



**TURKS AND CAICOS ISLANDS**

**CHAPTER 10.08**  
**FISHERIES PROTECTION 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—

**FISHERIES PROTECTION ORDINANCE**

Page  
3

Ordinance 5 of 1941 .. in force 30 August 1941

Amended by Ordinances: 9 of 1942

13 of 1949

9 of 1973 .. in force 31 December 1973

**FISHERIES PROTECTION REGULATIONS – Section 3**

7

Legal Notice 16/1989 .. in force 28 July 1989

Amended by Legal Notices: 39/1995 .. in force 1 August 1995

1/1999 .. in force 3 February 1999

23/2001 .. in force 27 July 2001

9/2004 .. in force 1 May 2004 (L.N. 10/2004)

24/2004 .. in force 1 August, 2004

**EAST HARBOUR LOBSTER AND CONCH**

**RESERVE NOTICE— Fisheries Protection Regulation 13**

75

Legal Notice 5/2003 .. in force 14 February 2003





**TURKS AND CAICOS ISLANDS**

**CHAPTER 10.08**  
**FISHERIES PROTECTION 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—

	Page
<b>FISHERIES PROTECTION ORDINANCE</b>	3
Ordinance 5 of 1941 .. in force 30 August 1941	
Amended by Ordinances: 9 of 1942	
13 of 1949	
9 of 1973 .. in force 31 December 1973	
<b>FISHERIES PROTECTION REGULATIONS – Section 3</b>	7
Legal Notice 16/1989 .. in force 28 July 1989	
Amended by Legal Notices: 39/1995 .. in force 1 August 1995	
1/1999 .. in force 3 February 1999	
23/2001 .. in force 27 July 2001	
9/2004 .. in force 1 May 2004 (L.N. 10/2004)	
24/2004 .. in force 1 August, 2004	
<b>EAST HARBOUR LOBSTER AND CONCH</b>	
<b>RESERVE NOTICE— Fisheries Protection Regulation 13</b>	75
Legal Notice 5/2003 .. in force 14 February 2003	

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—

Attorney General's Chambers  
Waterloo Plaza  
Airport Road  
Grand Turk  
Turks and Caicos Islands  
British West Indies

Tel: (649) 946-2096  
Fax: (649) 946-1329  
Email: [attorneygeneral@tciway.tc](mailto:attorneygeneral@tciway.tc)

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 10.08

### FISHERIES PROTECTION ORDINANCE

*(Ordinances 5 of 1941, 9 of 1942, 13 of 1949 and 9 of 1973)*

#### **Commencement**

*[30 August 1941]*

#### **Short title**

1. This Ordinance may be cited as the Fisheries Protection Ordinance.

#### **Interpretation**

2. In this Ordinance “marine product” means any fish, aquatic animal or vegetable matter living in water including turtles, carcharinidae, cetacea, crustacea, molluscs and spongiae.

#### **Power to make Regulations**

3. The Governor may make regulations for the better carrying out of this Ordinance and in particular but without prejudice to the generality of the foregoing power for the following purposes—

- (a) prohibiting, restricting or regulating the taking, capturing, killing or destroying of any kind or species of marine product or species of marine product of any specified size or description within the fishery limits of the Turks and Caicos Islands either generally or at any particular time or within any particular area;
- (b) providing for the granting and revocation of licences, containing such conditions as may be specified for the taking, capturing, killing, destroying, curing, canning, processing, manufacturing or exporting of all or any species of marine product;
- (c) restricting, regulating or controlling the methods and apparatus used in connection with the taking, capturing, killing, or destroying of any species of marine product;
- (d) prohibiting, restricting, regulating or controlling the marketing or exportation of any species of marine product or of any particular class or grade of marine product whether in a manufactured state or not;
- (e) prohibiting, restricting, regulating or controlling the curing, canning, processing or manufacturing of any species of marine product and the grading thereof, and in particular specifying the type, size or grade of marine product to be cured, canned, processed or manufactured;
- (f) providing for the examination or inspection of all or any species of marine product taken, captured, killed or destroyed;

- (g) providing for the examination or inspection of any net, gear, boat or apparatus used in connection with the taking, capturing, killing or destroying of any species of marine product;
- (h) providing for the seizure, forfeiture and disposal of any marine product, taken, captured, killed or destroyed in contravention of any regulations made under this Ordinance;
- (i) providing for the seizure, forfeiture and disposal of any net, gear, boat or apparatus used in connection with the taking, capturing, killing or destroying of any marine product in contravention of any regulations made under this Ordinance or of any term of a licence issued under this Ordinance;
- (j) prescribing penalties not exceeding a fine of \$50,000 or a term of imprisonment for twelve months or to both such fine and imprisonment for the contravention of any regulations made under this Ordinance or of any term of a licence issued under this Ordinance; (*Amended by Ord. 9 of 1973*)
- (k) providing for the charging and collection of fees for licences to take, capture, kill or destroy all or any species of marine product in all or any of the fishery limits of the Islands by all or any class of persons.

### Grant of licences

4. The Governor may grant to any person or corporation an exclusive licence subject to such conditions as may be therein specified for the curing, canning, processing or manufacture of any species of marine product for export or for the exportation of any species of marine product.

---

## **FISHERIES PROTECTION REGULATIONS**

### ARRANGEMENT OF REGULATIONS

#### PART I

##### PRELIMINARY

##### REGULATION

1. Short title
2. Application
3. Interpretation

#### PART II

##### LICENSING PROVISIONS

4. Restriction on taking, processing, etc. marine products without a licence
5. Vessel used for fishing to be licensed
6. Types of licences
7. Application for and issue of licences
8. Access agreements

#### PART III

##### CONSERVATION PROVISIONS

9. Restrictions on means of taking marine products and harmful activities
10. Restrictions relating to sea bed
11. Prohibition on spearguns and Hawaiian slings
12. Close season
13. Prohibited areas
14. Legal size
15. Restrictions relating to crawfish
16. Restrictions relating to sponges
17. Restrictions relating to turtles
18. Restrictions relating to marine mammals
19. Fish pots and traps
20. Nets
21. Sports fishing tournament
22. Employment restrictions in commercial fishing
23. Restrictions on purchase and sale of marine products
24. Storage of gear
25. Transhipment of catch

## PART IV

## FISH AGGREGATING DEVICES

26. Fish aggregating device

## PART V

## FISHERIES MANAGEMENT AND DEVELOPMENT

27. Fishery advisory committee
28. Fishery plan

## PART VI

## ENFORCEMENT

29. Powers of fishery officer
30. Search warrants
31. Seizure of vessels, gear etc
32. Production of licences
33. Forfeiture upon conviction
34. Evidence
35. Interfering with fishery protection equipment
36. Aiding and abetting
37. Trial and penalties
38. Rewards
39. Naval personnel deemed to be fishery officers

## SCHEDULE 1: Prescribed forms

- Form A1. Application for mouchoir bank licence
- Form B1. Application for processing or export licence
- Form C1. Application for aquarium collecting licence
- Form D1. Application for scientific and research licence
- Form F1. Application for coral licence
- Form G1. Application for commercial fisherman's licence
- Form H1. Application for sports fishing licence
- Form I1. Application for commercial fishing vessel licence
- Form J1. Application for sports fishing vessel licence
- Form K1. Application for ordinary fishing vessel licence
- Form L1. Application for renewal of licence

## SCHEDULE 2: Prescribed forms

- Form A2. Mouchoir bank licence
- Form B2. Processing or export licence
- Form C2. Aquarium collecting licence
- Form D2. Scientific and research licence
- Form F2. Coral licence

- Form G2. Commercial fisherman's licence
- Form H2. Sports fishing licence
- Form I2. Commercial fishing vessel licence
- Form J2. Sports fishing charter vessel licence
- Form K2. Ordinary fishing vessel licence
- Form M2. Authority to issue licences
- Form N2. Authority to commercial fisherman

SCHEDULE 3: Licence Fees

SCHEDULE 4: Implied terms



**FISHERIES PROTECTION REGULATIONS – SECTION 3**

*(Legal Notices 16/1989, 39/1995;1/1999, 23/2001, 9/2004 and 24/2004)*

*Made by His Excellency the Governor in Cabinet under  
section 3 of the Fisheries Protection Ordinance.*

**Commencement**

*[28 July 1989]*

PART I

PRELIMINARY

**Short title**

1. These Regulations may be cited as the Fisheries Protection Regulations.

**Application**

2. These Regulations apply to the Islands and to the fishery limits thereof as defined by section 3 of the Fishery Limits Ordinance and extended by the Turks and Caicos Islands Fisheries Zone Proclamation.

**Interpretation**

3. (1) In these Regulations, unless the context otherwise requires—  
“bang stick” means a firearm the barrel of which is attached by some means to a spear or lance, and the ammunition of which is activated by the spear or lance head when the barrel head comes in contact with any object;  
“Belonger” has the meaning ascribed to it by the Immigration Ordinance;  
“close season” means in relation to any particular species of marine product the close season for that marine product under the provisions of regulation 12;  
“commercial fishing” means fishing carried on wholly or partly for financial reward or other material gain;  
“crawfish” means the spiny lobster, the slipper lobster, the smooth tailed lobster, the spotted lobster or crayfish or the species *Panulirus Argus* or *Panulirus Guttatus* or *Scyllarides*;  
“Director” means Director of the Department of Environmental and Coastal Resources;  
*(Inserted by L.N. 9/2004)*  
“export” includes the transport of any marine product taken in the fishery limits to a place outside of the Turks and Caicos Islands whether or not the same has previously been imported into the Turks and Caicos Islands;  
“fish aggregating device” means any apparatus or device designed for or intended for use in attracting any marine product into a particular area or for facilitating fishing for any marine product “fishing” includes catching, taking, killing or removing from the sea or attempting to catch, take, kill or remove from the sea

any marine product by any means or method or placing or retrieving any fish aggregating device or searching for any marine product for the purpose of fishing;

“fishery officer” means any person appointed as such under section 4 of the Fishery Limits Ordinance and any member of Her Majesty’s naval forces acting under regulation 39:

Provided that every member of the Police Force shall be deemed to have been authorised to be a fishery officer for the purposes of subsection (2) of section 4 of the Fishery Limits Ordinance;

“foreign owned vessel” means a vessel owned by a person or persons who are not Belongers and in the case of a vessel owned by a partnership or a company means a vessel owned by a partnership or a company in which a Belonger or Belongers do not have the controlling interest (within the meaning of the Business Licensing Ordinance);

“Hawaiian sling” means a spear not exceeding six feet in length projected by a device consisting only of elastic material not exceeding eighteen inches in length and one half inch in width; (*Amended by L.N. 9/2004*)

“Islands” means the Turks and Caicos Islands and includes the Territorial Sea;

“issuing authority” means in relation to a licence the authority empowered to issue that particular licence under the provisions of regulation 7;

“legal size” means in relation to any particular marine product the minimum size permitted for the taking or possession of that product as defined in regulation 14;

“licence” means a licence issued under the provisions of these Regulations, and grammatical variations and cognate expressions shall be construed accordingly;

“local” in relation to a vessel means a vessel which is not a foreign owned vessel;

“master” in relation to a vessel means the person in command or in charge of the vessel or the fishing operations aboard the vessel or any person aboard the vessel who does any act consistent with the same;

“measuring gauge” means a device so constructed as to be capable of accurately determining the legal size for the purposes of regulation 14;

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

“overall length” in relation to a vessel means the length measured from the foremost part of the hull over the deck to the rear most part of the hull and includes any extension to the hull in the form of bow or transom platform;

“process” in relation to any species of marine product, includes manufacturing (including the use of any part of that product in any manufacturing process), bottling, canning, curing, freezing or otherwise preparing or preserving the marine product for use as food or for any commercial purpose but does not include the taking or cleaning and chilling of marine products;

“prohibited apparatus” or “prohibited method” means in relation to any particular species of marine product any apparatus or method prohibited to be used for the

taking of that marine product by these Regulations or which is declared to be a prohibited apparatus or method by the Minister by notice in the *Gazette*;

“prohibited area” means any area declared as such under regulation 13;

“resident” means a person who—

- (a) is a Belonger; or
- (b) possesses a valid permanent resident certificate or a valid work permit issued in accordance with the Immigration Ordinance;

“scuba equipment” includes any self-contained underwater breathing apparatus other than a snorkel;

“snorkel” means a device comprising a tube not more than eighteen inches long which enables any person, whilst completely or partially submerged beneath the water, to breathe natural air without the use of a compressor or any artificial substitute for natural air;

“spear fishing” means taking or attempting to take any species of marine product, by means of a spear of any description, shape or size including a Hawaiian sling;

“spear gun” means any weapon, apparatus or mechanism other than a Hawaiian sling, so constructed as to be capable of use under water for the discharge (whether complete or partial) of any projectile, whether or not a spear or harpoon;

“sports fishing” (or “fishing for sport”) means fishing for any species of marine product for pleasure or recreation and not for gain or reward;

“taking” in relation to any particular species of marine product includes capturing, destroying or in any manner killing or removing from the sea that marine product, and grammatical variations shall be construed accordingly;

“vessel” includes an aircraft, a hovercraft and any ship, boat, lighter or other floating craft and where the context so admits includes all boats and gear and equipment carried thereon;

“visitor” means a *bona fide* visitor who, at the time of landing and throughout the period during which he remains in the Islands, complies with the following conditions—

- (a) he has a valid ticket or means of travelling to some other country where he will be permitted to enter;
- (b) his stay in the Islands is limited to sixty days from the date of landing therein;
- (c) he does not behave in a manner prejudicial to the peace, order and good government of the Islands; and
- (d) he does not engage in gainful occupation;

“worked black coral” means black coral worked into jewellery.

(2) In these Regulations a reference to any conch, crawfish, lobster, fish, turtle or other marine product shall include any part thereof as the context so admits.

## PART II

## LICENSING PROVISIONS

**Restriction on taking, processing, etc. marine products without a licence**

4. (1) Subject to the provisions of paragraph (2) any person who, not being the holder of and acting in conformity with the conditions of a licence authorising him so to do—

- (a) takes or is in possession of any species of marine product; or (*Amended by L.N. 9/2004*)
- (b) processes or exports any species of marine product,

commits an offence and is liable on summary conviction to a fine of \$50,000 or to a term of imprisonment of twelve months, or to both such fine and imprisonment.

(2) Notwithstanding that he is not the holder of a licence authorising the taking, processing or exporting of marine products (as the case may be)—

- (a) a Belonger (except during any close season for that species of marine product or by a prohibited apparatus or method) may take or process reasonable quantities of any species of marine product for pleasure or recreation or for consumption by himself or in his home;
- (b) any person proceeding to a place outside the Islands, upon payment of any export duty payable under any law for the time being in force, may take with him any worked black coral, not more than three of any sponge or in the case of any other species of marine product other than black coral not more than ten pounds in weight of each of any species of marine product without being the holder of an export licence;
- (c) any non Belonger being the holder of a valid licence issued under regulation 6(1)(h) proceeding to a place outside the Islands, upon payment of any export duty payable under any law for the time being in force, may (with the prior written consent of a Fishery Officer) in addition to the marine products specified in paragraph (b) take with him one fish of unlimited weight for the purpose of mounting as a trophy.

**Vessel used for fishing to be licensed**

5. (1) Any person who causes or permits to be used or uses any vessel for commercial fishing unless the vessel is licensed for that purpose under regulation 6(1)(e) or 6(1)(i) commits an offence and is liable on summary conviction to a fine of \$50,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(2) Any person who charters, hires out or otherwise makes available for reward any vessel for use by persons fishing for sport, or the master of any such vessel shall, unless—

- (a) that vessel is licensed for that purpose under regulation 6(1)(j); and
- (b) those persons using that vessel for fishing for sport are each licensed for that purpose under regulation 6(1)(h),

commit an offence and be liable upon summary conviction to a fine of \$50,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

(3) Any person who causes or permits to be used or uses any vessel for fishing unless that vessel is licensed for that purpose under regulation 6(1)(k) commits an offence and is liable on summary conviction to a fine of \$50,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment:

Provided that this paragraph shall not apply in the case of any vessel licensed for commercial fishing under regulation 6(1)(e) or 6(1)(i) or licensed for sports fishing charters under regulation 6(1)(j) and provided also that this paragraph shall not apply in the case of any vessel entering the Islands for a period of less than one month.

(4) Any person who causes or permits to be used or uses for the purposes mentioned in paragraphs (1) or (2) any vessel in respect of which a licence is in force shall display the number of the licence in a prominent place on the vessel, and upon failure so to do commits an offence:

Provided that the Chief Fishery Officer may direct in particular cases the manner in which the licence shall be displayed.

### Types of licences

6. (1) The following licences may be issued under these Regulations—
- (a) a Mouchoir Bank Licence: for the operation of a fishing vessel or vessels in the area of the Mouchoir Bank;
  - (b) a Processing or Export Licence: for the processing and/or exporting of any species of marine product;
  - (c) an Aquarium Licence: for the taking of any species of marine product for export alive for use in an Aquarium;
  - (d) a Scientific and Research Licence: for the taking and/or processing and/or exporting of any species of marine product for scientific and research purposes;
  - (e) an Access Agreement Licence: for commercial fishermen and commercial fishing vessels operating within the fishery limits under an Access Agreement;
  - (f) a Coral Licence: for the taking and/or processing and/or exporting of any species of coral for commercial purposes;
  - (g) a Commercial Fisherman's Licence: authorising the holder to engage in commercial fishing within the fishery limits and to sell or otherwise dispose of for gain the marine products taken by him:

Provided that a licence issued under this paragraph shall not permit the holder to engage in fishing in the area of the Mouchoir Bank unless he is aboard a vessel licensed under the provisions of paragraph (a);  
(Amended by L.N. 9/2004)

- (h) a Sports Fishing Licence: authorising the holder to engage in fishing in any area of the fishery limits and,

to retain in any one day's fishing for consumption by the holder of the licence or in the home of the holder of the licence marine products not exceeding ten pounds (10 lbs) in weight in total; and

to retain during the term of the licence as a trophy one fish of unlimited size or such greater number of fish as the Chief Fishery Officer acting in his discretion shall in writing deem reasonable:

Provided that a licence issued under this paragraph shall not permit the holder to engage in fishing in the area of the Mouchoir Bank unless he is aboard a vessel licensed under the provisions of paragraph (a);

- (i) a Commercial Fishing Vessel Licence: authorising the use of a particular vessel for commercial fishing by the holder of a commercial fishermen's licence in any area of the fishery limits other than the Mouchoir Bank:

Provided that no licence issued under this paragraph may be issued to persons other than Belongers;

- (j) a Sports Fishing Charter Vessel Licence: authorising the use of a particular vessel for hire or other reward by persons fishing for sport in any area of the fishery limits other than the Mouchoir Bank;
- (k) an Ordinary Fishing Vessel Licence: authorising the use of a particular vessel for fishing other than commercial fishing and other than for hire or reward by persons fishing for sport in any area of the fishery limits other than the Mouchoir Bank;
- (l) a Tournament Fishing Vessel License: authorising the use of a particular vessel in any area of the fishery limits other than the Mouchoir Bank by the holder of a Tournament Fishing Licence for the purposes of a sports fishing event or tournament.

### Application for and issue of licences

7. (1) The authority for the issue or renewal of a licence issued under regulations 6(1)(a) to 6(1)(f) shall be the Governor.

(2) The authority for the issue or renewal of a licence issued under regulations 6(1)(g) to 6(1)(m) shall be the Minister or any person authorised by him in that behalf in the form set out in Schedule 2:

Provided that in the case of the refusal to issue or renew a licence by a person authorised to issue licences on behalf of the Minister, the applicant may require that the application be referred to the Minister who, after hearing the applicant, may confirm the refusal or may authorise the issue or renewal of the licence as the circumstances appear to him to require.

- (3) (a) An application for the issue or renewal of a licence under these Regulations, other than an application for the issue or renewal of a Tournament Fishing Licence or a Tournament Fishing Vessel Licence, shall be made to the issuing authority in the form set out in Schedule 1.
- (b) An application for the issue or renewal of a Tournament Fishing Licence or a Tournament Fishing Vessel Licence shall be made to the issuing

authority in such form and contain such information as the issuing authority may direct.

- (c) An applicant, who is not a Belonger, for a licence under regulation 6(1)(g) shall submit to the issuing authority along with the application the following information—
- (i) valid work permit;
  - (ii) National Insurance Card;
  - (iii) a completed request for assistance form;
  - (iv) a completed assistance form;
  - (v) two recent photographs;
  - (vi) Permanent Residence Certificate Number and Card.
- (d) A licence issued under regulations 6(1)(g) to a person who is not a Belonger shall contain such conditions as the issuing authority thinks fit including a condition that the person shall only take marine products while using a trap or diving boat owned by a Belonger.
- (e) A request for assistance form shall be the form set out in Schedule 5 and an assistance form shall be such form as the Director may specify.  
*(Inserted by L.N. 9/2004)*
- (f) Any person who completes an application for the issue or renewal of a licence under these Regulations and presents the application to the issuing authority or a person authorised to receive the application on behalf of the issuing authority knowing the same to be false in a material particular commits an offence.
- (4) (a) Save as hereinafter provided in regulation 8, a licence granted by the Governor shall, unless previously suspended or revoked or specifically endorsed for a shorter or longer period be valid from the date of issue to the 31st day of July next.
- (b) Save as hereinafter provided in regulation 8, a licence granted by the Governor shall be in the form set out in Schedule 2 subject to such additional or amending conditions including the payment of fees or royalties as the Governor may consider desirable.
- (5) (a) A licence granted by or on behalf of the Minister shall, unless previously suspended or revoked be valid from the date of issue to the 31st day of July next.
- (b) Subject to paragraph (c), a licence granted by or on behalf of the Minister shall be in the form set out in Schedule 2 and may be issued or renewed on payment of the relevant fee for that category of licence set out in Schedule 3:

Provided always that where the licence (other than a licence issued under regulation 6(1)(h), (l) or (m)) is issued on or after the 1st day of February in any year the fee payable shall be one half of the fee for that category of licence specified in the said Schedule.

(c) A Tournament Fishing Licence or a Tournament Fishing Vessel Licence granted by or on behalf of the Minister shall be in such form as the Minister may direct.

(6) The granting of a licence for the processing or exporting of any species of marine product, the name of the licensee and the terms and duration of the licence shall be notified by Government Notice, and a copy of the *Gazette* containing the same shall be sufficient evidence thereof for all purposes.

(7) The revocation of a licence, giving the name of the licensee and the type of licence, may be notified by Government Notice and a copy of the *Gazette* containing the same shall be sufficient evidence thereof for all purposes.

(8) A licence shall not be assignable without the consent of the issuing authority and the issue assignment or renewal of a licence in any particular case shall be in the discretion of the issuing authority.

(9) Save as otherwise expressly provided in the licence there shall be implied in each licence granted under these Regulations the terms set out in the relevant parts of Schedule 4.

(10) No licence shall be deemed to permit fishing or the taking of any marine product in any prohibited area or by the use of any prohibited apparatus or method:

Provided always that the Governor may by Order published in the *Gazette* exempt the holder of any Scientific and Research Licence issued under regulation 6(1)(d) from any of these Regulations.

### Access Agreements

8. (1) The Governor may enter into an Access Agreement with other states and with associations representing foreign fishing vessel owners or charterers providing for the allocation of fishing rights to the vessels from those states or associations.

(2) An Access Agreement shall include a licence pursuant to regulation 6(1)(e) in such form and on such terms as the Governor may determine licensing the vessels referred to in the Agreement together with their crew to engage in commercial fishing in such parts of the fishery limits as the Agreement shall set out.

(3) The fishery rights allocated under an Access Agreement shall not exceed the total resources or amount of fishing allocated for fishing under Access Agreements in any fishery plan for the time being approved by the Governor.

(4) Any Agreement entered into under this regulation shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels and crew with the terms and conditions of the Agreement and with the fishery laws of the Turks and Caicos Islands.

(5) For the purpose of this regulation “state” shall include any regional organisation to which the power to negotiate Access Agreements has been delegated by the member countries.

PART III

CONSERVATION PROVISIONS

**Restrictions on means of taking marine products and harmful activities**

9. (1) No person shall—

- (a) save as hereinafter provided, use or suffer to explode or escape any explosive, poison, or any noxious substance within the fishery limits and whether or not with the intent to take any marine product:

Provided that a person in lawful possession of a bang stick shall not commit an offence if he proves, the onus being upon him, that he used the same to protect himself or another person or any property against any marine product of a dangerous nature which attacked him, that other person or that property and provided also that a person using an explosive or noxious substance under and in accordance with an endorsement on a licence made pursuant to regulation 10 shall not commit an offence;

- (b) possess any noxious substance being bleach or other substance containing or comprising sodium hypochlorite or chlorine or dogwood or quick lime within the fishery limits with intent to take any marine product;
- (c) use scuba equipment or any artificial breathing device other than a snorkel when taking marine products:

Provided always that this paragraph shall not prohibit the use of scuba equipment or any artificial breathing device when taking marine products by the holder of any licence issued under these Regulations which is specifically endorsed for that purpose;

- (d) use Hawaiian sling for the taking of marine products, unless he is the holder of a commercial fishing licence, anywhere within the fishery limits:

Provided that a person shall not commit an offence if he proves, the onus being on him, that he used a Hawaiian sling to protect himself or another person or any property against any marine product of a dangerous nature which attacked him, that other person or that property;  
(Amended by L.N. 9/2004)

- (e) use any net or trap with intent to take any species of marine product in any part of the area known as Bell Sound and bounded on the North by a line running in an easterly direction from Horse Cay to Sail Rock Point.
- (f) be in possession of a spear gun within the fishing limits of the Islands;  
(Inserted by L.N. 9/2004)
- (g) engage in the practice of throwing any food into the water for the purposes of feeding or attracting or harvesting any species of marine life unless authorised to do so by the Director; and (Inserted by L.N. 9/2004)

(h) break, remove or cause damage to any coral reef or marine plant within the fishery limits of the Islands. (*Inserted by L.N.9/2004*)

(2) Any person who contravenes any provision of this regulation commits an offence and is liable on conviction to a fine of \$50,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

#### Restrictions relating to sea bed

10. (1) No person shall, except with the express endorsement of the Governor on a licence issued under these Regulations or on any other licence issued by the Governor and subject to such conditions including monetary payment as the Governor may impose, use any explosive, noxious or other substance or any device or thing potentially harmful to marine life to remove, dissolve, shift or in any way disturb any coral, sea oats, sand, rock or other substance forming part of the sea bed or any wreck within the fishery limits.

(2) Any person who contravenes any provision of this regulation commits an offence.

#### Prohibition on spear guns and Hawaiian slings

11. (1) It shall be unlawful for any person to have in his possession or purchase any marine product which has been taken by the use of a spear gun. (*Amended by L.N. 9/2004 and L.N. 24/2004*)

(2) It shall be unlawful for any person to have a spear gun in his possession on or within fifty feet of any tidal water or upon any beach or foreshore or while swimming or while in any vessel.

(3) Where any marine product bears any mark or wound consistent with the same having been taken by use of a spear gun the same, unless the contrary be proved, shall be deemed to have been so taken. (*Inserted by L.N. 9/2004 and Amended by L.N. 24/2004*)

(4) A person who contravenes any provision of this regulation commits an offence and is liable on conviction to a fine of \$50,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

#### Close season

12. (1) The close season in relation to crawfish shall be the period from the first day of April to the thirty-first day of July (inclusive) in each year or such other dates as may, from time to time, be appointed by the Governor in the *Gazette*.

(2) Without prejudice to paragraph (1), the Governor may, by notice in the *Gazette*, appoint any period to be a close season for any particular species of marine product, either generally or in any particular area or areas.

(3) (a) Any person who takes any marine product during a period which is a close season for that species of marine product commits an offence.

(b) Any person who purchases or is in possession of any marine product during a period which is a close season for that species of marine product commits an offence unless he proves, the onus being on him,

that the said marine product was not taken during the close season or that he did not know and had no reason to believe that the said marine product was so taken.

(4) Where, in any year, the first day of April falls upon a Good Friday or on a Sunday, the “close season” in relation to crawfish shall, in that year, commence on the thirty-first day of March.

(5) Where, in any year, the first day of August falls upon a Sunday, the “close season” in relation to crawfish shall end at midnight on that day instead of on the thirty-first day of July.

### Prohibited areas

13. (1) The Minister may, by notice in the *Gazette*, declare any area to be a prohibited area—

- (a) for the taking of any particular or all species of marine products or for the depositing of any conch shells or any other matter whatsoever; or
- (b) for the taking of any particular or all species of marine products by particular means; or
- (c) into which a vessel licensed under regulation 6 shall not enter.

(2) The Minister may, by notice in the *Gazette*—

- (a) prohibit, restrict or regulate the taking, capturing, killing or destroying of any kind or species of marine product within the fishery limits of the Turks and Caicos Islands either generally or at any particular time or within any particular area;
- (b) restrict, regulate or control the methods and apparatus used in connection with the taking, capturing, killing or destroying of any species of marine product;
- (c) prohibit, restrict, regulate or control the marketing or exportation of any species of marine product or of any particular class or grade of marine product whether in a manufactured state or not;
- (d) prohibit, restrict regulate or control the curing, processing or manufacturing of any species of marine product and the grading thereof, and in particular specifying the type, size or grade of marine product to be cured, canned, processed or manufactured.

*(Inserted by L.N. 9/2004)*

(3) Any person who fails to comply with the requirement of any notice published under the provisions of paragraphs (1) or (2) commits an offence. *(Amended by L.N. 9/2004)*

### Legal size

14. (1) Any person who takes or is in possession of or sells any marine product smaller than the legal size commits an offence:

Provided that a person shall not commit an offence under this regulation if having inadvertently taken any marine product which is undersize, he forthwith returns the same to the water unharmed.

(2) For the purpose of this regulation the legal size means, in relation to—

(a) crawfish—

- (i) when whole, a length of 3.25 inches measured from the front of the groove between the horns directly above the eyes along the middle of the back to the rear edge of the carapace or back shell; or (*Amended by L.N. 1/1999*)
- (ii) when the tail has been separated, a tail weight of 5 ounces whether processed or not; (*Amended by L.N. 1/1999*)

(b) conch—

- (i) a minimum shell length of 7 inches measured from the spiral tip to the foremost edge; and
- (ii) a conch meat, when removed from the shell, of a total weight of 8 ounces after the removal of the digestive gland;

(c) turtles—

- (i) hawksbill turtle (*eretmochelys imbricata*) a shell measurement of 20 inches in length measured from the neck scales to the tail piece and a weight of at least 20 lbs;
- (ii) green turtle (*chelonina mydas*) a shell measurement of twenty inches in length measured from the neck scales to the tail piece and a weight of at least 20 lbs;
- (iii) any other turtle, a weight of at least 20 lbs;

(d) any other species of marine product such size as the Minister may prescribe from time to time by order published in the *Gazette*.

Notwithstanding the provisions of paragraph (1), it shall not be an offence under this regulation for a person who is the holder of a Commercial Fisherman's Licence for the purpose of engaging in the mariculture of conch to take or be in possession for that purpose of conch which is smaller than the legal size.

(3) The master of any vessel engaged in fishing for crawfish, conch or turtle who fails to carry a measuring gauge aboard the vessel commits an offence.

### Restrictions relating to crawfish

15. (1) No person shall—

- (a) take any crawfish by use of any device the use of which may reasonably be expected to wound or kill the crawfish or prevent it being returned to the sea alive and unharmed or be in possession of any crawfish apparently taken in contravention of the preceding provisions of this paragraph:

Provided that it shall not be an offence to take crawfish, or be in possession of crawfish taken, by means of a hook. (*Amended by L.N.s. 1/1999, 9/2004 and 24/2004*)

- (b) be in possession of any egg-bearing crawfish;
- (c) strip or in any manner molest any egg-bearing crawfish in order to remove the eggs;
- (d) take or be in possession of any moulting or soft-shelled crawfish or crawfish which is in the early stage of spawning (when described as appearing to be tar-spotted).

(2) Any person finding any egg-bearing crawfish or any crawfish which is otherwise prohibited to be taken, in any trap which he operates shall forthwith return such crawfish to the water unharmed.

(3) Any person taking crawfish shall ensure that the crawfish remain in whole condition after being taken until landed at that place in the Islands where they are to be sold, processed or used for personal consumption or for consumption in the home unless they are to be processed at sea in accordance with the terms of a processing licence.

(4) No person shall offer for sale in a restaurant or hotel any meal containing crawfish during the close season. (*Inserted by L.N. 9/2004*)

(5) Any person who contravenes the provisions of this regulation commits an offence.

#### **Restrictions relating to sponges**

16. (1) No person shall take, have in his possession, buy or sell any of the following sponges that have less than the following minimum measurements when removed from the sea—

- (a) wool sponge – 5½ inches;
- (b) grass sponge – 5½ inches;
- (c) hard head sponge – 3 inches;
- (d) reef sponge – 3 inches.

(2) No person shall, without the written consent of the Minister, export sponge for commercial purposes unless—

- (a) the sponge is clipped, graded and packaged; and
- (b) the sponge is presented to a Fishery Officer prior to exportation.

(3) Any person who contravenes the provisions of this regulation commits an offence.

#### **Restrictions relating to turtles**

17. (1) No person shall—

- (a) take any turtle on any beach or at any place above low water mark;
- (b) take or be in possession of or offer to buy or sell, any laid turtle eggs.

(2) Any person who contravenes the provisions of this regulation commits an offence.

#### **Restrictions relating to marine mammals**

**18.** No person shall engage in fishing for, molest or otherwise interfere with any marine mammal.

#### **Fish pots and traps**

**19.** (1) No person shall use a wire mesh to trap fish within the fishery limits unless the wire mesh has the following minimum size—

- (a) in the case of a hexagonal wire mesh 1½ inches (greatest length of mesh); or
- (b) in the case of welded or woven rectangular wire mesh 1 inch by 2 inches.

(2) No person shall use a trap to take or attempt to take marine products within the fishery limits, unless the trap contains a panel that would, after use in water for continuous period of not more than six weeks, deteriorate to an extent that any marine product within the trap could exit from the trap.

(3) Any person using pots or traps for the purpose of taking marine products shall identify his pots or traps by marking them conspicuously with the number of the Commercial Fisherman's Licence which he holds.

(4) No person shall, without lawful excuse, handle, touch or in any way interfere with any pot or trap of another person.

(5) No person shall leave his pots or traps in the water unattended or unexamined for a period exceeding forty-eight hours from the time of placing the same in the water:

Provided that such time shall be extended during such period as the weather conditions prevent the removal or examination of such pots or traps.

(6) Any person who contravenes the provisions of this regulation commits an offence.

#### **Nets**

**20.** Any person who for the purpose of taking any marine product uses a net (other than a net used for landing or holding marine products caught by other means) with a mesh size smaller than the minimum mesh size for the time being prescribed by the Minister for that type of net by Order published in the *Gazette* commits an offence.

#### **Sports fishing tournament**

**21.** (1) No person shall, without the prior written approval of the Minister, upon such terms and conditions including the payment of a fee as the Minister may determine, organise or hold a sports fishing event or tournament.

(2) For the purpose of this regulation a sports fishing event or tournament shall mean any fishing competition involving three or more fishing vessels for which an entry fee is paid or prizes are given.

(3) Any person who contravenes the provisions of this regulation commits an offence.

### **Employment restrictions in commercial fishing**

**22.** (1) The holder of a Commercial Fisherman's Licence issued under regulation 6(1)(g) shall not without the prior consent of the Minister in writing in the form set out in Schedule 2 or in such other written form as the Minister shall from time to time determine—

- (a) allow any person who is not the holder of a Commercial Fisherman's Licence to assist him in any commercial fishing; or
- (b) receive from any person who is not the holder of a Commercial Fisherman's Licence any marine product for sale or disposal for reward; or
- (c) share the profits of any commercial fishing with any person who is not the holder of a Commercial Fisherman's Licence.

(2) The holder of a Commercial Fishing Vessel Licence or a Sports Fishing Charter Vessel Licence shall not without the prior consent of the Minister in writing allow the particular vessel to be used for commercial fishing or for sports fishing for hire or other reward unless there is a Belonger aboard the vessel at all material times.

(3) Where a non-Belonger holds a Commercial Fisherman's Licence under these Regulations he shall not engage in commercial fishing activities unless there is a Belonger who holds a Commercial Fisherman's Licence aboard the licensed commercial vessel at all material times. (*Inserted by L.N. 9/2004*)

(4) A person who contravenes this regulation commits an offence and is liable on summary conviction to a fine of \$50,000 or to a term of imprisonment of twelve months or to both such fine and imprisonment.

### **Restriction on purchase and sale of marine products**

**23.** (1) No person shall purchase any species of marine product, whether for processing or consumption by himself or by any other person, from any person who is not the holder of a Commercial Fisherman's Licence or, in the case of any such marine product which has been processed in the Islands, of a licence to process that species of marine product:

Provided that this paragraph shall not apply to the purchase from a hotel, restaurant, shop or other similar commercial establishment of any marine product previously purchased from the holder of a Commercial Fisherman's Licence or a licence to process that species of marine product.

(2) Any person who purchases any marine product in contravention of the provisions of paragraph (1) and any person who, not being the holder of a Commercial Fisherman's Licence, or a licence to process that species of marine product, sells or offers or exposes for sale any marine product, shall each commit an offence:

Provided that this paragraph shall not apply to the sale by a hotel, restaurant, shop or similar commercial establishment, of any marine product previously purchased from the holder of a Commercial Fisherman's Licence or a licence to process that species of marine product.

(3) The owner or operator of every hotel, restaurant, shop or similar commercial establishment who purchases or sells crawfish shall upon a request made to him by a fishery officer in writing submit to the fishery officer an accurate statement as to the quantity in weight of crawfish, frozen or otherwise, in his possession at the date of the statement within 24 hours of the request. (*Amended by L.N. 9/2004*)

(4) The owner or operator of a hotel, restaurant, shop or similar commercial establishment who fails to submit to the Minister an accurate statement in accordance with paragraph (3) commits an offence.

### **Storage of gear**

**24.** (1) At any time when a vessel is within the fishery limits all fishing equipment on board such vessel shall be stored in such a manner so as not to be readily available for use for fishing:

Provided always that this paragraph shall not apply to a vessel which is licensed under these Regulations and is at the material time otherwise being used in conformity with the terms of that licence and these Regulations.

(2) Where any vessel is used in contravention of paragraph (1) the master of the vessel commits an offence.

### **Transshipment of catch**

**25.** (1) The transshipment of any marine product from one vessel to another within the fishery limits is prohibited unless the licences of the vessel from which the marine product is transhipped and the vessel which receives the marine product contain an endorsement permitting transshipment:

Provided always that this paragraph shall not apply in the case of marine products transhipped from a vessel's boat or dinghy to the vessel.

(2) Where any transshipment takes place in contravention of paragraph (1) the master of each of the vessels concerned commits an offence:

Provided that it shall be a defence for a person charged with an offence under this regulation to prove that the marine product transhipped was not taken in the fishery limits.

## **PART IV**

### **FISH AGGREGATING DEVICES**

#### **Fish aggregating device**

**26.** (1) No person shall place any fish aggregating device in the fishery limits without the express written permission of the Minister and in accordance with the terms of such permission:

Provided always that this paragraph shall not apply to vessels and their crew operating under an Access Agreement where the Agreement makes specific provision for fish aggregating devices.

(2) Any application for permission to place a fish aggregating device shall be made to the Minister in writing specifying the intended location and the nature of the device.

(3) On consideration of any application under this regulation the Minister may either grant or refuse such permission or may grant permission for such term and subject to such conditions, including the payment of a fee, as he may think fit.

(4) The Governor may, by notice published in the *Gazette*, declare any fish aggregating device for the placement of which permission has been granted by the Minister to be a “designated fish aggregating device”.

(5) No person other than the person to whom permission to place the device has been given, may fish within a radius of one half of a nautical mile of a designated fish aggregating device, without the written permission of the Minister.

(6) Any fish aggregating device placed in the fishery limits shall be at all times—

- (a) clearly marked with the name of the vessel from which it is placed;
- (b) equipped with radar reflector and lights visible at night from a distance of at least five miles;
- (c) equipped with such equipment and marked in such manner as may be prescribed by the Minister.

(7) Any person who contravenes the provisions of this regulation commits an offence.

## PART V

### FISHERIES MANAGEMENT AND DEVELOPMENT

#### **Fishery Advisory Committee**

27. (1) There shall be a Fishery Advisory Committee consisting of the Director who shall be chairman and up to six other members appointed by the Governor by notice published in the *Gazette*. (*Amended by L.N. 9/2004*)

(2) Appointed members of the Fishery Advisory Committee shall hold office for such period not exceeding three years as may be specified in their notice of appointment.

(3) The functions of the Fishery Advisory Committee shall be to advise the Governor or the Minister (as the case may be) on the exercise of their respective functions under the Fisheries Protection Ordinance and these Regulations and as to the management and development of fisheries.

**Fishery plan**

28. (1) The Fishery Advisory Committee shall prepare and keep under review a plan for the management and development of fisheries.

(2) The fishery 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 vessels under Access Agreements.

(3) In the preparation and review of the fishery plan, the Fishery Advisory Committee shall consult with fishermen resident in the Turks and Caicos Islands, wholesalers, retailers, exporters and importers of marine products, and other bodies or persons affected by the fishery plan.

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

**PART VI****ENFORCEMENT****Powers of fishery officer**

29. Without prejudice to any other powers conferred upon a fishery officer by these Regulations, the Fishery Limits (Turks and Caicos Islands) Ordinance or any other law for the time being in force, for the purpose of preventing the commission of offences under these Regulations and the apprehension of persons committing any such offences, a fishery officer shall be deemed to have the powers of a police officer.

**Search warrants**

30. (1) If the Magistrate or a Justice of the Peace is satisfied by complaint made on oath that there are reasonable grounds for suspecting that an offence against these Regulations has been, is being or is about to be committed and that evidence of the commission or intended commission of such an offence is to be found at any premises or in any vessel specified in such complaint, he may grant a search warrant authorising a fishery officer, together with any other person named in the warrant, to search such premises or vessel at any time within one month from the date of the warrant, using such force as may be reasonably necessary if entry to such premises or vessel is refused or cannot otherwise be obtained.

(2) Any person acting under the authority of a search warrant issued in pursuance of this regulation may search any person who is found in or on, or whom he has reasonable grounds for believing has recently left or is about to enter such premises or vessel, as the case may be, and may seize any marine products or apparatus found in

such premises or vessel, or upon such person, which he has reasonable grounds for believing to be evidence of the commission or intended commission of any offence under these Regulations:

Provided that a female shall only be searched by a female.

(3) A fishery officer may at any time with or without a warrant issued under this regulation lift, raise or draw from the water any pot or trap with its contents (if any) for the purpose of inspecting the same.

(4) Any person who obstructs the exercise of the powers conferred by a search warrant issued in pursuance of this regulation commits an offence.

### Seizure of vessels, gear etc

**31.** (1) Where a fishery officer has reasonable cause to suspect that any vessel, gear or apparatus (of whatsoever kind) has been used in connection with the commission of any offence under these Regulations, he may seize such vessel, gear or apparatus, as the case may be, and hold the same until the determination of the proceedings in respect of that offence, unless the Magistrate on application made by the owner thereof, shall otherwise direct. *(Amended by L.N. 9/2004)*

(2) Where a fishery officer has reasonable cause to suspect that any marine product has been taken in contravention of these Regulations and he proposes to bring proceedings for an offence he may seize and hold the same until such proceedings. *(Amended by L.N. 9/2004)*

(3) A fishery officer may, to avoid spoilage or decay of any fish, aquatic flora, or other articles of a perishable nature seized under the provisions of these Regulations, sell that fish, aquatic flora or other articles of a perishable nature in such manner as the Minister or anyone authorized by him may direct.

(4) A fishery officer who sells aquatic flora or other articles of a perishable nature under this regulation shall give to the person from whom he seized the fish, aquatic flora or other articles of a perishable nature a receipt bearing the officer's signature containing—

- (a) the date of the sale;
- (b) the quantity of the fish, aquatic flora or other articles of a perishable nature sold; and
- (c) the amount realized by the sale.

(5) Where a court dismisses a charge for an offence in respect of which the fish, aquatic flora or other article of a perishable nature was seized and sold, the court shall order compensation, not exceeding the net amount realised by the sale, to be paid to the person from whom the fish, aquatic flora or other article of a perishable nature was seized.

*(Inserted by L.N. 9/2004)*

(6) Any person who wilfully destroys or attempts to destroy anything to prevent its seizure under the foregoing provisions of this regulation commits an offence. *(Amended by L.N. 9/2004)*

**Production of licences**

**32.** (1) Where a fishery officer has reasonable cause to suspect that a vessel has been, is being, or is about to be used for fishing he may require the owner or the master of that vessel to produce the relevant fishing licence issued in respect of the vessel.

(2) Where a fishery officer has reasonable cause to suspect that a person has been, is being, or is about to be engaged in fishing he may require that person to produce his fisherman's licence.

(3) Any person who is requested by a fishery officer acting in accordance with the provisions of paragraphs (1), (2) or (3) to produce a licence issued under these Regulations and who fails without due cause to produce the licence either to the officer or to such office or police station as the officer may instruct within twelve hours commits an offence. *(Amended by L.N. 9/2004)*

(4) Every person who has been issued a Visitors Sports Fishing Licence under these Regulations shall carry the licence at all times while on board a fishing vessel. *(Inserted by L.N. 9/2004)*

**Forfeiture upon conviction**

**33.** (1) Upon the conviction of any person for an offence against regulation 5(1), 9, 12 or 22 of these Regulations, the Court, in addition to any other penalty it may impose—

- (a) shall order that any fish or aquatic flora caught in the commission of such offence or the proceeds of sale of such fish or aquatic flora or any explosive poison or other noxious substance possessed for use in the commission of such offence, be forfeited to the Government; or
- (b) may order that any property including fishing vessels together with its stores, cargo and any vehicle, fishing appliances used in the commission of the offence, be forfeited to the Government; or
- (c) may order that any fishing licence issued under these Regulations be cancelled or suspended for such period of time as the Court may specify.

*(Amended by L.N.9/2004)*

(2) Upon the conviction of any person for an offence against any regulation other than a regulation referred to in paragraph (1) the Court may order the forfeiture to the Government of any property (including any vessel) seized under regulation 31 in connection with that offence.

(3) Where any property is forfeited pursuant to paragraph (1) or (2) the Governor in Cabinet shall determine the manner in which that property shall be disposed of and may give directions in relation to such disposal.

(4) Where, under the provisions of paragraph (1) or (2) a person's property is forfeited, any licence that person may hold issued under regulation 6 shall be void and of no further effect.

**Evidence**

34. (1) Where any marine product is found upon any vessel—

- (a) all persons found aboard that vessel shall be deemed to be in possession of that product; and
- (b) that product shall, unless the contrary is proved, be deemed to have been taken within the fishery limits.

(2) Where any apparatus or equipment is found aboard any vessel that has been used in contravention of these Regulations all persons found aboard that vessel shall be deemed to have used the apparatus or equipment, unless the contrary be proved.

(3) Where any marine product is found upon any vessel and any bleach, or other substance containing or comprising sodium hypochlorite, chlorine, dogwood or quicklime, or spear gun, Hawaiian sling, scuba equipment or artificial breathing device is also found aboard that vessel—

- (a) that marine product shall be deemed unless the contrary is proved, to have been taken by the use of that bleach or other substance containing or comprising sodium hypochlorite, chlorine, dogwood or quicklime, or spear gun, Hawaiian sling, scuba equipment or artificial breathing device (as the case may be); and
- (b) every person found aboard that vessel shall be deemed, unless the contrary is proved, to have been in possession at all relevant times of the bleach, or other substance containing or comprising sodium hypochlorite, chlorine, dogwood or quicklime, or spear gun, Hawaiian sling, scuba equipment or artificial breathing device (as the case may be).

(4) Where any noxious substance being bleach or other substance containing or comprising sodium hypochlorite, chlorine, dogwood or quicklime is found upon any vessel it shall be deemed, unless the contrary is proved, that it was intended to be used for the purpose of taking marine products, contrary to the provisions of regulation 9(1)(b).

(5) Where any marine product bears any mark or wound consistent with the same having been taken by use of a spear gun or Hawaiian sling or crawfish hook the same, unless the contrary be proved, shall be deemed to have been so taken. (*Amended by L.N. 9/2004*)

**Interfering with fishery protection equipment**

35. (1) Any person who damages or interferes in any way, except for just and sufficient cause, with any vessel, gear or equipment (of whatsoever kind) used by any fishery officer for the purpose of carrying out his duties in the enforcement of the provisions of these Regulations, commits an offence and is liable on summary conviction to a fine of \$50,000 or to a term of imprisonment of twelve months, or to both such fine and imprisonment.

(2) Any person who obstructs, assaults, threatens, bribes or otherwise interferes with a fishery officer in the exercise of the powers conferred on him under these Regulations, or attempts to prevent him from executing his duties, commits an offence

and is liable on summary conviction to a fine of \$15,000 or to a term of imprisonment of one year or to both such fine and imprisonment.

(3) Where an offence against these Regulations has been committed by any person while on board or employed on a vessel, the master of the vessel shall, if he in any way assisted, encouraged or permitted the offence, also commits the offence.

(4) Where an offence under these Regulations is committed by any fishing vessel and the vessel attempts to leave to the territorial waters of the Islands, the vessel may be pursued by a fishery officer for purposes of enforcing the provisions of these Regulations.

*(Amended and inserted by L.N. 9/2004)*

### **Aiding and abetting**

36. Any person who counsels, encourages, assists, aids, abets or procures the commission of any offence under these Regulations punishable on summary conviction is liable to be tried and punished as a principal offender. *(Inserted by L.N. 9/2004)*

### **Trial and penalties**

37. (1) All offences under these Regulations shall be triable summarily.

(2) Any person convicted of an offence for which no other penalty is provided under these Regulations shall be liable on conviction to a fine of \$5,000 or to a term of imprisonment of six months, or to both such fine and imprisonment.

### **Rewards**

38. (1) Where any person is convicted of an offence under these Regulations the Court may recommend that any person who has furnished evidence or information leading to the conviction shall receive a reward.

(2) Where a recommendation is made under paragraph (1) the Minister shall forward the recommendation to the Governor for consideration.

### **Naval personnel deemed to be fishery officers**

39. For the purposes of the enforcement or intended enforcement of these Regulations all officers and men of Her Majesty's naval forces and all Park Wardens appointed by the Governor under the National Parks Regulations shall be deemed to be fishery officers. *(Amended by L.N. 9/2004)*

**SCHEDULE 1**  
**PRESCRIBED FORMS**

*(Regulation 7)*

FORM A 1

FISHERIES PROTECTION REGULATIONS

---

**APPLICATION FORM FOR A MOUCHOIR BANK LICENCE**

---

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office, if different.
- (c) Continue answers on separate sheets as necessary and sign and date all such separate sheets.
- (d) Submit application in triplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE OF A MOUCHOIR BANK LICENCE UNDER REGULATION 6(1)(a) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name and address of applicant .....
- .....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and addresses of all shareholders, partners or members and/or place and date of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
- 3. Details of vessel(s) to be used by the applicant.
  - (a) Name of vessel(s) .....
  - (b) Turks and Caicos Islands Fishing Vessel Licence Number(s)  
.....

- 4. Has the applicant or any shareholder, director, partner or member ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or of any other country? If so, please give full details

.....  
 .....

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

---

FORM B 1  
FISHERIES PROTECTION REGULATIONS

---

**APPLICATION FOR A PROCESSING OR EXPORT LICENCE**

---

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurements if not metric.
- (d) Continue answers on separate sheet as necessary and sign and date all such separate sheets.
- (e) Submit application in triplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE TO ME/US OF A CLASS A PROCESSING LICENCE/CLASS B PROCESSING LICENCE/EXPORT LICENCE UNDER REGULATION 6(1)(b) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name and address of applicant .....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and address of all shareholders, partners or members and/or place and date of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
- 3. The applicant intends to engage in processing and/or exporting of marine products (delete as necessary) in or from premises at .....
- 4. (a) Species of marine products to be processed .....
- (b) Species of marine products to be exported .....
- 5. Source of supply for marine products to be exported/processed .....

- 6. Nature of processing operation (give full details to include details of all processing and freezing equipment) .....
- 7. Anticipated quantities of marine product to be processed/exported .....
- 8. (a) Principal place of marketing of processed marine products .....
- (b) Principal destination for export of marine products .....
- 9. Period of Licence requested .....
- 10. Details of fishing licences held by the applicant in any country outside Turks and Caicos Islands .....
- 11. Has the applicant or any shareholder, director, partner or member ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or any other country. If so please give full details.  
.....  
.....  
.....  
.....
- 12. Other Information:

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

FORM C 1

FISHERIES PROTECTION REGULATIONS

---

**APPLICATION FOR AQUARIUM COLLECTING LICENCE**

---

**Instruction to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurements if not metric.
- (d) Continue answers on separate sheet as necessary and sign and date all such separate sheets.
- (e) Submit application in triplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE TO ME/US OF AN AQUARIUM COLLECTING LICENCE UNDER REGULATION 6(1)(c) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name and address of applicant .....
- .....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and addresses of all shareholders, partners or members and/or place and date of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)

- 3. Number and species of marine products to be collected  
.....
- 4. Nature of collecting operation and means of and premises for storage  
of catch alive .....  
.....
- 5. Means of export of live catch .....
- 6. Principal place or country for export of live catch .....  
.....
- 7. Period of Licence requested .....
- 8. Details of fishing licences held by the applicant in any country  
outside Turks and Caicos Islands  
.....
- 9. Is scuba gear to be used? If so give details  
.....
- 10. Other Information:

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

FORM D 1

FISHERIES PROTECTION REGULATIONS

**APPLICATION FOR A SCIENTIFIC AND RESEARCH LICENCE**

**Instructions to Applicant.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurements if not metric.
- (d) Continue answers on separate sheet as necessary and sign and date all such separate sheets.
- (e) Submit application in triplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE TO ME/US OF A SCIENTIFIC AND RESEARCH LICENCE UNDER REGULATION 6(1)(d) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name and address of applicant .....  
.....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and address of all shareholders, partners or members and/or place and date of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
- 3. The applicant intends to engage in scientific research and/or exporting of marine products (delete as necessary) in or from premises at .....  
.....
- 4. (a) Species and types of marine product to be obtained .....  
.....  
(b) Species and types of marine product to be exported .....  
.....

- 5. Source of supply for marine product to be obtained/exported  
.....
- 6. Nature of scientific and research operations (give full details)  
.....  
.....
- 7. Anticipated quantities of marine product to be obtained/exported  
.....
- 8. Principal destination for export or marine products  
.....
- 9. Period of Licence requested .....
- 10. Details of fishing licences held by the applicant in any country  
outside the Turks and Caicos Islands  
.....
- 11. Has the applicant or any shareholder, director, partner or member ever  
been convicted of an offence under the Fisheries Laws of the Turks  
and Caicos Islands or any other country? If so, please give full details.  
.....  
.....  
.....

FORM F 1  
FISHERIES PROTECTION REGULATIONS

**APPLICATION FOR A CORAL LICENCE**

**Instructions to Applicant.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurements if not metric.
- (d) Continue answers on separate sheet as necessary and sign and date **all** such separate sheets.
- (e) Submit application in triplicate to the Minister of Natural Resources Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE TO ME/US OF A CORAL LICENCE UNDER REGULATION 6(1)(f) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name and address of applicant .....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and address of all shareholders, partners or members and/or place and date of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
- 3. The applicant intends to engage in processing and/or exporting of coral (delete as necessary) in or from premises at .....
- 4. (a) Species and types of coral to be processed .....
- (b) Species and types of coral to be exported .....

- 5. Source of supply for coral to be processed/exported  
.....
- 6. Nature of processing operation (give full details to include details of processing equipment)  
.....  
.....
- 7. Anticipated quantities of coral to be processed/exported  
.....
- 8. (a) Principal place of marketing of coral  
.....  
(b) Principal destination for export of coral  
.....
- 9. Period of Licence requested .....
- 10. Details of fishing licences held by the applicant in any country outside Turks and Caicos Islands  
.....
- 11 Has the applicant or any shareholder, director, partner or member ever been convicted of an offence under the Fisheries Laws of Turks and Caicos Islands or any other country? If so, please give full details  
.....  
.....  
.....
- 12 Other Information:

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

FORM G 1  
FISHERIES PROTECTION REGULATIONS

**APPLICATION FORM FOR A  
COMMERCIAL FISHERMAN'S LICENCE**

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office, if different.
- (c) Continue answers on separate sheets as necessary and sign and date all such separate sheets.
- (d) Submit application in duplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I HEREBY APPLY FOR THE ISSUE OF A COMMERCIAL FISHERMAN'S LICENCE UNDER REGULATION 6(1)(g) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name and address of applicant .....
- 2. Nationality of applicant .....
- 3. Details of previous or other fishing licences held by the applicant in the Turks and Caicos Islands .....
- 4. Has the applicant ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or of any other country? If so, please give full details .....

5. Other Information:

**Declaration by applicant.**

I declare that I am a Belonger of the Turks and Caicos Islands as defined in the Fisheries Protection Regulations and that the information given in this application is true to the best of my knowledge and belief. I understand that I am to report any changes in the information given in this application to the Chief Fisheries Officer within seven days of the change and that if any information given herein is incorrect in any material particular, this application may be cancelled.

Signed: ..... Date: .....

---

FORM H 1

FISHERIES PROTECTION REGULATIONS

APPLICATION FORM FOR A SPORTS FISHING LICENCE

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office, if different.
- (c) Continue answers on separate sheets as necessary and sign and date **all** such separate sheets.
- (d) Submit application in duplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I HEREBY APPLY FOR THE ISSUE OF A SPORTS FISHING LICENCE UNDER REGULATION 6(1)(h) OF THE FISHERIES PROTECTION REGULATIONS.

1. Name and address of applicant .....
2. Nationality and passport number of applicant .....
3. *(To be answered by applicants who are residents but not Belongers)*
  - (a) Work permit number/or date and place of application for work permit .....
  - (b) Permanent residence certificate number/or date and place of application for permanent residence certificate .....
4. Has the applicant ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or of any other country? If so, please give full details .....

5. Other Information:

**Declaration by applicant.**

I declare that the information given in this application is true to the best of my knowledge and belief.

Signed: ..... Date: .....

---

FORM I 1

FISHERIES PROTECTION REGULATIONS

---

**APPLICATION FOR COMMERCIAL FISHING VESSEL LICENCE**

---

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurements if not metric.
- (d) Continue answers on separate sheets as necessary and sign and date **all** such separate sheets.
- (e) Submit application in triplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE OF A COMMERCIAL FISHING VESSEL LICENCE UNDER REGULATION 6(1)(i) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name, address and nationality of applicant (who must be the owner)  
.....  
.....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and addresses of all shareholders, partners or members/date and place of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
- 3. Name of vessel .....
- 4. Country and Port of Registry of vessel and registered number  
.....
- 5. Gross tonnage of vessel (if more than 1 ton) .....
- 6. Overall length of vessel .....

- 7. Details of radio equipment fitted:  
 Frequencies ..... No. of Channels .....  
 Call sign .....
  - 8. Operation base for vessel (port or country) .....
  - 9. Name and address of master (*if not either owner or applicant*)  
 .....
  - 10. Proposed fishing area .....
  - 11. Type of fishing operations .....
  - 12. Details of gear fitted to vessel .....
  - 13. Number of crew normally carried .....
- (Questions 14–23 to be completed where the application relates to a vessel in excess of 20 feet overall length)
- 14. Normal number of crew .....
  - 15. Details of crew accommodation .....
  - 16. Hull material and colour .....
  - 17. Year built .....
  - 18. Place of construction .....
  - 19. Fuel capacity .....
  - 20. Daily freezing capacity .....
  - 21. Storage capacity .....
  - 22. Safety/life saving equipment carried .....
  - 23. Recent photograph of vessel attached (*affix below*) .....
  - 24. Details of fishing licences held by the applicant in the Turks and Caicos Islands or any other country .....
  - .....
  - .....

25. Has the owner or applicant or any shareholder, director, partner or member ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or of any other country? If so, please give full details.

.....  
.....  
.....  
.....

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

---

FORM J 1

FISHERIES PROTECTION REGULATIONS

APPLICATION FOR SPORTS FISHING VESSEL LICENCE

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurement if not metric.
- (d) Continue answers on separate sheets as necessary and sign and date all such separate sheets.
- (e) Submit application in triplicate, to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE OF A SPORTS FISHING VESSEL LICENCE UNDER REGULATION 6(1)(j) OF THE FISHERIES PROTECTION REGULATIONS.

1. Name and nationality of applicant .....
- .....
2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and addresses of all shareholders, partners or members/and the date and place of registration (as the case may be)
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
3. Address .....
- (if not resident give temporary address in Turks and Caicos Islands).
4. Name, address and nationality of owner (if different to applicant)
  - .....
  - .....
5. Name of vessel .....

6. Port of registry of vessel and registered number .....
7. Type and make of vessel .....
8. Size, gross tonnage and overall length of vessel .....
9. Type and description of fishing gear to be used in sport fishing .....
10. *(If not resident in Turks and Caicos Islands)* Length of stay in Turks and Caicos Islands .....
1. Details of radio equipment fitted:  
Frequencies ..... No. of Channels .....  
Call sign .....
2. Proposed fishing area .....
3. Name and address of master .....
4. If stay exceeding two months attach recent photograph of vessel .....
5. Period of licence requested .....
6. Details of any previous licence issued to the applicant under the Fisheries Protection Regulations .....
7. Details of any fishing licence held by the applicant in any country outside the Turks and Caicos Islands .....
8. Has the applicant or any shareholder, director, partner or member ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or of any other country? If so, please give full details .....

9. Other Information:

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

FORM K 1

FISHERIES PROTECTION REGULATIONS

APPLICATION FOR AN ORDINARY FISHING VESSEL LICENCE

**Instructions to Applicants.**

- (a) Complete all items in full and in ink. Do not leave any blanks. If not applicable write N/A.
- (b) Provide full mailing address and address or place of business or registered office if different.
- (c) Specify units of measurements if not metric.
- (d) Continue answers on separate sheets as necessary and sign and date all such separate sheets.
- (e) Submit application in triplicate to the Minister of Natural Resources, Grand Turk, Turks and Caicos Islands.

I/WE HEREBY APPLY FOR THE ISSUE OF AN ORDINARY FISHING VESSEL LICENCE UNDER REGULATION 6(1)(k) OF THE FISHERIES PROTECTION REGULATIONS.

- 1. Name, address and nationality of applicant (who must be the owner)  
.....  
.....
- 2. If the application is made by or on behalf of a company, partnership or co-operative body, give the names and addresses of all shareholders, partners or members and date and place of registration (as the case may be):
  - (i)
  - (ii)
  - (iii)
  - (iv)
  - (v)
- 3. Name of vessel .....
- 4. Country and Port of Registry of vessel and registered number  
.....  
.....
- 5. Gross tonnage of vessel (if more than 1 ton) .....
- 6. Overall length of vessel .....

- 7. Details of radio equipment fitted:  
 Frequencies ..... No. of Channels .....  
 Call sign .....
  - 8. Operation base for vessel (*port or country*) .....
  - 9. Name and address of master (*if not either owner or applicant*)  
 .....  
 .....
  - 10. Proposed fishing area .....
  - 11. Type of fishing operations .....
  - 12. Details of gear fitted to vessel .....
  - 13. Number of crew normally carried .....
- (Questions 14–23 to be completed where the application relates to a vessel in excess of 20 feet overall length)
- 14. Normal number of crew .....
  - 15. Details of crew accommodation .....
  - 16. Hull material and colour .....
  - 17. Year built .....
  - 18. Place of construction .....
  - 19. Fuel capacity .....
  - 20. Daily freezing capacity .....
  - 21. Storage capacity .....
  - 22. Safety/life saving equipment carried .....
  - 23. Recent photograph of vessel attached (*affix below*) .....
  - 24. Details of fishing licences held by the applicant in the Turks and Caicos Islands or any other country .....
  - .....
  - .....

25. Has the owner or applicant or any shareholder, director, partner or member ever been convicted of an offence under the Fisheries Laws of the Turks and Caicos Islands or of any other country? If so, please give full details .....
- .....
- .....
- .....

**Declaration by applicant.**

I/We ..... hereby declare that the information given in this application is true and complete to the best of my/our knowledge and belief and I/we understand that if any information given herein is incorrect in any material particular, a licence issued on the basis of this application may be cancelled.

Signed: ..... Date: .....

---

FORM L 1  
FISHERIES PROTECTION REGULATIONS

**APPLICATION FOR RENEWAL OF LICENCE**

I/We ..... of .....  
hereby apply for the renewal of Licence No. ....  
for the period ..... to 31st July .....

The application given in my original application for the said licence

- (i) has not changed;\*
- (ii) has not changed since the last renewal;\*
- (iii) has changed, and details of such changes are given below.\*

*\* delete as appropriate*

I/We ..... hereby declare that the  
information given in this application is true and complete to the best of  
my/our knowledge and belief and I/we understand that if any information  
given herein is incorrect in any material particular, a licence issued on the  
basis of this application may be cancelled.

Signed: ..... Date: .....

**SCHEDULE 2**

**PRESCRIBED FORMS**

*(Regulations 6 and 7)*

FORM A 2

TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

---

**MOUCHOIR BANK LICENCE**

---

*(Reg: 6(1)(a))*

Licence No: A/

Fee paid: \$ (Receipt No: .....)

The licence holder named below is hereby licenced to use the vessel(s) named herein for commercial fishing/sports fishing charters within the area of the Mouchoir Bank in accordance with the terms and conditions of this licence and subject always to compliance with the Fisheries Protection Regulations.

Name of Licence Holder: .....

Name of vessel(s): .....

Fishing Vessel Licence No(s): .....

Special conditions: .....

Licence expires the 31st day of July ..... unless renewed (see below)

Issued this ..... day of ..... 20 .....

Signed.....

THE GOVERNOR

---

Renewals: 1. From ..... to 31st July ..... Initials ..... Date.....  
2. From ..... to 31st July ..... Initials ..... Date.....  
3. From ..... to 31st July ..... Initials ..... Date.....  
4. From ..... to 31st July ..... Initials ..... Date.....  
5. From ..... to 31st July ..... Initials ..... Date.....  
6. From ..... to 31st July ..... Initials ..... Date.....  
7. From ..... to 31st July ..... Initials ..... Date.....  
8. From ..... to 31st July ..... Initials ..... Date.....

---

FORM B 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

PROCESSING OR EXPORT LICENCE

(Reg: 6(1)(b))

Licence No: B/

Fee paid: \$ (Receipt No: .....)

The licence holder named below is hereby licensed in accordance with regulation 6(1)(b) of the Fisheries Protection Regulations to use the premises described below for the purposes of a Class A/Class B processing plant (and/or\*) to export marine products from the Turks and Caicos Islands, in accordance with the terms and conditions of this licence and subject always to compliance with the Fisheries Protection Regulations.

\* delete as appropriate.

Name of Licence Holder: .....

Licence Period: From: ..... To: 31st July 20 .....

Address of Premises: .....

Species type and quantity of marine products authorised to be processed/  
and exported (which shall exclude corals): .....  
.....

Special conditions: .....

Dated this ..... day of .....

Signed: .....

THE GOVERNOR.

FORM C 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

---

**AQUARIUM COLLECTING LICENCE**

---

(Reg: 6(1)(c))

Licence No: C/

Fee paid: \$ (Receipt No: .....)

The licence holder named below is hereby licensed in accordance with regulation 6(1)(c) of the Fisheries Protection Regulations to take and export alive the species and quantities of marine product described below for use in an aquarium.

Name of Licence Holder: .....

Licence Period: .....

Species and Quantities of marine product authorised to be taken:  
.....  
.....

Scuba equipment (endorsed/not endorsed): .....

Special conditions: .....

Dated this ..... day of .....

Signed: .....

THE GOVERNOR

---

FORM D 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

**SCIENTIFIC AND RESEARCH LICENCE**

(Reg: 6(1)(d))

Licence No: D/

Fee Paid: \$ (Receipt No: .....)

The licence holder named below is hereby licensed in accordance with regulation 6(1)(d) of the Fisheries Protection Regulations to take and/or\* process marine products for scientific and research purposes and/or\* to export the said marine products from the Turks and Caicos Islands, in accordance with the terms and conditions of this licence and subject always to compliance with the Fisheries Protection Regulations.

*\*delete as appropriate.*

Name of Licence Holder: .....

Licence Period From: ..... To: 31st July 20 .....

Address of Premises: .....

Species and quantity of marine product authorised to be taken/processed/  
exported: .....

Type of research authorised to be carried out: .....

Special conditions/Exemptions: .....

Dated this .....day of .....

Signed: .....

THE GOVERNOR

FORM F 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

---

**CORAL LICENCE**

---

*(Reg: 6(1)(f))*

Licence No: F/

Fee Paid: \$ (Receipt No: .....)

The licence holder named below is hereby licensed in accordance with regulation 6(1)(f) of the Fisheries Protection Regulations to take and/or\* process coral and/or\* export coral from the Turks and Caicos Islands, in accordance with the terms and conditions of this licence and subject always to compliance with the Fisheries Protection Regulations.

*\*delete as appropriate.*

Name of Licence Holder: .....

Licence Period From: ..... To: 31st July 20.....

Address of Premises: .....

Species type and quantity of coral authorised to be processed exported:  
.....

Scuba equipment (endorsed/not endorsed): .....

Special conditions: .....

Dated this ..... day of .....

Signed: .....

THE GOVERNOR.

---

FORM G 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

COMMERCIAL FISHERMAN'S LICENCE

(Reg: 6(1)(g))

Licence No: G/

Fee Paid: \$ (Receipt No: .....)

The licence holder named below is hereby licensed in accordance with regulation 6(1)(g) of the Fisheries Protection Regulations to engage in commercial fishing within the fishery limits of Turks and Caicos Islands and to sell or offer for sale products taken or obtained by him in accordance with the terms and conditions of this licence subject always to compliance with the Fisheries Protection Regulations.

Name of Licence Holder: .....

Address: .....

Licence expires 31st July ..... unless renewed (see below)

Special conditions: .....

Dated this ..... day of .....

Signed: .....

Minister or authorised person.

- 
- Renewals:
1. From ..... to 31st July ..... Initials ..... Date.....
  2. From ..... to 31st July ..... Initials ..... Date.....
  3. From ..... to 31st July ..... Initials ..... Date.....
  4. From ..... to 31st July ..... Initials ..... Date.....
  5. From ..... to 31st July ..... Initials ..... Date.....
  6. From ..... to 31st July ..... Initials ..... Date.....
  7. From ..... to 31st July ..... Initials ..... Date.....
  8. From ..... to 31st July ..... Initials ..... Date.....
-

FORM H 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

---

**SPORTS FISHING LICENCE**

---

*(Reg: 6(1)(h))*

Licence No: H/

Fee Paid: \$ (Receipt No: .....

The licence holder named below is hereby licensed in accordance with regulation 6(1)(h) of the Fisheries Protection Regulations to engage in Sport Fishing within the fishery limits of the Turks and Caicos Islands in accordance with the terms and conditions of this licence and subject always to compliance with the provisions of the Fisheries Protection Regulations.

Name of Licence Holder: .....

Address: .....

Licence expires 31st July ..... unless renewed (see below)

Special conditions: .....

Issued this ..... day of .....

Signed: .....

Minister or authorised person.

---

Renewals: 1. From ..... to 31st July ..... Initials ..... Date.....  
2. From ..... to 31st July ..... Initials ..... Date.....  
3. From ..... to 31st July ..... Initials ..... Date.....  
4. From ..... to 31st July ..... Initials ..... Date.....  
5. From ..... to 31st July ..... Initials ..... Date.....  
6. From ..... to 31st July ..... Initials ..... Date.....  
7. From ..... to 31st July ..... Initials ..... Date.....  
8. From ..... to 31st July ..... Initials ..... Date.....

---

FORM I 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

**COMMERCIAL FISHING VESSEL LICENCE**

(Reg: 6(1)(i))

Licence No: I/

Fee Paid: \$ (Receipt No: .....)

The vessel named below is hereby licensed in accordance with regulation 6(1)(i) of the Fisheries Protection Regulations for use for commercial fishing by holders of a Commercial Fisherman’s Licence within that part of the fishery limits of the Turks and Caicos Islands set out below in accordance with the terms and conditions of this licence and subject always to compliance with the provisions of the Fisheries Protection Regulations.

Name of vessel: .....

Vessel Licence number (to be displayed on vessel): .....

Radio call sign: .....

Length overall: .....

Area of fishery limits (not including Mouchoir Bank):  
.....

Special conditions: .....

Licence expires the 31st day of July ..... unless renewed (see below)

Issued this ..... day of .....

Signed: .....

Minister or authorised person.

- 
- Renewals:
1. From ..... to 31st July ..... Initials ..... Date.....
  2. From ..... to 31st July ..... Initials ..... Date.....
  3. From ..... to 31st July ..... Initials ..... Date.....
  4. From ..... to 31st July ..... Initials ..... Date.....
  5. From ..... to 31st July ..... Initials ..... Date.....
  6. From ..... to 31st July ..... Initials ..... Date.....
  7. From ..... to 31st July ..... Initials ..... Date.....
  8. From ..... to 31st July ..... Initials ..... Date.....
-

FORM J 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

---

**SPORTS FISHING CHARTER VESSEL LICENCE**

---

*(Reg: 6(1)(j))*

Licence No: J/

Fee Paid: \$ (Receipt No: .....)

The vessel named below is hereby licensed in accordance with regulation 6(1)(j) of the Fisheries Protection Regulations for use for hire or other reward by persons fishing for sport within that part of the fishery limits of the Turks and Caicos Islands set out below in accordance with the terms and conditions of this licence and subject always to compliance with the Fisheries Protection Regulations.

Name of vessel: .....

Vessel Licence No: .....

Radio call sign: .....

Length overall: .....

Area of fishery limits (not including Mouchoir Bank): .....

Special conditions: .....

Licence expires on 31st July ..... unless renewed (see below)

Issued this ..... day of .....

Signed: .....

Minister or authorised person.

---

Renewals: 1. From ..... to 31st July ..... Initials ..... Date.....  
2. From ..... to 31st July ..... Initials ..... Date.....  
3. From ..... to 31st July ..... Initials ..... Date.....  
4. From ..... to 31st July ..... Initials ..... Date.....  
5. From ..... to 31st July ..... Initials ..... Date.....  
6. From ..... to 31st July ..... Initials ..... Date.....  
7. From ..... to 31st July ..... Initials ..... Date.....  
8. From ..... to 31st July ..... Initials ..... Date.....

---

FORM K 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

**ORDINARY FISHING VESSEL LICENCE**

(Reg: 6(1)(k))

Licence No: K/

Fee Paid: \$ (Receipt No: .....

The vessel named below is hereby licensed in accordance with regulation 6(1)(k) of the Fisheries Protection Regulations for use for fishing (other than commercial fishing or for hire and reward by persons fishing for sport) within that part of the fishery limits of the Turks and Caicos Islands set out below in accordance with the terms and conditions of this licence and subject always to compliance with the Fisheries Protection Regulations.

Name of vessel: .....

Vessel Licence No: .....

Radio call sign (if any): .....

Length overall: .....

Area of fishery limits (not including Mouchoir Bank): .....

Special conditions: .....

Licence expires on 31st July ..... unless renewed (see below)

Issued this ..... day of .....

Signed: .....

Minister or authorised person.

- 
- Renewals:
1. From ..... to 31st July ..... Initials ..... Date.....
  2. From ..... to 31st July ..... Initials ..... Date.....
  3. From ..... to 31st July ..... Initials ..... Date.....
  4. From ..... to 31st July ..... Initials ..... Date.....
  5. From ..... to 31st July ..... Initials ..... Date.....
  6. From ..... to 31st July ..... Initials ..... Date.....
  7. From ..... to 31st July ..... Initials ..... Date.....
  8. From ..... to 31st July ..... Initials ..... Date.....
-

FORM M 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS

---

**AUTHORITY TO ISSUE LICENCES**

---

*(Reg: 7(2))*

IN EXERCISE of the powers conferred upon me by regulation 7(2) of the Regulations:

I (Name) .....

of (Address) .....

Minister for the time being responsible for fisheries in the Turks and Caicos Islands

DO HEREBY AUTHORISE:

You (Name) .....

Of (Address) .....

To issue on my behalf the following licences: (delete as necessary)

- Reg:      6(1)(g)    Commercial Fisherman's Licence  
            6(1)(h)    Visitor's Sports Fishing Licence  
            6(1)(i)    A Commercial Fishing Vessel Licence  
            6(1)(j)    A Sports Fishing Charter Vessel Licence  
            6(1)(k)    An Ordinary Fishing Vessel Licence  
            6(1)(l)    A Tournament Fishing Licence  
            6(1)(m)    A Tournament Fishing Vessel Licence

Under and in accordance with the Regulations and to account to me for receipt of the fees paid by the licence holders and to forward to me within fourteen days of issue a copy of each licence and each application made.

This Authority shall expire on the ..... day of .....  
20 ..... unless previously revoked or renewed.

Dated: .....

Signed: .....

Minister.

- 
- Renewals:
1. From ..... to 31st July ..... Initials ..... Date.....
  2. From ..... to 31st July ..... Initials ..... Date.....
  3. From ..... to 31st July ..... Initials ..... Date.....
  4. From ..... to 31st July ..... Initials ..... Date.....
  5. From ..... to 31st July ..... Initials ..... Date.....
-

FORM N 2  
TURKS AND CAICOS ISLANDS  
FISHERIES PROTECTION REGULATIONS (“THE REGULATIONS”)

**AUTHORITY TO COMMERCIAL FISHERMAN**

(Reg: 22)

IN EXERCISE of the powers conferred upon me by regulation 22 of the Regulations

I (Name) .....

Of (Address) .....

Minister for the time being responsible for fisheries in the Turks and Caicos Islands

DO HEREBY AUTHORISE:

You (Name) .....

Of (Address) .....

\* 1. To allow (name) ..... to assist you in commercial fishing; and/or

\* 2. To receive from (name) ..... the marine products referred to below for sale or disposal for reward; and/or

\* 3. To share the profits of your commercial fishing with (name) .....

and/or

\* 4. To receive from the holder of a Visitor’s Sports Fishing Licence any fish taken aboard the

(name of vessel) .....

(Sports Fishing Charter Vessel Licence No) .....

and to sell or otherwise dispose of the said fish for gain so long as you are at the material time employed aboard the said vessel and the said fish are not received as part of or in lieu of your remuneration for the said employment or on behalf of or for the financial benefit of any other person subject always to compliance with this authority and the Fisheries Protection Regulations.

\* *Delete as appropriate*

Additional conditions:

This authority shall expire on the ..... day of .....  
20 ..... unless previously revoked or renewed.

Dated: .....

Signed: .....

Minister.

- 
- Renewals:
1. From ..... to 31st July ..... Initials ..... Date.....
  2. From ..... to 31st July ..... Initials ..... Date.....
  3. From ..... to 31st July ..... Initials ..... Date.....
  4. From ..... to 31st July ..... Initials ..... Date.....
  5. From ..... to 31st July ..... Initials ..... Date.....
-

**SCHEDULE 3**

**LICENCE FEES**

*(Regulation 7)*

TYPE OF LICENCE	ANNUAL FEE (\$)
1. Licence G2 (Commercial Fisherman's Licence)	
Belongers .....	80.00
Others .....	750.00
2. Licence H2 (Sports Fishing Licence)	
Residents other than Belongers .....	60.00
Visitors .....	30.00
3. Licence I2 (Commercial Fishing Vessel Licence)	
(i) Length not exceeding 20 ft overall—	
Local .....	70.00
Foreign owned .....	4,000.00
(ii) Length exceeding 20 ft but Not exceeding 30 ft overall—	
Local .....	250.00
Foreign owned .....	6,000.00
(iii) Length exceeding 30 ft overall—	
Local .....	350.00
Foreign owned .....	8,000.00
*4. Licence J2 (Sports Fishing Charter Vessel Licence)	
(i) Length not exceeding 20 ft overall .....	400.00
(ii) Length exceeding 20 ft but not exceeding 30 ft overall.....	600.00
(iii) Length exceeding 30 ft overall .....	1,000.00
5. Licence K2 (Ordinary Fishing Vessel Licence)	
(i) Length not exceeding 20 ft overall—	
Local .....	30.00
Foreign .....	150.00
(ii) Length exceeding 20 ft but not exceeding 30 ft overall—	
Local .....	50.00
Foreign .....	200.00

	(iii) Length exceeding 30 ft overall—	
	Local .....	75.00
	Foreign .....	300.00
6.	Tournament Fishing Vessel Licence	
	Per tournament .....	250.00
7.	Tournament Fishing Licence	
	Per tournament .....	1,000.00
8.	Processing or Export Licence.....	8,000.00

\* The Minister in his discretion may remit this fee on the grounds of age, poverty or infirmity.

\*\* The Minister may in his discretion remit this fee in whole or part in respect of a vessel entering the Islands only for the purposes of a Sports Fishing Tournament approved under regulation 21.

*(Substituted by L.N. 9/2004)*

## **SCHEDULE 4**

### **IMPLIED TERMS**

*(Regulation 7)*

#### **1. ALL LICENCES ISSUED UNDER REGULATION 6**

Save as otherwise expressly provided in a licence there shall be implied in every licence issued under regulation 6 a condition that—

(1) Where the Licensee is a Company or a Partnership no share or beneficial interest therein shall be assigned, transferred or sold where such assignment, sale or transfer shall affect the controlling interest in the company or partnership (as defined by the Business Licensing Ordinance) without the consent in writing of the issuing authority which shall be in the discretion of the issuing authority.

(2) Where the Licensee (which expression shall for this purpose include any employee, servant or agent of the Licensee) is in breach of any of the conditions of the licence or any of the provisions of these Regulations or any condition of any other licence issued to the Licensee under these Regulations the issuing authority may forthwith revoke or suspend the licence.

#### **2. LICENCES ISSUED UNDER REGULATIONS 6(1)(b), (c), (d) AND (f)**

Save as otherwise expressly provided in a Licence there shall be implied in every licence issued under regulations 6(1)(b), 6(1)(c), 6(1)(d) and 6(1)(f) a condition that—

(1) The Licensee shall permit any Fisheries Officer, Public Health Officer or Customs Officer to enter upon any land, premises or vessel used by the Licensee in connection with the taking, storage, processing or exporting of marine products under the licence at all times for the purpose of inspecting the said land premises or vessel or any equipment, marine products, documents or records thereon.

(2) The Licensee shall comply with all reasonable directions given by a Fisheries Officer or a Public Health Officer in relation to the storage, processing or exporting of any marine product.

(3) The Licensee shall keep such records and make such returns of the quantities and type of marine products which are taken, purchased or exported under the licence as the Chief Fishery Officer or the Collector of Customs may from time to time prescribe.

(4) The Licensee shall submit to the Director on the first day of each month a return showing the number, weight and type of all marine products taken in the preceding month and by the fifth day of each month, the number, weight and type of marine products exported during the preceding month under the licence during each calendar month and such other particulars as the said Director may require.

*(Amended by L.N. 9/2004)*

(5) The Licensee shall ensure that all marine products intended for human consumption which are exported by the Licensee are in good condition and fit for human consumption and meet the standards of the country to which the marine products are to be exported.

(6) The holder of a Class A Processing Licence issued under regulation 6(1)(b) shall maintain and operate at the licensed premises a blast or plate freezer, a separate holding room for processed marine products, fully equipped and fly screened facilities for processing and proper toilet facilities.

(7) The holder of a Class B Processing Licence issued under regulation 6(1)(b) shall maintain and operate at the licensed premises a deep freezer or freezers which shall be used for storage of marine products only.

### 3. LICENCES ISSUED UNDER REGULATIONS 6(1)(i) AND 6(1)(j)

Save as otherwise expressly provided in a licence there shall be implied in every licence issued under regulations 6(1)(i) or 6(1)(j) a condition that:

(1) If so required by the Chief Fishery Officer the owner operator or captain of any vessel licensed under these Regulations shall furnish the Chief Fishery Officer, in such form and at such intervals as the Chief Fishery Officer may direct, a return recording catch statistics relating to the operation of the vessel.

(2) Where a vessel is foreign owned with an overall length exceeding 20 feet there shall be displayed on the vessel for the purposes of regulation 5(3) the vessel's International Radio call sign and the vessel's licence number on the top and both sides amidship where it is clearly discernible from the air and from the sea in letters at least one metre high, forty centimetres wide and in black on a white background (or in other similar contrasting colours).

**SCHEDULE 5**  
**REQUEST FOR ASSISTANCE FORM**

1. Name and address of owner.....  
.....
2. Date and Birth of owner: .....  
.....
3. Name of Vessel: .....
4. Name and address of person requesting assistance  
.....  
.....
5. Any previous request for assistance .....  
.....  
.
6. Any present assistance .....
7. Have your guarantor been prosecuted or convicted for any  
offence? .... If yes what offence and penalty .....  
.....

.....

Signature of Applicant

Dated this ..... day of ..... 20.....

*(Inserted by L.N. 9/2004)*

\_\_\_\_\_



**EAST HARBOUR LOBSTER AND CONCH RESERVE NOTICE**

*(Legal Notice 5/2003)*

*Made by the Minister under Regulation 13*

**Short title**

1. This Notice may be cited as the East Harbour Lobster and Conch Reserve Notice.

**Prohibition of removal of lobster and conch from East Harbour Lobster and Conch Reserve**

2. The area defined in the Schedule to this Notice shall be known as the East Harbour Lobster and Conch Reserve and shall be a prohibited area for the taking of any lobster and conch by any means, except where a conservation officer has allowed the removal of up to but not more than ten conchs by an individual for consumption by his family at home.

---

**SCHEDULE**

From the high water mark at Sandy Point on Long Cay at position 234 330, 2 375 93, a straight line west to the southern tip of Middleton Cay (at position 231 405, 2 377 600) around Middleton Cay in a westerly direction to the northern tip of Middleton Cay (at position 232 550, 2 377 910), a straight line to the northern tip of Moxy Bush (at a position 235 560, 2 380 250) due east to John Dean Bay, South Caicos (at position 236 450, 2 380 250), along the high water mark to Tucker Point, South Caicos (at position 238 300, 2 377 840), a straight line to the western tip of Dove Cay (at a position 237 790, 2 377 700), a straight line to the western tip of Long Cay (at position 237 320, 2 377 570) and then along the high water mark to the starting point. All positions are in Universal Transverse Mercator (UTM) co-ordinates, datum North American Datum 1927 (NAD 27) Caribbean.



