



TURKS AND CAICOS ISLANDS

CHAPTER 10.09
FISHERY LIMITS ORDINANCE
and Subsidiary Legislation

Revised Edition
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

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Published in 2011
On the authority and on behalf of the Government of the Turks and Caicos Islands
By
The Regional Law Revision Centre Inc.

Available for purchase from—

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British West Indies

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Printed on the authority and on behalf of the Government of the Turks and Caicos Islands
by
The Regional Law Revision Centre Inc.
P.O. Box 1626, Hannah-Waver House, The Valley, AI-2640, Anguilla
Authorised Printers for this Revised Edition

CHAPTER 10.09
FISHERY LIMITS ORDINANCE
ARRANGEMENT OF SECTIONS

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CHAPTER 10.09
FISHERY LIMITS ORDINANCE
(Ordinances 5 of 1969 and 6 of 1978)

AN ORDINANCE TO DEFINE THE FISHERY LIMITS OF THE TURKS AND CAICOS ISLANDS FOR THE PURPOSES OF CERTAIN ENACTMENTS RELATING TO FISHING, TO MAKE PROVISION FOR THE REGULATION OF FISHING WITHIN THOSE LIMITS AND FOR OTHER MATTERS CONNECTED THEREWITH.

Commencement

[31 December 1969]

Short title

1. This Ordinance may be cited as the Fishery Limits Ordinance.

Interpretation

2. In this Ordinance—

“fish” includes crayfish and marine products as defined in section 2 of the Fisheries Protection Ordinance;

“fishery limits” means the limits defined in accordance with section 3;

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing;

“master” includes, in relation to a fishing boat, the person for the time being in command or in charge of that fishing boat or in charge of the fishing operations on board that fishing boat.

Definition of fishery limits of the Islands

3. For the purposes of this Ordinance and the Fisheries Protection Ordinance, the fishery limits of the Turks and Caicos Islands shall comprise such areas as may be defined by the Governor by Proclamation, and the provisions of the said Ordinance shall have effect in the territorial waters of the Islands and in such a zone beyond those territorial waters as may be defined by such a Proclamation. (*Substituted by Ord. 6 of 1978*)

Enforcement of Ordinances by fishery officers

4. (1) The provisions of the Fisheries Protection Ordinance, as modified by this Ordinance, shall be enforced by fishery officers, and for that purpose a fishery officer shall have the powers set out in section 5 of this Ordinance.

(2) The following persons shall be fishery officers, that is to say, every officer appointed in that behalf by the Governor and every member of the Police Force authorised in that behalf by the Governor.

Powers of fishery officers

5. A fishery officer may exercise the following powers with respect to any fishing boat fishing within the fishery limits of the Turks and Caicos Islands—

- (a) he may go on board the fishing boat;
- (b) he may require the master, the crew or any of them to produce any certificate of registry, licence, official logbook, official paper, article or agreement, and any other document relating to the fishing boat, or to the crew or any member thereof, or to any person on board the fishing boat, which is in their respective possession or control on board the fishing boat;
- (c) he may muster the crew of the fishing boat;
- (d) he may require the master to appear and to give any explanation concerning the fishing boat and her crew, any person on board the fishing boat, and any document mentioned in paragraph (b) of this section;
- (e) he may make any examination or enquiry which he deems necessary to ascertain whether any offence against any provision of the Fisheries Protection Ordinance has been committed;
- (f) in the case of any person who appears to him to have committed any such contravention, he may, without summons, warrant or other process, take the offender and the fishing boat to which he belongs and the crew thereof to the nearest and most convenient port, and bring him or them before a competent court, and detain him and them and the fishing boat in the port until the alleged contravention has been adjudicated upon.

Protection of and punishment for obstructing fishery officers

6. (1) No action shall lie against a fishery officer in respect of any act done or omitted to be done by him in the exercise of his powers under this Ordinance if there shall have been reasonable cause for such act or omission.

(2) If any person obstructs a fishery officer when acting in the exercise of his powers under this Ordinance, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, a fishery officer in pursuance of any provision of this Ordinance, such person commits an offence and is liable, on summary conviction, to a fine of \$100, or to a term of imprisonment for three months, or to both such fine and imprisonment.

FISHERIES ZONE PROCLAMATION

(Legal Notice 14/1978)

I, JOHN CLIFFORD STRONG, Governor in and over the Turks and Caicos Islands, acting in pursuance of instructions given by Her Majesty QUEEN ELIZABETH II, through a Secretary of State, do hereby declare and proclaim that—

There is established for the Turks and Caicos Islands a fisheries zone having as its inner boundary the outer limits of the territorial sea of the Turks and Caicos Islands and as its seaward boundary a line drawn so that each point on the line is 200 nautical miles from the nearest point of the low water line on the coast or other baseline from which the territorial sea is measured, or, unless another line is declared by Proclamation, the median line where this is less than 200 nautical miles from the baseline. The median line is a line every point of which is equidistant from the nearest points of the baselines of the Turks and Caicos Islands and of corresponding baselines of other countries or territories.

Her Majesty will exercise the same jurisdiction in respect of fisheries in the said fisheries zone as She has in respect of fisheries in the territorial waters of the Turks and Caicos Islands subject to such provisions as may be made by law for the control and regulation of fishing within the said zone.

Given at Grand Turk this 24th day of November, 1978

GOD SAVE THE QUEEN!
