

**51. Revocation.** The Fisheries (Turtle, Lobster and Fish Protection) Regulations (No. 67 of 1987) are hereby revoked.

**52. Commencement.** These Regulations shall come into operation on the 14th day of March, 1994.

Made by the Minister under section 39 of the Fisheries Act, 1984 (No. 10 of 1984), this 28th day of December, 1993.

IRA D'AUVERGNE,  
*Minister.*

*Fisheries Regulations*

Regulation 9 (b)

## FIRST SCHEDULE

## FORM A

APPLICATION FORM FOR A FOREIGN FISHING VESSEL LICENCE  
(FOR A VESSEL WITH AN OVERALL LENGTH OF 9.14 METRES OR MORE)

INSTRUCTIONS — Underline Surnames.  
For “ address ” provide complete mailing address.  
If not applicable, write NA - leave no blanks.  
Specify units of measurement if not metric.

ADDRESS TO — The MINISTER ( )

I, ..... hereby apply for a fishing licence to fish in the fishery waters of Saint Lucia.

1. Name of vessel.....
2. Name of owner.....
3. Address of owner.....
4. Name of charterer.....
5. Country of registration.....
6. Country of registration number.....
7. Details of radio...../Frequency.....  
Number of channels...../Radio call signs.....
8. Operational base or bases (port/country).....
9. Name of vessel master.....
10. Type of fishing operations.....
11. Proposed fishing areas.....
12. Period of licence requested (maximum 12 months).....
13. Proposed commencement date of fishing operations.....
14. If previously licensed under the Act, state the number of the last licence held.....
15. If previously licensed under the Act, specify any changes to information previously provided.....  
.....

*Fisheries Regulations*

- 16. Current fishing licences held elsewhere in the region (state the number of each licence and the name of each licensing country).....
- 17. Address of vessel master.....  
Safety equipment/gadgets on vessel.....

**QUESTIONS 18 — 29 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.**

- 18. Normal total number of crew.....
- 19. Hull materials.....
- 20. Year built.....
- 21. Place of construction.....
- 22. Gross tonnage.....
- 23. Overall length.....
- 24. Main engine power.....
- 25. Fuel capacity.....
- 26. Daily freezing capacity for each method.....
- 27. Storage capacity for each storage method.....
- 28. Type of fishing operation.....
- 29. Type and quantity of fishing gear to be used.....

**ATTACH A RECENT SIDE-ON PHOTOGRAPH OF THE VESSEL IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.**

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within seven days of the change.

Signature of Applicant ..... Date .....

Specify whether owner, charterer or agent.....

Print name of Applicant.....

Address of Applicant.....

**CAUTION:** Any licence issued on the basis of this application form is liable to cancellation if any of the information given in this application form is incorrect.

*Fisheries Regulations*

Regulation 9 (b)

## FORM B

**APPLICATION FORM FOR A FOREIGN FISHING LICENCE  
(FOR A VESSEL WITH AN OVERALL LENGTH OF LESS THAN 9.14 METRES)**

**INSTRUCTIONS** — Underline Surnames  
For " address " provide complete mailing address, if not applicable, write  
NA - leave no blanks. Specify units of measurement if not metric.

**ADDRESS TO** — The Minister, ( )

I.....hereby apply for a fishing licence to fish in the fishery waters.

1. Name of vessel.....
2. Name of owner.....
3. Address of owner.....
4. Name of charterer.....
5. Country of registration.....
6. Country of registration number.....
7. Details of radio (if any)...../Frequency.....  
Number of Channels...../Radio call sign.....
8. Operational base or bases (port/country).....
9. Name of vessel master.....
10. Address of vessel master.....
11. Type of fishing operations.....
12. Proposed fishing areas.....
13. Period of licence requested (maximum 12 months).....
14. Proposed commencement date of fishing operations.....
15. If previously licensed under the Act, state the number of the last license held.....
16. If previously licensed under the Act, specify any changes to information previously provided  
.....

*Fisheries Regulations*

Safety equipment/gadgets on vessel .....

**QUESTIONS 17 - 21 TO BE COMPLETED ONLY IF APPLYING FOR A FISHING LICENCE FOR THE FIRST TIME.**

17. Normal total number of crew .....

18. Overall length .....

19. Engine power .....

20. Type of fishing operation .....

21. Type and quantity of fishing gear to be used .....

I understand that I am required to report any changes in the information contained in this form to the Chief Fisheries Officer within seven days of the change.

Signature of Applicant ..... Date .....

Specify whether owner, charterer or agent .....

Print name of applicant .....

Address of applicant .....

**CAUTION:** Any licence issued on the basis of this application form is liable to cancellation if any of the information given on this form is incorrect.

*Fisheries Regulations*

Regulation 26 (3)

FORM C

APPLICATION FORM FOR A SPORTSFISHING LICENCE

( )

- 1. Name of applicant.....
- 2. Address.....
- 3. Name of vessel.....
- 4. Description of vessel.....
- 5. Registration number of vessel.....
- 6. Port of registration.....
- 7. Number of persons onboard vessel.....
- 8. Type and description of fishing gear to be used in sportsfishing.....  
.....  
.....
- 9. Duration of stay in St. Lucia.....
- 10. Safety equipment/gadgets on vessel.....

.....  
*Signature of Applicant*

.....  
*Date*

*Fisheries Regulations*

Regulation 10 (b)

SECOND SCHEDULE

LICENCE NUMBER .....

FOREIGN FISHING LICENCE

( )

The person named as the licence holder below is hereby licenced in accordance with section 8 of the Fisheries Act, 1984 (No. 10 of 1984) to use the vessel described below for fishing in the fishery waters at the times and in the areas specified in this licence and in accordance with the conditions set out in this licence and prescribed from time to time in the Fisheries Regulations, 1994 (No. 9 of 1994).

Name of vessel: .....

Name of licence holder: .....

Licence period from:     /     /     to     /     /

Radio call sign (regional register No.) or registration No.: .....

SPECIAL CONDITIONS

Authorised fishing areas: .....

Authorised fishing times: .....

Authorised fishing operations: .....

Authorised target species/quota (where available): .....

OTHER SPECIAL CONDITIONS

Permitted trans-shipment (where available)

Permitted use of fish aggregating devices (where applicable)

.....  
*Minister*

.....  
*Date*



*Fisheries Regulations*

Regulation 11 (1)

## THIRD SCHEDULE

## FEES FOR FOREIGN FISHING LICENCE

<i>Size of vessel (overall length)</i>	<i>Fees payable per year</i>
Less than 9.14 metres	\$ 500.00
9.14 metres to 18.29 metres	\$1000.00
18.29 metres	\$2000.00

## FEES FOR SPORTSFISHING LICENCE

Licence to engage in sportsfishing :

- (a) for vessels entering St. Lucia —
  - (i) on which will be used not more than six reels \$ 200.00 per trip or \$1000.00 per annum.
  - (ii) on which will be used more than six reels \$7000.00 per annum
- (b) Other vessels \$0.66 per metre per annum

*Fisheries Regulations*

Regulation 19

## FOURTH SCHEDULE

## APPLICATION FORM FOR A LOCAL FISHING VESSEL LICENCE

( )

**INSTRUCTIONS** — Underline Surnames.  
 For " address " provide as much detail as possible.  
 If not applicable, write NA - leave no blanks.  
 Specify units of measurement if not metric.

**ADDRESS TO** — The Chief Fisheries Officer, ( )

I ..... hereby apply for a local fishing vessel licence for the vessel described below:

1. Name of vessel.....
2. Name and age of owner..... / ..... yrs.  
 and address.....
3. Name and address of charterer.....
4. Name and address of any other person having an interest in the vessel.....
5. Registration marks and number.....
6. International radio call sign (if any).....
7. Name and age of master.....  
 and address.....
8. Nature of fishing operation to be undertaken (X as appropriate)
  - (a) trolling
  - (b) trapping
  - (c) longlining
  - (d) seining
  - (e) gillnetting
  - (f) trawling
  - (g) handlining
  - (h) any other



*Fisheries Regulations*

Regulation 10

FIFTH SCHEDULE

LICENCE NUMBER .....

LOCAL FISHING VESSEL LICENCE

( )

The person named as the licence holder below is hereby licenced in accordance with section 11 of the Fisheries Act 1984 (No. 10 of 1984) to use the vessel described below for fishing in accordance with the conditions set out in this licence and prescribed in the Fisheries Regulations.

Name of vessel: .....

Name of licence holder: .....

Licence period: From     /     /     to     /     /

Vessel registration number: .....

Radio call sign: .....

Special conditions

Permitted trans-shipment operations (where applicable)

Permitted use of fish aggregating devices (where applicable)

.....  
*Minister.*

.....  
*Date.*

*Fisheries Regulations*

Regulation 20

## SIXTH SCHEDULE

## FEES FOR LOCAL FISHING VESSEL LICENCES

<i>Size of vessel (overall length)</i>	<i>Fees</i>	
	<i>Registration</i>	<i>Licence per annum</i>
Less than 3.05 metres	No fee	No fee
3.05 metres to 9.14 metres	\$ 25.00	\$5.00
9.14 metres to 18.29 metres	\$250.00	\$100.00
Over 18.29 metres	\$500.00	\$250.00

*Fisheries Regulations*

Regulation 28

SEVENTH SCHEDULE

APPLICATION FORM FOR FISH PROCESSING ESTABLISHMENT LICENCE

( )

INSTRUCTIONS — Underline surnames.  
For “ address ” provide as much detail as possible.  
If not applicable, write NA - leave no blanks.  
Specify units of measurement if not metric.

ADDRESS TO — The Minister, ( )

I .....hereby apply for a licence to operate a fish processing establishment at the place and in the manner described below:

- 1. Name of applicant.....
- 2. Address of establishment.....
- 3. Name and address of owner of establishment.....  
.....
- 4. Name and address of lessee (if leased).....  
.....
- 5. Kinds of fish to be processed.....  
Sources of supply.....
- 6. Nature of processing operation (attach full particulars)
- 7. Principal place/country for marketing.....  
.....

Signature of Applicant..... Date.....

Specify whether owned or leased.....

Print name of Applicant.....

*Fisheries Regulations*

Regulation 28

EIGHTH SCHEDULE

LICENCE NUMBER : .....

FISH PROCESSING ESTABLISHMENT LICENCE

( )

The person named as the licence holder below is hereby licenced in accordance with section 17 of the Fisheries Act, 1984 (No. 10 of 1984), to use the premises described below as a fish processing establishment in accordance with the conditions set out in this licence.

Name of licence holder: .....

Licence period: From / / to / /

Address of the fish processing establishment: .....

The species of fish authorised to be processed: .....

The type of processing authorised to be carried out: .....

FURTHER CONDITIONS

.....  
*Minister*

.....  
*Date*

*Fisheries Regulations*

Regulation 30

## NINTH SCHEDULE

## FEES FOR FISH PROCESSING ESTABLISHMENT LICENCE

For fish processing establishment of any kind — \$500.00 per annum

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Regulation 23

## TENTH SCHEDULE

Designated Landing Areas :

- Gros Islet Beach and Marine Entrance
- Cas-en-bas
- Esperance Harbour
- Marisule Beach
- Castries (Fish Marketing Corporation)
- Castries (Tapion)
- Castries (Conway)
- Castries (Bananes)
- Anse La Verdue
- Roseau Bay
- Marigot de Roseau
- Anse La Raye Beach
- Anse Mahaut
- Canaries
- Anse John
- Anse l'Ivrogne
- Choiseul
- Anse de la Riviere Doree
- Anse Mamain
- Soufriere Bay
- Coin de l'Anse Soufriere
- Trou Babier
- Laborie Bay
- Vieux Fort Jetty
- Vieux Fort Market area
- Anse de Sables
- Palmiste
- Micoud Beach
- Praslin
- Dennery Beach

*Fisheries Regulations*

Regulation 3

## ELEVENTH SCHEDULE

## IMPERIAL EQUIVALENTS FOR METRIC MEASUREMENTS

<i>Regulation</i>	<i>Metric Measurements</i>	<i>Equivalent Imperial Measurements</i>
4 (c)	13.64 litres	3 gallons
	7.62 metres	25 feet
	22.73 litres	5 gallons
14 (1)	9.14 metres	30 feet
15	9.14 metres	30 feet
22 (f)	9.14 metres	30 feet
27 (1) (g)	482.6 millimetres	19 inches
32 (3) (b) (i)	9.5 centimetres	3.75 inches
32 (3) (b) (ii)	340 grammes	12 ounces
33 (2) (b) (i)	27.22 kilograms	60 pounds
33 (2) (b) (ii)	34.02 kilograms	75 pounds
33 (2) (b) (iii)	294.84 kilograms	650 pounds
35 (2) (b) (i)	1 kilogram	2.24 pounds
35 (2) (b) (ii)	280 grammes	9.88 ounces
35 (2) (b) (iii)	18 centimetres	4.9 inches
41 (1) (a)	25.4 millimetres	1 inch
41 (1) (b)	31.75 millimetres	1 1/4 inches
41 (1) (c)	76.2 millimetres	3 inches
41 (1) (d)	19.05 millimetres	3/4 inch
41 (1) (e)	31.75 millimetres	1 1/4 inches
41 (1) (h)	38.1 millimetres	1 1/2 inches
First Schedule		
Form A	9.14 metres	30 feet
Form B	9.14 metres	30 feet