

# **Fisheries (Amendment) Act 1990**

TUVALU

## **FISHERIES (AMENDMENT) ACT 1990** (Act 5 of 1990)

I assent

Toaripi Lauti PC  
Governor-General

13<sup>th</sup> December 1990.

**AN ACT** to amend the Fisheries Act (Cap. 45) as amended to enable effect to be given to the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, and for connected purposes.

(Commencement: 1 January 1991)

**ENACTED** by the Parliament of Tuvalu-

### **Short title and commencement**

**1.** This Act may be cited as the Fisheries (Amendment) Act 1990, and shall come into operation on such date as the Minister by notice may appoint.

### **Amendment of Cap. 45**

**2.** The Fisheries Act is amended by:-

a) inserting the following definitions after the definition of "authorised officer":-

""driftnet" means a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface of or in the water;

"driftnet fishing activities" means:

- (i) catching, taking or harvesting fish with the use of a driftnet;
- (ii) attempting to catch, take or harvest fish with the use of a driftnet;
- (iii) engaging in any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish with the use of a driftnet, including searching for and locating fish to be taken by that method;
- (iv) any operations at sea in support of, or in preparation for any activity described in this paragraph, including operations of placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
- (v) aircraft use, relating to the other activities described in this definition, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel; or

(vi) transporting, transshipping and processing any driftnet catch, and co-operation in the provision of food, fuel and other supplies for vessel equipped for or engaged in driftnet fishing."

b) inserting after section 14 the following new section-

**"Driftnet fishing**

**14A (1)** Any person who within the fishery limits engages or attempts to engage in any of the driftnet fishing activities shall be liable on conviction to a fine of up to \$100, 000 and to imprisonment for up to two years.

(2) Where any foreign. or local fishing vessel within the fishery limits engages or attempts to engage in, any of the driftnet fishing activities, the master, owner and charterer, if any, of such vessel shall be liable on conviction to a fine of up to \$100,000."

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**FISHERIES (AMENDMENT) ACT 1990**

**EXPLANATORY MEMORANDUM**

(The memorandum does not form part of the Act)

This Act amends the Fisheries Act, Cap 45 to give effect to the provisions of the Convention for the prohibition of Fishing with Long Driftnets in the South Pacific, to which Tuvalu is a party.

The Act amends the Fisheries Act by inserting a new section 14A which makes it an offence for any person or fishing vessel whether local or foreign, from engaging in any driftnet fishing activities within our fishery limits (clause 2(b)). The fisheries Act is further amended by inserting new definitions in section 2, in particular the definition of 'driftnet fishing activities' (Clause 2(a)). The definition of 'driftnet fishing activities' includes the use and attempted use of driftnets in fishing and other supporting and related activities.