



BELIZE

**BELIZE FISHERIES DEVELOPMENT
AUTHORITY ACT
CHAPTER 210**

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CHAPTER 210

BELIZE FISHERIES DEVELOPMENT AUTHORITY

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CHAPTER 210

BELIZE FISHERIES DEVELOPMENT AUTHORITY ACT

19 of 2003.

[23rd August, 2003]

PART I

Preliminary

1. This Act may be cited as the Belize Fisheries Development Authority.

Short title.

2.-(1) In this Act, unless the context otherwise requires,

Interpretation.

“aquaculture” includes the farming, culturing or breeding of fish or aquatic life for the purposes of research, business or trade, but does not include shrimp farming or any business activity related thereto;

“aquatic life” means any species of plant or animal life; except species of birds and shrimp which at any time of the life history of the species must inhabit water, and includes such plant or animal at any stage of its life history, and any part of such plant or animal, but does not include fish, or any aquatic life declared by the Managing Director by Order published in the *Gazette* to be aquatic life to which this Act does not apply;

“Authority” means the Belize Fisheries Development Authority established under section 3 of this Act;

“Board” means the Board of Directors of the Authority;

“boat” includes every description of craft, vessel, hovercraft, aircraft, or any other vessel of whatever size used or intended to be used, or which is capable of being used, in fishing;

“borrowing”, in relation to the Authority, includes raising money or obtaining credit, whether by dealing in securities or otherwise;

“Chairperson” means the Chairperson of the Board;

“commercial fishing” means the taking, breeding, producing, killing or capturing of any fish by any means whatever or the attempt or preparation to do so, for the purpose of the sale or other disposition of such fish for money or money’s worth;

“Designated Officer” means an officer of the Authority designated to perform any function or discharge any duty under this Act;

“Director” means a Director of the Authority and includes the Chairperson of the Board;

“electric fishing device” means a device, engine or machine which is designed or used for the taking or killing by means of electric current of any species of fish or aquatic life or for the production of electro narcosis of any species of fish or aquatic.

“farmed shrimp” means a crustacean which is raised from larvae under controlled farming practices in Belize, but does not include wild shrimp in the rivers and seas;

“fish” means any species or class of fish and includes,

- (a) crustaceans, echinoderms and molluscs;
- (b) parts of crustaceans, echinoderms and molluscs;
- (c) the egg, fry, spat, larvae, sperm and juvenile stages of fish, crustaceans, echinoderms and molluscs;
- (d) the shell or exoskeleton, or part of the shell or exoskeleton, of a crustacean, echinoderm or mollusc; and
- (e) the dead body, or part of the dead body, of a fish; and

- (f) aquatic animal, except a species of bird, declared by the Authority, with the approval of the Minister, by Order published in the *Gazette* to be a fish for the purposes of the Act, but does not include farmed shrimp;

“fishery” includes,

- (a) one or more stocks or parts of stocks of fish, or aquatic life or one or more species, habitats or locations of fish or aquatic life that can be treated as a unit for the purposes of exploitation or conservation;
- (b) the area, locality, place or station in or on which a pound, seine, net, weir, or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir or other fishing appliance used in connection therewith;

“fishery management area” or “management area” means an area declared as a fishery management area by the Minister on the recommendation of the Authority pursuant to section 46 of this Act by Order published in the *Gazette*;

“fishery products” includes any fishery resources and any products derived from fishery resources, but does not include resources and products derived from farmed shrimp resources;

“fishery resources” includes any fish and aquatic life, but does not include farmed shrimp life;

“fishing” means the catching, taking or harvesting of fish or aquatic life and includes,

- (a) any other activity which may be reasonably expected to result in the catching, taking or harvesting of fish or aquatic life; and

- (b) any action taken in support of or in preparation for an activity specified in this definition;

“fishing vessel” means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish;

“licence” means an approved licence currently in force granted under this Act, and “licensee” shall be construed to mean the holder of a licence;

“managed fishery” means a fishery (as defined in paragraph (a) of the definition of the word “fishery”) which is declared by the Minister on the recommendation of the Authority by Order published in the Gazette to be a managed fishery for the purposes of this Act;

“Managing Director” means the Managing Director of the Authority appointed under section 12 of this Act;

“Minister” means the Minister to whom the subject of fisheries is assigned by the Governor-General pursuant to section 41 of the Belize Constitution, Cap. 4;

“owner”, in relation to a fishing vessel, or a vehicle, gear, or equipment, means a person who has a right to that vessel, vehicle, gear or equipment, whether or not that right is subject to the right of another person, and a person shall be presumed to be the owner of a fishing vessel, or a vehicle, gear or equipment, by reason that the person was in command or in charge of it;

“permit” means a permit approved by the Authority under this Act which is currently in force;

“person” includes a company, partnership or a co-operative;

“plant”, in relation to aquatic life, includes seaweeds, sea-grasses, and algae;

“possession” means possession of or control over any fish or aquatic life or possession of or control over a vessel, vehicle or other conveyance, fishing gear, container, package, thing, or place in or on which the fish or aquatic life is found, and includes joint possession or control;

“processing” includes cutting, shelling, and the use of all methods manufacture and preservation, including packaging;

“sale” includes every method of disposition for valuable consideration, including barter, and includes the disposition to an agent for sale on consignment, and also includes offering or attempting to sell, or causing or permitting to be sold, offered or exposed for sale, and also includes disposal by way of raffle, lottery or other game of chance;

“taking” means fishing.

(2) For the purposes of this Act,

- (a) in relation to an aquatic life or marine reserve, a protected area, a fishery or a managed fishery that is identified by reference to an area, a reference to activities in the reserve, protected area, fishery or in the managed fishery includes activities in that area; and
- (b) in relation to an aquatic life or marine reserve, a protected area, a fishery or a managed fishery that is identified by any matter other than an area, a reference to activities in the reserve, protected area, fishery or in the managed fishery includes activities in relation to the area.

3.–(1) This Act does not apply to,

Application.

- (a) functions performed, or duties and obligations discharged, by the Belize Agricultural Health Authority established under the Belize Agriculture Health Authority Act, Cap. 211;
- (b) functions performed, or duties and obligations discharged by the Coastal Zone Management Authority or the Coastal Zone Management Institute established under the Coastal Zone Management Act, Cap. 329;
- (c) functions performed, or duties and obligations discharged by the Department of the Environment under the Environmental Protection Act, Cap. 328;

(d) shrimp farming in any part or area of Belize.

(2) Subject to subsection (1) of this section, this Act applies to the whole of Belize.

(3) For the purposes of this Act, a reference to fisheries includes, where the context allows, aquaculture and deep sea fishing.

Application of Act to her Majesty in right of Belize.

4.-(1) This Act is binding on Her Majesty in right of the Government of Belize.

(2) Nothing in this Act makes Her Majesty in right of Government of Belize liable to be prosecuted for an offence.

PART II

Establishment, Objectives, Functions and Powers of the Authority

Establishment of the Authority.

5.-(1) There shall be and is hereby established a body to be known as the Belize Fisheries Development Authority which shall be an autonomous institution governed by the provisions of this Act.

(2) The Authority may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act and any Regulations made thereunder and may exercise any other duties incidental or ancillary to, or consequential upon, the performance of its functions.

Authority is a body corporate.

6.-(1) The Authority,

(a) is a body corporate with perpetual succession and a common seal;

(b) subject to the provisions of this Act and Regulations made thereunder, has the power to acquire, hold and dispose of movable and immovable property of whatever kind and to enter into contracts and to do all the things necessary for the fulfilment of its objectives;

- (c) may sue and be sued in its corporate name and shall for all purposes be described by that name;
- (d) may establish a principal office, and regional and local offices in any location within or outside Belize as it considers necessary.

(2) The seal of the Authority shall be authenticated by signatures of the Chairperson or the Managing Director and one other Director authorised by the Board to act for that purpose, and the seal thus authenticated shall be judicially and officially noticed.

(3) All agreements to be entered into by the Authority, other than those required by law to be made under seal, shall be signified under the hand of the Chairperson and the Managing Directors, or by a Director and the Managing Director.

7. The objectives of the Authority include the following,

Objectives of the Authority.

- (a) implementing efficient and cost-effective fisheries management plans for and on behalf of Belize;
- (b) ensuring that the exploitation of fishery resources, and the carrying on of any related activities, are conducted in a manner that is consistent with the principles of ecologically sustainable development, in particular the need to conserve existing fishery resources by having regard to the impact of fishing activities on non-target species and the environment;
- (c) optimising economic efficiency and sustainability in the exploitation of fishery resources;
- (d) establishing a regulatory and revenue collection framework under which fishery resources are exploited;
- (e) ensuring accountability to, and the participation in policy formulation and implementation by, the fishing

industry and the Belizean public in the management of fishery resources;

- (f) achieving government target in relation to the recovery of the costs of the Authority;
- (g) ensuring, through proper conservation and management measures, that fish and aquatic life are not endangered by over-exploitation;
- (h) promoting and supporting aquacultural development and ensuring its sustainable development in terms of Belizean participation and environmental protection;
- (i) establishing departments to deal with the capture fisheries sector, the aquatic life sector, the ecosystems management sector, and revenue and regulation sectors of the fishing industry;
- (j) developing new fishing products and improving the handling, processing and distribution of fishery products in or outside Belize;
- (k) doing all other things necessary and expedient to secure the proper execution and purpose of this Act.

Functions of the Authority.

8. The Authority has the main functions of consulting and co-operating with members of the fishing industry, departments of Government, private sector and civil society, and the general public in fulfilling the following specific functions of the Authority, namely,

- (a) to establish management plans in relation to Belizean fisheries;
- (b) to explore for, devise and develop new fishery resources, products and fisheries for Belize;

- (c) to establish priorities in respect of research related to fisheries and to arrange for the undertaking of such research;
- (d) to establish priorities in the management and conservation of aquatic life and marine reserves, managed fisheries, fishery management areas and protected areas;
- (e) to introduce and demonstrate to fishermen new types of fishing vessels and fishing gear, equipment and techniques;
- (f) to improve the handling, processing and distribution of fish, aquatic life and fishery products and resources;
- (g) to formulate, or assist in the formulation and assessment of fishery development projects, and for this purpose to undertake economic and other studies alone or jointly with any other person;
- (h) to make use, wherever possible, of the service and facilities of any department of Government or any agencies thereof, or of any person in the implementation of its objectives;
- (i) to construct, or assist in the construction of, or advocate for the construction of, commercial cold storages, or commercial bait freezing facilities equipped with mechanical refrigeration, that will be suitable for the preservation of fishery and aquatic life products;
- (j) to assist boat-builders to construct, modify convert and equip fishing vessels for the members of the fishing industry, subject to imposition of appropriate fees;
- (k) to assist in the construction and equipment of commercial ice-making and ice-storing facilities, or commercial fish-

- chilling facilities that will contribute to improvement in productivity in commercial fishing operations;
- (l) to consult and negotiate with foreign governments, institutions and business interests in relation to access by foreign fishing vessels to Belizean fisheries and ports;
 - (m) to consult and exchange information with local or foreign bodies having functions similar to the Authority's functions;
 - (n) to collect, analyse and publish, on a periodic basis, information and data relevant to the management of fish, fishery resources, products, reserves, protected areas, fishery management areas or managed fisheries;
 - (o) to accept gifts, grants, bequests, and devices made to it, with the approval of the Minister, and to act as trustee of money and other property vested in it on trust;
 - (p) to facilitate and exchange of views between persons having an interest in the fishing industry on matters affecting the industry;
 - (q) to develop a unified approach to any matters affecting the fishing industry;
 - (r) to inquire into, and to report to the Minister on, matters affecting the well-being of the fishing industry;
 - (s) to inquire into, and to report to the Minister on, matters referred to it by the Minister in relation to the fishing industry;
 - (t) to develop, and to submit to the Minister for approval, recommendations, guidelines, policies and plans for measures consistent with the principles of ecologically

sustainable development designed to safeguard or further the interests of the fishing industry;

- (u) to do or perform any other function conferred upon it by or under this Act or any other law, or anything incidental to, or consequential upon, the proper exercise of such functions.

9.—(1) The Authority may do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

Powers of the Authority.

(2) Without limiting the generality of the subsection (1), the Authority may, by Order published in the *Gazette*,

- (a) establish fees and charges that are reasonable in respect of work done, services provided or information given by the Authority, or in respect of the issuance by the Authority of licences or permits;
- (b) do anything incidental to any of its powers that is reasonably necessary or expedient to enable it to fully perform its functions;
- (c) acquire by purchase, lease, exchange, bailment, gift, or otherwise, any interest in land or any other form of property;
- (d) engage any person or body to undertake the management, alteration, development, improvement, repair or maintenance of any of its property;
- (e) enter into agreements with any governmental agency or private sector organisation in order to carry out its functions;
- (f) enter into technical co-operation agreement with other regional or international organisations with similar objectives;

- (g) publish reports, recommendations and other information relating to any functions of the Authority or the fisheries industry;
- (h) appoint officers and other persons to carry out its duties under this Act.

Consultation.

10.—(1) The Authority, for the purpose of considering any matter, or obtaining information or advice, relating to the performance of its functions, and the discharge of its duties, may consult with persons, bodies, the Government or any foreign Government or agency thereof, including,

- (a) persons or bodies representative of the whole or a part of the fishing industry;
- (b) the Government, a Government Department or an agency thereof performing any functions related to fisheries, agriculture, natural resources or the environment;
- (c) persons, including members of the scientific and academic community, having an interest in matters associated with the fishing industry.

(2) For the purposes of subsection (1) of this section, the Authority may,

- (a) pay travel and subsistence allowances reasonably incurred by a person in connection with consultations by the Authority; and
- (b) subject to written guidelines issued to the Authority from time to time by the Minister, pay expenses; other than travel or subsistence allowances, reasonably incurred by a person or body in connection with consultations by the Authority.

Policy directions.

11. The Minister may after consultation with the Chairperson, give to the Board directions of a general character as to the policy to be followed in

the performance of any function by the Authority, and the Board shall give effect to such directions.

PART III

Appointment of Staff, etc. of the Authority

12.—(1) There shall be a Managing Director of the Authority, appointed pursuant to subsection (2) of this section.

Appointment and duties of Managing Director.

(2) The Managing Director shall be appointed by the Board, on such terms and conditions (including terms and conditions relating to remuneration, duration in office, leave and allowances) as may be determined by the Board with the approval of the Minister.

(3) The Managing Director shall be the chief executive officer of the Authority and shall be responsible, subject to section 16 of this Act, for managing the day to day affairs and activities of the Authority.

(4) The Managing Director shall act in accordance with the policies determined by, and any directions given by, the Authority.

(5) All acts and things done in the name of, or on behalf of, the Authority by the Managing Director shall be taken to have been done by the Authority.

(6) The Managing Director shall not engage in paid employment outside the duties of the Managing Director's office except with the approval of the Authority.

(7) The Chairperson of the Board may grant leave of absence to the Managing Director on such terms and condition, if any, whether as to remuneration or otherwise, as may from time to time be determined by the Board after consultation with the Minister.

(8) The Managing Director may resign by giving to the Chairperson a signed notice of resignation.

(9) The Managing Director shall give written notice to the Chairperson of all direct or indirect pecuniary interests that the Managing Director has or acquires in any business or in any body corporate or person engaged in the business of commercial fishing.

Appointment of staff.

13.—(1) The Board may appoint and employ, at such remuneration and subject to such terms and conditions as it thinks fit, such as a technical director, officers, employees and agents as it considers necessary for the proper performance of its functions.

(2) The Board shall designate the technical director from the officers appointed under subsection (1) of this section, four persons each of whom shall respectively be the Head of the Capture Fisheries Sector, the Aquaculture Sector, the Ecosystem Management Sector and the Administration, Collection and Regulation Sector.

(3) No person appointed and employed by the Board under this section shall be employed on terms and conditions more favourable to the terms and conditions which apply to the Managing Director.

Engagement of consultants.

14.—(1) The Board may engage persons having suitable qualifications and experience as consultants to the Authority.

(2) The terms and conditions of engagement of the consultants are to be determined by the Board, with the approval of the Minister.

Declaration of pensionable posts.

15.—(1) The post of Managing Director, and the posts of the administrative, technical, professional, clerical and secretarial staff appointed under section 13 shall be pensionable under the Pensions Act, Cap. 30 notwithstanding anything to the contrary in that Act or any other enactment. Persons holding ancillary posts of the semi-skilled or unskilled category shall be entitled to retirement benefits under the Government Workers (Open vote)(Workers) Regulations, made in Statutory Instrument No. 145 of 1992 as amended by Statutory Instruments Nos. 111 of 1993, 37 of 1995, 41 of 1997 and No. 69 of 1997.

(2) Where an officer in the public service is transferred to an office under the Authority and he retires or resigns on pension from, or dies while in service of, the Authority, his service in the public service shall

rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for a gratuity or pension under the Pensions Act, Cap. 30.

(3) Notwithstanding any contrary provision in the Pensions Act, Cap. 30, or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the Authority is transferred to a pensionable office in the public service, his service under the Authority shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act, Cap. 30.

(4) When making payment for a pension or gratuity in respect of officers referred to in subsections (2) and (3) of this section, the Government shall pay the whole pension or gratuity, but the Authority shall contribute to the Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Authority.

(5) The Authority may provide for the establishment and maintenance for the benefit of its officers and employees of a Pension Scheme, Social Security Scheme, or Provident Fund Scheme, and without prejudice to the generality of the foregoing, such Schemes may enable the Authority to,

- (a) contribute to the Government the monies referred to in subsection (4) of this section;
- (b) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependants of, its employees and officers;
- (c) establish contributory and superannuation schemes and establish and contribute to superannuation funds for the benefit of its employees and officers;
- (d) enter into and carry into effect agreements for securing to any such employees and officers, widows, family or dependants such gratuities, pensions or allowances as are by this section allowed to be granted.

Additional duties of the Managing Director.

16.—(1) The Managing Director shall, subject to the general policy decisions of the Board, be responsible for the management of the Authority, including the organization of staff in accordance with general terms and conditions of service established by the Board.

(2) The Managing Director shall also have authority,

- (a) to sign jointly with another Director, reports, balance sheets and other financial statements;
- (b) to delegate his powers provided for in paragraph (a) of this subsection to other officers of the Authority.

Officers employed under contracts; how to be dealt with.

17. Where any officer in the Department of Fisheries is not on the permanent establishment, and such officer is not transferred to the Authority upon the commencement of this Act, then such officer's contract shall stand terminated upon such commencement, and he shall be entitled to receive from the Government all pension and other terminal benefits as are for the time being provided by any law dealing with pensions, allowances and labour matters.

Training of staff and human resources development programme.

18.—(1) The Board shall develop and implement a human resources development programme, including an equal employment opportunity programme, for the staff of the Authority.

(2) The Board shall endeavour, subject to the availability of resources, to train or facilitate the training of the staff of the Authority to better enable such staff to fully execute their duties.

(3) The Board must take whatever action is necessary to give effect to the human resources development programme developed under subsection (1) of this section, and any person who exercises powers in relation to employment matters for the Authority must have regard to the programme when exercising those powers.

(4) Nothing in this section requires anyone to do anything contrary to the principle that employment matters should be dealt with on the basis of merit.

PART IV

Administration of the Authority

19. There shall be a Board of Directors of the Authority appointed by the Minister, which shall be constituted as provided in section 20 of this Act, and the Board of Directors shall be the principal policy making organ of the Authority.

Board of Directors.

20.—(1) The Board of Directors shall consist of the following persons,

Composition of the Board.

- (a) the Chief Executive Officer of the Ministry responsible for Agriculture, Fisheries and Co-operatives or his designee;
- (b) the Chief Executive Officer of the Ministry responsible for Natural Resources or his designee;
- (c) a representative of the Economic Development Department;
- (d) the Chief Executive Officer of the Ministry responsible for Tourism or his designee;
- (e) the Financial Secretary or his designee;
- (f) one representative of the Aquaculture Industry;
- (g) two representatives of the fishing sectors;
- (h) a representative of Non-Governmental Organizations dealing with the protection and conservation of Belize's natural resources;
- (i) a representative of the Belize Tourist Industry Association;

- (j) a representative of the Coastal Zone Management Agency, who shall not have the right to vote; and
- (k) the Managing Director, who shall not have the right to vote.

(2) The Directors referred to in subsection (1) shall be appointed by the Minister for such period not exceeding two years as may be specified in the instruments appointing them,

Provided that any such Director retiring on the expiration of his term of office shall, subject to section 24, be eligible for reappointment.

(3) The Minister shall appoint one of the Directors to be Chairman of the Board and the Chairman shall hold office for a period of two years and shall be eligible for reappointment.

(4) The Directors shall elect from their number a Deputy Chairman who shall hold office for a period of two years and he shall be eligible for reappointment.

Meetings of the Board.

21.—(1) The Board of Directors shall meet as often as the business of the Board requires but not less frequently than once every month in the year.

(2) The Chairperson, or in his absence, the Deputy Chairperson, shall summon a special meeting of the Board within seven days of a requisition for that purpose addressed to him in writing by any three Directors.

(3) A quorum for any meeting of the Board shall be six Directors, one of whom shall be the Managing Director.

(4) Decisions of the Board shall be by majority of the voters cast, provided that in any case in which the voting is equal, the person presiding at the meeting shall have a second or casting vote.

(5) The Board shall utilise the services of an official or other member of the staff of the Authority as the secretary of the Board and shall ensure that records are kept of its acts and decisions.

(6) Where for any reason, the Chairperson is unable to preside at any meeting of the Board,

- (a) the Deputy Chairperson shall preside if he is present and able; and
- (b) if the Deputy Chairperson is absent or unable to preside, then the Directors present shall elect one of their number to preside.

22.—(1) Where,

Resolution without meetings.

- (a) copies of a document setting out a proposed resolution of the Board are received by at least six Directors, including the Management Director; and
- (b) at least five such Directors, excluding the Managing Director, sign a copy of the document,

then the Board shall for all purposes be taken to have passed a resolution in the terms set out in the document at a meeting of the Board.

(2) The resolution is to be taken to have been passed,

- (a) on the day on which copies of the document were signed by the Directors; or
- (b) if the copies were signed on different days, on the latest of those days.

23.—(1) Where,

Disclosure of interest.

- (a) a Director has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Authority; and
- (b) the interest could conflict with the proper performance of the Director's duties in relation to the consideration of the matter,

then the Director must, as soon as practicable after the relevant facts have come to the Director's knowledge, disclose the nature of the interest at the next meeting of the Board.

(2) A disclosure under subsection (1) of this section, shall be recorded in the minutes of the meeting and the interested Director shall not vote thereat.

Disqualifications
to be a Director.

24.—(1) No person shall be appointed or remain a Director who is a member of the National Assembly.

(2) The Minister may terminate the appointment of the Director appointed under section 20 (1) (f), (g), (h) or (i) of this Act, only if the Director, as the case may be,

- (a) by writing, under his hand addressed to the Minister resigns his office;
- (b) becomes subject to the disqualification specified in subsection (1) of this Act;
- (c) becomes bankrupt or insolvent, compounds with his creditors or benefits under the law for the relief of a bankrupt or makes any assignment in whole or in part of his income for the benefit of such creditors;
- (d) is convicted of an offence involving dishonesty, or of any other offence punishable with not less than three years imprisonment (whether or not the convicted person is awarded such sentence);
- (e) becomes totally or permanently incapable of performing his duties; or
- (f) is guilty of gross misconduct.

(3) The Minister may terminate the appointment of a Director of the Board who absents himself from three consecutive meetings of the Board without leave from the Board.

(4) The names of all members of the Board as first constituted, their terms of office and every change in the membership thereof shall be published in the *Gazette*.

25. The Board shall be entitled to the same protection under the Public Authorities Protection Act, Cap. 31, as if it were included in the definition of “Public Authority” given in section 2 of that Act, and the place at which the Board shall hold its meetings shall be deemed to be the “abode” of the Board within the meaning of that Act.

Board to be protected by Public Authorities Protection Act.

26.—(1) The Board may from time to time, in respect of any particular matter or class of matters, and in writing, delegate to any other Director or to the Managing Director, any of its functions under this Act except this power of delegation and the following functions,

Delegation of powers.

- (a) approving annual budgets or programmes of activities;
- (b) making Regulations;
- (c) carrying out activities which require off-budget expenditures.

(2) Subject to any general directions given to him by the Board, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

27. Subject to the provisions of this Act, a Director, other than an *ex-officio* Director, shall hold office for two years and shall be eligible for reappointment upon the expiration of his period of office.

Tenure of office of Directors.

Committees of the Board.

28.—(1) The Board may establish committees to assist it in the performance of its functions and the exercise of its powers, and may abolish any such committees.

(2) A committee established by the Board under this section may be constituted wholly by members of the Board, or partly by members of the Board and partly by other persons, including technical experts in any area under consideration by such committee.

(3) The Board may time to time, in writing, determine,

- (a) the manner in which a committee is to perform its functions;
- (b) the terms of reference of a committee when considering any matter;
- (c) the procedure to be followed at or in relation to meetings of the committee, including matters relating to,
 - (i) the convening of meetings of the committee, and
 - (ii) the number of members of the committee who are to constitute a quorum at any meeting of the committee; and
- (d) the selection of a member of the committee to preside at meetings of the committee; and
- (e) the manner in which questions arising at a meeting of the committee are to be decided.

(2) Where,

- (a) a member of the committee has a direct or indirect pecuniary interest in relation to a matter being considered, or about to be considered, by the committee; and

- (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter,

then the member must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the next meeting of the committee and shall not vote thereat.

(3) A disclosure of interest under subsection (2) of this section, shall be recorded in the committee's minutes.

29.—(1) Without prejudice to the generality of the power of the Board to appoint committees under section 28 of this Act, the Board may also appoint Fishery Development Advisory Committees to assist the Board in the performance of its functions and the exercise of its powers in relation to,

Fishery Development
Advisory
Committee.

- (a) a reserve, protected area, fishery management area, or managed fishery; or
- (b) a fishery.

(2) A Fishery Development Advisory Committee has the function of,

- (a) being a liaison body between the Authority and the persons engaged in a fishery, reserve, protected area, fishery management area or managed fishery;
- (b) providing advice to the Authority in relation to the preparation, adoption and operation of a fishery management plan;
- (c) monitoring and reporting to the Authority any type of information or data, including scientific, economic or other information relating to a fishery, protected area, reserve, fishery management area, or managed fishery.

(3) A fishery Development Advisory Committee has power to do, on behalf of the Authority, all things necessary or convenient to be done for, or in connection with, the performance of its functions.

(4) All acts and things properly done in the name of, or on behalf of, the Authority by a Fishery Development Advisory Committee shall be taken to have done by the Authority.

(5) All Fishery Development Advisory Committees shall act in accordance with the objectives and policies of the Authority and the directions given in that behalf from time to time by the Board.

Protection of Directors.

30. No Director shall be personally liable for any act or omission of the Authority, or of the Board, or of any Director, or office of the Authority, if the act or omission is made in good faith in the course of the operations of the Authority or of the Board.

Rules of the Authority.

31.—(1) The Board may from time to time make Rules of the Authority not inconsistent with this Act, for all or any of the following purposes,

- (a) regulating the proceedings of the Board;
- (b) providing for the custody of the property of the Authority, and the custody and use of the common seal of the Authority;
- (c) regulating the terms and conditions of employment of persons appointed under section 13;
- (d) the preparation of semi-annual or quarterly audits of the Authority; and
- (e) providing for such other matters as may be necessary or expedient for the better carrying out of the functions of the Authority.

(2) Notice in writing of every proposed resolution to make Rules

under this section or for the amendment or revocation of any Rule so made, (including a copy of the proposed Rules amendment, or revocation) shall be given to every Director not less than twenty-one days before the meeting at which the proposal is to be moved, but an inadvertent failure to comply with this subsection shall not invalidate the making, amendment or revocation of any Rule at that meeting.

PART V

Finance, Audit and other Reports of the Authority

32. The revenues of the Authority shall consist of the following,

Revenue of the
Authority.

- (a) revenues allocated from the Consolidated Revenue Fund;
- (b) penalties and fines related to violations of fisheries regulations;
- (c) fees and charges for present and future goods and services provided by the Authority;
- (d) any other money lawfully contributed, donated, or bequeathed to the Authority or received by the Authority from any other source.

33. The expenses of the Authority, including the remuneration of members and staff thereof, shall be paid out the funds and resources of the Authority.

Expenses of the
Authority.

34.—(1) Subject to the provisions of subsection (2) of this section, the Authority may borrow money required by it for meeting any of its obligations or discharging any of its functions; including on lending to groups approved by the Board, if necessary.

Borrowing pow-
ers.

(2) The power of the Authority to borrow in excess of such limits as the Minister responsible for Finance may fix from time to time shall

be exercisable only with the approval of the Minister responsible for Finance as to the amount, source of borrowing and the terms on which the borrowing may be effected, and an approval given for the purposes of this subsection may be general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) With the approval of the House of Representatives, the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal and the payment of interest on any authorised borrowings of the Authority.

(4) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal moneys or the payment of interest guaranteed under the provisions of this section, he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Revenue Fund, of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Revenue Fund.

Submission of
budget estimates.

35.—(1) The Authority shall, on or before the 30th November in each year, prepare and submit to the Minister responsible for Finance, through the Minister, estimates of the income receivable and the expenditure to be incurred during the financial year commencing on 1st April then next following.

(2) The Authority shall submit the estimates in the form required by the Minister responsible for Finance.

(3) All new or special expenditure shall receive the approval of the Minister before being included in the estimates.

(4) Except with the approval of the Minister responsible for Finance, given after consultation with the Minister, no further sum shall be expended during the financial year other than as provided in the estimates relating to such financial year.

Accounts and au-
dit.

36.—(1) The Authority shall keep accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform to the best commercial and accounting standards.

(2) The accounts of the Authority shall be audited annually by an independent auditor appointed in each year by Board with the approval of the Minister.

37. Within six months after the end of each financial year, the Authority shall cause to be made and shall submit to the Minister,

Annual report.

- (a) a statement of its accounts audited in accordance with section 36(2) of this Act; and
- (b) a report dealing generally with the proceedings, achievements and policies of the Authority during that financial year.

38.—(1) The Minister responsible for Finance may, by order, transfer by lease or otherwise to the Authority under such terms and conditions as he may deem fit any property belonging to the Government which appears to him to be necessary or useful to the Authority for carrying out its functions under this Act, and such property shall vest in the Authority by virtue of such order and without further assurance.

Transfer of property.

(2) An Order under subsection (1) of this section,

- (a) may contain such incidental, consequential or supplemental provisions as the said Minister thinks necessary or expedient for the purposes of the Order;
- (b) shall be subject to negative resolution by the House of Representatives.

PART VI

Corporate Development and Annual Operational Plans of the Authority

39.—(1) The Authority shall, by 31st December of each fifth year after its establishment, submit to the Minister a corporate development plan prepared after consultation with members of the fishing industry and with any other person or body considered by the Authority to be appropriate.

Development of a corporate plan.

(2) A corporate development plan shall relate to the period beginning on the following 1st day of April next and shall remain in force for a period of five years.

(3) A corporate plan shall,

- (a) define what the Authority considers to be its principal goals during the period to which the plan relates;
- (b) give a broad outline of the strategies that the Authority considers should be pursued during that period for achieving those goals;
- (c) set out any adverse factors that in the opinion of the Authority, may affect the achievement of the goals set by the Authority, and any recommendations for overcoming such factors;
- (d) include such performance indicators as the Authority considers necessary against which the performance of the Authority may be assessed during the period of the plan; and
- (e) include the human resources development programme developed pursuant to section 18 of this Act.

Approval of corporate development plan.

40.—(1) The Minister may, if he thinks that the interest of fisheries management and development, or any matter related thereto so requires,

- (a) approve the corporate development plan without amendment; or
- (b) request the Authority to revise the plan, setting out his reasons for such a request.

(2) The Authority shall consider a request for the revision of the corporate development plan and the reasons advanced by the Minister therefor, and may make any revision of the plan as requested and submit it to the Minister for approval.

- (3) A corporate development plan comes into force,
- (a) at the commencement of the period to which the plan relates; or
 - (b) on the day on which the Authority receives notice of the Minister's approval of the plan;

whichever occurs later.

41.—(1) Subject to subsection (4) of this section the Authority shall not vary a corporate development plan except with the approval of the Minister.

Variation of corporate development plan by the Authority.

(2) Where the Authority wishes to vary a corporate development plan, the Authority shall prepare written proposals for the variations and submit a copy of the proposals to the Minister together with a statement setting out the Authority's reasons for making the proposals.

(3) The Minister may, after considering proposals for the variation of a corporate development plan and the reasons for making those proposals, by written notice to the Authority, agree with or reject the proposals.

(4) Nothing in this section prevents the Authority from making variations of a minor nature to a corporate development plan without the agreement of the Minister, but the Authority shall without delay inform the Minister after making such variations.

42.—(1) The Minister may, at any time, give to the Authority written notice directing it to vary a corporate development plan in the manner set out in the notice.

Variation at direction of Minister.

(2) The Minister shall specify the reasons for directing a variation of the plan as provided in subsection (1) of this section.

(3) The Authority shall consider the direction and the reasons advanced therefore by the Minister, and prepare written proposals for such variations of the plan as the Authority considers appropriate and submit those proposals to the Minister.

(4) The Minister shall give the Authority written notice approving or rejecting the proposals.

Date of effect of variations.

43. Where,

- (a) a corporate development plan has come into force; and
- (b) a variation of the plan is approved by the Minister under section 41 or section 42 of this Act or where the Authority makes a variation of a minor nature as provided in section 41 (4) of this Act,

the variation takes effect on the day on which the Authority receives a notice of the Minister's approval, or makes the variation of a minor nature, as the case may be.

Development of an annual operational plan.

44.—(1) The Authority shall, by the first day of April in each year, submit to the Minister an annual operational plan relating to the twelve months period next ensuing.

(2) An annual operational plan shall,

- (a) set out particulars of the action the Authority intends to take to give effect to the goals set out in the corporate development plan;
- (b) include such performance indicators as the Authority considers appropriate against which the performance of the Authority may be assessed during the period to which the plan relates;
- (c) propose action to implement the human resources development programme developed under section 18 of this Act.

Approval, variation, etc., of annual operational plan.

45. The provisions of this Act relating to the approval of corporate development plan by the Minister, to variations of such plan and the approval of such variation by the Minister shall *mutatis mutandis* apply to the approval and variations of annual operational plans.

PART VII

*Fishery Management, Reserves and
Protected Areas and Protection of
Fish and Aquatic Life*

46.-(1) The Minister may, on the recommendations of the Authority, by Order published in the *Gazette*, declare any area, place or waters to be,

Declaration of fishery management areas, reserves, protected areas, etc.

- (a) a fishery, as defined in paragraph (a) of the definition of the word “fishery” in section 2 of this Act;
- (b) a fishery management area or a managed fishery;
- (c) an aquatic life or a marine reserve or a protected area.

(2) This section does not apply to shrimp farming in any area of Belize.

47.-(1) The Minister, upon declaring any area, place or waters to be a fishery, fishery management area, managed fishery, aquatic life or marine reserve or protected area under section 46 (1) of this Act, may make Regulations governing the management and development of such area, place or waters.

Regulations governing fisheries, managed fisheries, reserves and protected areas.

(2) The purpose of Regulations made under this section shall be to conserve, enhance, protect, utilize, and manage within that area, place or waters, fish and aquatic life resources in order to,

- (a) promote, develop and maintain commercial fishing;
- (b) provide for optimum yields from a fishery and maintain the quality of the yield;
- (c) to ensure that the fisheries of Belize are not over-exploited;
- (d) encourage tourist and scientific research in fish and aquatic life;

- (e) ensure that the habitats of fish or aquatic life and the general environment are not detrimentally affected by the optimum carrying capacity.

(3) Regulations made under this section may divide the area, place or waters to which they apply into zones, and prohibit the taking of fish or aquatic life in all or parts of such zones.

(4) Without prejudice to the generality of subsection (2) and subsection (3) of this section, regulations made under this section may also provide for,

- (a) the designation of zones within the area, place or waters where, and the periods when, fishing for certain species of fish or aquatic life shall be prohibited or restricted, or permitted only by specified types of boats or by holders of specified licences or by specified methods or techniques of fishing, or with specified types or quantities of fishing gear, or subject to such other conditions as may be specified;
- (b) specify the species or types of fish that may or shall not be taken and the restrictions, if any, that apply in relation to the taking of any species of fish;
- (c) specify the number of licences that may be issued in relation to the area, place or waters, and prohibit or regulate the transfer of licences;
- (d) determine a quota or allowable catch for the area, place or waters, or for any designated zone therein, for all fish or aquatic life, or for any designated species or type of fish or aquatic life;
- (e) authorise the type of fishing which may be conducted in each zone, the persons who may conduct the fishing, the method or technique of fishing to be used and the allowable catch or quota allowed;

- (f) set limits as to size, numbers, weight, sex, or other factors, on any species or class of fish or aquatic life that may be taken;
- (g) establish a regulatory system for limiting access to the area, place or waters based on the payment of fees;
- (h) provide for offences and penalties in respect of contraventions, notwithstanding anything to the contrary in the Interpretation Act, Cap. 1, to amounts not exceeding ten thousand dollars or to imprisonment for periods not exceeding five years;
- (i) establish guidelines, procedures, and approval of scientific research, demonstrations, constructions, development, including recreational and other similar activities;
- (j) contain any other provisions necessary or desirable for the conservation, management and control of the area, place or waters, governed by the regulations.

(5) This section does not apply to shrimp farming or any activities related thereto in any area of Belize.

48.-(1) Notwithstanding anything to the contrary in this Act or in any other law, the Authority may by Order published in the *Gazette*,

General power of the Authority to prevent the taking of fish or aquatic life.

- (a) declare a period or periods during which the taking of fish or aquatic life or fish or aquatic life of a particular species, sex, size, age or other characteristic specified in the Order is prohibited;
- (b) declare that the taking of fish or aquatic life or fish or aquatic life of a specified species, sex, size, age or other characteristic specified in the Order is prohibited;
- (c) declare an item of fishing gear or equipment to be a prohibited item not to be used for fishing;

- (d) declare restrictions relating to,
 - (i) the size;
 - (ii) the design;
 - (iii) the construction materials;
 - (iv) the quantity; or
 - (v) such other specifications as the Authority thinks fit,

of fishing gear or equipment to be used in or in connection with the taking of fish or aquatic life, or fish or aquatic life of a particular species.

(2) An Order made by the Authority under subsection (1) shall be approved by the Minister before it comes into force.

(3) An Order made by the Authority under subsection (1) of this section, may apply generally to the whole of Belize or to an area specified in the Order.

49.-(1) If at any time an emergency occurs that, in the opinion of the Minister made on the advice of the Authority endangers or may endanger stocks of fish or aquatic life, or any species or class of fish or aquatic life, the Minister may, by Order published in the *Gazette*,

- (a) prohibit all or any fishing in respect of the stocks of fish or aquatic life, or the species or class of fish or aquatic life;
- (b) restrict the number of boats used in relation to fishing the fish or aquatic life;
- (c) restrict the amount of the fish or aquatic life that may at any time be taken;

Restrictions in cases of emergency.

- (d) restrict the quantity, amount or type of fishing gear or equipment used to take the fish or aquatic life;
 - (e) restrict the fishing techniques or methods used to take the fish or aquatic life
- (2) An Order made under subsection (1) of this section shall,
- (a) contain brief reasons for the prohibitions or restrictions therein imposed;
 - (b) remain in force for a period of thirty days but may from time to time be amended, revoked or renewed by the Minister by similar subsequent Order;
 - (c) be subject to negative resolution by the House of Representatives.

PART VIII

Aquaculture Licences, Permits, Records and Returns, Regulations, Research and Development of Fisheries

50.—(1) Subject to this Act, a person shall not, unless that person does so under and in accordance with a licence granted under the Act,

Taking fish or aquatic life without a licence prohibited.

- (a) sell live aquatic life, live fish, or any live eggs, fry, spat or larva of fish;
- (b) process for sale or sell aquatic life or fish, or eggs, fry, spat or larva of aquatic life or fish;
- (c) take any other action where the action is prescribed under Regulations made under this section as being able to be taken only by the holder of a licence.

(2) Any person who contravenes subsection (1) of this section, commits an offence.

(3) Nothing in this section applies to the taking of fish or aquatic life by a person for subsistence or personal use only, and not for the purposes of sale, within such limits, if any, relating to numbers, quantity, size, weight, methods, types and amounts of fishing gear, and periods of time (including closed and open seasons), as may be prescribed for any such fish or aquatic life by the Authority by Regulations made under this section.

Type of licences.
-licences to fish.

51.-(1) No person shall use or employ any boat in commercial fishing unless there is in force in respect of such boat a “licence to fish” issued under the provisions of any Regulations made under this Act.

(2) For the purposes of this section, a person shall be deemed “to use or employ a boat” (notwithstanding the fact that he is not an owner, employer or master thereof) if he plays any part or assists or in any way contributes to or acts in furtherance of the use to which the boat is put, whether as a member of the crew or otherwise.

(3) In any proceedings under this section it shall be presumed, until the contrary is proved, that the boat was at the material time being used or employed in commercial fishing.

-fishermen’s
licence.

(4) No person shall engage in commercial fishing or be engaged or employed in or on any boat while in use for commercial fishing unless he is the holder of a valid “fisherman’s licence” issued under the Regulations made under this Act.

-scientific/re-
search licence.

(5) No person shall conduct or be engaged or employed in any scientific or research operations in any water or waters to which this Act applies which involve the taking, killing or capturing of any fish, or any interference or disturbances of fish, or with the seabed, unless there is in force in respect of such operations a licence granted under the Regulations made under this Act.

-exporter’s
licence.

(6) Subject to subsection (7) of this section, no person shall export attempt to export or purchase with a view to export any fish unless he is the holder

of a valid fish exporter's licence issued under the Regulations made under this Act.

(7) No fish exporter's licence referred to in subsection (6) of this section shall be required by a person who purchases any fish from a duty-free shop, provided the quantity of such fish does not exceed twenty pounds.

(8) Any person, corporation or other body desirous of selling fish from a duty-free shop shall, before selling any fish, obtain a licence from the Authority which may grant such licence subject to such terms and conditions as it may think fit and on the payment of such fees, if any, as may be prescribed by Regulations made under this Act.

-licence to duty free shop to sell fish.

(9) The owner or manager of every duty-free shop licensed to sell fish under subsection (8) of this section, shall keep a record of every such sale and shall submit a monthly statement to the managing Director, with a copy to the Comptroller of Customs, by the fifteenth day of every month, showing the total amount of fish sold during the preceding month.

(10) Any person desirous of engaging in aquaculture shall apply for a licence to the Authority and the Authority may issue a licence to such person subject to any terms and conditions as may be specified in Regulations made for that purpose by the Authority under this section.

-aquaculture licence.

(11) Subsection (10) of this section, applies to all activities related to aquaculture except shrimp farming.

52.-(1) The Authority may, with the approval of the Minister, make Regulations governing the issuance of licences.

Regulations in respect of licences.

(2) Without prejudice to the generality of subsection (1), Regulations made under this section may provide for,

- (a) the officer of the Authority authorized to issue licences;
- (b) the fees payable upon the issuance of each class of licence;

- (c) additional types or classes of licences which may be issued under this Act;
- (d) the qualifications needed by an applicant for a licence or a class of licence;
- (e) the duration of each licence or class of license;
- (f) the terms and conditions which may be attached to each licence;
- (g) renewal and transfer of licences;
- (h) a requirement for licence holders to supervise the activities for which the licence was granted;
- (i) the cancellation or suspension of licences;
- (j) penalties for contraventions of the Regulations, notwithstanding anything to the contrary in the Interpretation Act, Cap. 1, by a fine not exceeding eight thousand dollars or by imprisonment for a term not exceeding three years.

(3) Regulations made under this Act, a person shall be subject to negative resolution by the House of Representatives.

Permits.

53.—(1) Subject to this Act, a person shall not, without a permit issued by the Authority under Regulations made for that purpose,

- (a) possess or sell noxious fish or noxious aquatic life;
- (b) cause or permit a shock, sound, or other vibration, whether by percussion, the use of an explosive, or otherwise, where an effect of the shock, sound, or vibration is, or may be, that fish or aquatic life is stunned, injured, killed, or detrimentally affected;

- (c) use an electric fishing device;
- (d) directly or indirectly introduce, cast, place, discharge, or allow to fall, flow, or percolate or be carried by the wind, tide, or current a poisonous, toxic, narcotic, noxious, or other substance (including heavy metal or solid debris) into Belizean waters where an effect of the substance is, or may be, that fish or aquatic life are stunned, injured, killed or detrimentally affected, or the habitats, food or spawning grounds of such fish or aquatic life are detrimentally affected.

(2) Any person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of not less than three thousand dollars but which may extend to five thousand dollars, or to imprisonment for a period of not less than one year but which may extend to five years.

54. The Authority shall maintain or cause to be maintained a Register or Registers which shall contain particulars of licences, licensees and of the issuance, renewal, variation of any terms and conditions, duration, expiry, transfer (in whole or in part, temporarily or permanently), suspension or cancellation of licences and permits.

Registers of licences and permits.

55.-(1) Every holder of a licence or permit, and every owner or person in charge of premises where fish or aquatic life are received, bought, processed, stored, sold by wholesale or are otherwise disposed of and every master of a vessel holding a fishing licence, shall,

Records and returns.

- (a) keep, in a manner and form specified from time to time by the Authority by Regulation made under this section, such documents and records as the licensee, master, owner, or other person may be required to keep by the Authority; and
- (b) supply to the Managing Director, within such time and in such manner and form as the Managing Director may specify, such accounts, records, returns and information.

(2) Except in respect of a prosecution under this Act or where a court of competent jurisdiction so directs, no return made or information given pursuant to subsection (1) of this section, shall be released to any person not authorised by the Managing Director in that behalf, whether employed by or within the Authority or not.

(3) No return made or information given pursuant to subsection (1) shall, except with the written permission of the person making the return or giving the information, be published in any form unless aggregated so that specific identities of persons or businesses are not revealed.

56.—(1) Every person commits an offence who,

- (a) fails to provide any accounts or records, or neglects or refuses without lawful excuse (the proof whereof shall be on him) to furnish any accounts, records, returns or information when lawfully requested to do so under this Act.
- (b) makes any false or misleading statement or any material omission in any communication, application, record, account, or return made, kept or provided for the purposes of this Act;
- (c) except for the purposes specified in section 55(2) of this Act, fails, neglects or refuses to keep secret the contents of any return or information furnished for the purposes of this Act.

(2) Every person who contravenes subsection (1) of this section, is liable on summary conviction to a fine of not less than three thousand dollars but which may extend to ten thousand dollars, or to imprisonment for a period of not less than one year but which may extend to three years.

(3) For the purposes of this Part, the Managing Director, shall

- (a) hold all records and papers that could be the subject of an offence under subsection (1) of this section, under his custody;

Neglect or refusal to supply particulars, and improper divulging of information.

- (b) ensure that no employee of the Authority or other person sees them or learns of their contents unless it is necessary or desirable to do so for the purposes of the administration of this Act or of prosecuting a person for an offence against this Act.

(4) Without limiting the generality of subsection (3) of this section, and for the avoidance of any doubt, the Managing Director shall not allow a person to see such record, paper or information, or to learn the contents thereof only because that person is,

- (a) a Minister or a member of the National Assembly;
- (b) a public officer;
- (c) performing a judicial or administrative function.

57.—(1) In this section, “Minister” means the Minister responsible for Natural Resources.

Leases of national land for aquaculture purposes.

(2) A person may apply to the Minister for a lease of national land for the purposes of aquaculture, and the Minister may, if satisfied that an aquaculture licence will be granted by the Authority under this Act, grant a lease under the National Lands Act, Cap. 191, for the purposes to which the licence relates and subject to such terms, conditions, reservations, and covenants as specified under this Act.

(3) In considering an application made under subsection (2) of this section, the Minister may call for a report from the Authority and for this purpose the Managing Director may require the applicant to furnish such information as the Managing Director thinks fit and the applicant shall be required to comply.

(4) A lease granted pursuant to this section does not of itself confer on the lessee the right to exclude a person from passing over the surface of any water, but the conditions of the aquaculture licence may require or authorise the lessee to mark out a lease or part thereof that indicates that passage through that area is restricted or prohibited.

(5) The Minister shall not,

- (a) refuse or fail to renew a lease; or
- (b) forfeit or otherwise terminate the lease;

unless he has given to the lessee reasonable notice of his intention to do so.

(6) In subsection (5) of this section, the expression “reasonable notice” means two years or such less notice as, in the opinion of the Minister, is fair to the lessee, having regard to what the lessee has on the leased area or elsewhere.

(7) Notwithstanding subsection (5) of this section, the Minister may forfeit or otherwise terminate a lease forthwith if the aquaculture licence held by the lessee is cancelled or surrendered.

(8) A Designated Officer may at any time enter on the leased land for the purposes of giving effect to this Act.

58.—(1) The Authority may, with the approval of the Minister, make Regulations,

- (a) providing for the issue, refusal, variation, suspension, sale, revocation, forfeiture and renewal of aquaculture licences and the terms and conditions applicable to such licences, including lawful methods of aquaculture farming;
- (b) regulating the stocking of fish and aquatic life on aquaculture farms and regulating the taking of live fish or aquatic life for that purpose;
- (c) regulating the removal and disposal of waste matter from any area used for aquaculture;
- (d) regulating the types of food that may be fed to fish and aquatic fish on aquaculture farms;

Special Regulations relating to aquaculture.

- (e) regulating the processing or any farmed fish or aquatic life or their sale or other disposal or possession.

(2) Section 57 of this Act and this section do not apply to shrimp farming.

59.-(1) The Authority may, after prior consultation with the Minister, from time to time enter into agreement with any person or academic institution for the purposes of research or development work on fishery resources; and any such agreement or arrangement may include the use of facilities owned by that person, institution, the Authority or the Government.

Research and development agreements.

(2) An agreement or arrangement entered into under this section may permit the person or institution to take fish or aquatic life that the person or institution would not otherwise be entitled to take from any waters (including waters where fishing may for the time being be lawfully prohibited or restricted) and using fishing gear or equipment or techniques the use of which may otherwise be lawfully prohibited or restricted, and may permit the person or institution to retain that fish or aquatic life or any other fish or aquatic life taken by the person or institution pursuant to the agreement or arrangement.

PART IX

Offences and Penalties

60.-(1) Every person commits an offence who acts in contravention of or fails to comply with any provision of this Act or Regulations and Orders made thereunder or any direction, restriction, requirement, or condition given, made, or imposed under this Act or such Regulations or Orders.

General offences and penalties.

(2) A person who commits an offence against this Act or against Regulations or Orders made thereunder for which no specific penalty is provided shall be liable, notwithstanding anything to the contrary in the Interpretation Act, Cap. 1, to a fine not less than two thousand dollars but

which may extend to fifteen thousand dollars or to imprisonment of not less than one year, but which may extend to five years, or to both such fine and period of imprisonment.

Defences

61. It is a defence to a prosecution for an offence referred to in section 60 of this Act if the defendant proves on a balance of probabilities that,

- (a) any contravention or failure to comply constituting the offence occurred in an emergency and was necessary to preserve life or prevent injury or to protect property in the defendant's possession;
- (b) the defendant did not intend to commit the offence, and that,
 - (i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or
 - (ii) in any case where it is alleged that anything prohibited was done, that the defendant took all reasonable steps to ensure that it was not done; and
- (c) any contravention or failure to comply constituting the offence was authorized by being,
 - (i) in the exercise of a right granted or recognized by law;
 - (ii) in execution of the law or in obedience to, or in conformity with, the law;
 - (iii) in obedience to the order of a competent authority whom the defendant is bound by law to obey unless the order is manifestly unlawful (the determination of which is a matter of law); or

- (iv) pursuant to an authority, permission, or licence lawfully granted.

62.-(1) A person commits an offence who,

Obstructing Designated Officers.

- (a) resists or obstructs, or incites or encourages any other person to resist or obstruct, any Designated Officer while in the execution of the Designated Officer's powers or duties, or any person lawfully assisting the Designated Officer; or
- (b) uses threatening language or behaves in a threatening manner towards any Designated Officer while in the execution of the Designated Officer's powers or duties, or any person lawfully assisting the Designated Officer;
- (c) fails to comply with the lawful requirements of any Designated Officer;
- (d) furnishes to any Designated Officer any particulars which are false or misleading in any material particular;
- (e) personates or falsely claims to be a Designated Officer, or falsely claims to be a person lawfully assisting a Designated Officer.

(2) For the purposes of subsection (1) of this section, a person who refuses to allow a Designated Officer, or any person lawfully assisting the Designated Officer, to exercise any of the powers conferred on the Designated Officer by or under this Act shall be deemed to be obstructing the Designated Officer or the person assisting the Designated Officer.

(3) Any person who contravenes subsection (1) of this section, shall be liable on summary conviction to a fine of not less than one thousand dollars but which may extend to two thousand dollars, or to imprisonment for a period of not less than one year but which may extend to two years, or to both such fine and period imprisonment.

Liability of owner or person in control of a boat.

63.—(1) A person who is the owner of or person in control of a boat shall not allow the boat or an item of fishing gear or other equipment on or used with the boat to be used by a person unless the owner or person in control of the boat, as the case may be, knows the purpose for which that person wishes to use it and is satisfied that that person may lawfully use it for that purpose.

(2) Any person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or to imprisonment for a period of not less than one year.

Falsely identifying fish, etc., for sale.

64.—(1) A person shall not sell any fish or aquatic life or product containing fish or aquatic life in circumstances where the buyer may be deceived as to the true identity of the fish or aquatic life.

(2) A person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction,

- (a) for a first offence, to a fine of not less than three hundred dollars and not more than five hundred dollars, or to imprisonment for a period of six months;
- (b) for a second or subsequent offence, to a fine of not less than five hundred dollars but which may extend to one year, or to imprisonment for one year.

Buying, selling, or possessing fish unlawfully, etc.

65.—(1) A person commits an offence who buys, sells or has in possession any fish or aquatic life taken in contravention of this Act or any Regulations or Order made thereunder.

(2) For the purpose of this section, fish or aquatic life shall be deemed to be sold if it forms part of a meal for which payment for that meal or any part of the meal is made or which is supplied to any person (whether in accordance with the terms of a contract of service or otherwise) who is employed by the person by whom the meal is supplied.

(3) A person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction to a fine of three hundred dollars or to imprisonment for a period of three months.

66.-(1) In this section, “licensed area” means land, premises, or waters to which an aquaculture licence relates.

Offences relating to aquaculture.

(2) A person commits an offence who, without lawful authority,

- (a) enters a licensed area that has been marked under section 57(4) of this Act;
- (b) takes fish or aquatic life in a licensed area;
- (c) removes, destroys, damages, or interferes with a beacon, buoy, mark, light, signal, raft, structure, or implement used in relation to a licensed area;
- (d) removes diseased or contaminated fish or aquatic life from a licensed area; or
- (e) does any act which causes damage in a licensed area.

(3) A person who contravenes subsection (2) of this section, commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year.

67.-(1) A Designated Officer may serve an infringement notice on a person if it appears to the Designated Officer that the person has committed an offence against this Act.

Infringement offences and notices.

(2) An infringement notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may, within the time and to the person specified in the notice, pay the prescribed penalty for the offence, and shall contain a statement that if the person pays such a penalty, all fish or fishing gear or equipment seized by the Designated Officer in respect of the matter shall stand forfeited to the Authority.

(3) If the prescribed penalty for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(4) Payment under this section is not to be regarded as an admission of liability for the purposes of, nor in any way to affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

(5) The penalty prescribed for an infringement offence shall not exceed the maximum penalty that could be imposed by a court for the offence.

(6) An infringement notice may be withdrawn, whether or not the prescribed penalty has been paid, at any time within twenty-eight days after the service of the notice, by the sending of a notice signed by a Designated Officer to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn and, in that event, the amount of the prescribed penalty that has been paid shall be refunded.

(7) Where a prescribed penalty has been paid in pursuance of an infringement notice and the notice has not been withdrawn as provided by subsection (6) of this section, proceedings shall not be brought against any person with respect to the offence alleged in the notice.

68. A complaint for an offence against this Act may be brought at any time within twelve months from the time when the matter of the complaint arose or the matter comes to the attention and knowledge of the Authority, whichever occurred later.

69.—(1) In a prosecution for an offence against this Act or any Regulations or Orders made thereunder,

- (a) as to a matter specified in subsection (2) of this section;
- (b) made by notice in writing and certified by the Managing Director; and
- (c) served on the defendant,

Limitation of time
for complaints.

Averments and
evidence.

shall, in the absence of proof to the contrary, be sufficient evidence of the matter averred.

(2) An averment may be made under this section in relation to the following,

- (a) the latitude and longitude of a place;
- (b) the distance of a place from another place;
- (c) that a person or thing was at a stated place, or within a stated latitude and longitude, at a stated time, or at the time of the taking of a stated action or the occurrence of a stated event;
- (d) an entry in a register kept under section 54 of this section;
- (e) that a place is within a fishery management area, managed fishery, protected area, or an aquatic life or marine reserve;
- (f) that an act alleged to have been done was done within an area of waters which had been declared to be closed or restricted under this Act;
- (g) that an area of water is water above or below the tidal limit; or
- (h) the identity of fish or aquatic life or of a substance contained in a product made from or containing fish or aquatic life, or used in the processing of fish or aquatic life.

(3) An averment shall not be evidence for the purposes of this section unless a copy of the averment has been served on the defendant or the defendant's agent or attorney-at-law not less than seven days before the hearing at which the averment is to be tendered.

(4) The court shall take judicial notice of the official signature of a person who holds or has held the office of the Managing Director and a certificate under subsection (1) of this section, purporting to be signed by the Managing Director shall be *prima facie* evidence of that fact without proof of the signature of the person appearing to have signed it.

(5) The court may, if amendments can be made without hardship or injustice to the defendant, allow at the hearing of proceedings such amendments to be made to an averment under this section as appear to it to be desirable or to be necessary to enable the real question in dispute to be determined.

(6) Evidence that fish or aquatic life (other than commercially processed fish or aquatic life) was under the control of a person,

(a) in a vessel or in a vehicle that contained fishing gear;
or

(b) in or in the vicinity of water or swamp,

is evidence that the person took the fish or aquatic life.

(7) Where evidence is given that a person had under the person's control,

(a) in a vessel; or

(b) in or in the vicinity of water or swamp,

fishing gear that could not lawfully be used for fishing at that place at that time in a normal way in which the gear is commonly used and a Designated Officer satisfies the court that the officer reasonably suspected that the person used the gear at that place at that time for fishing, then the evidence is evidence that the person used the gear for fishing at that place at that time.

(8) Evidence that fish or aquatic life was on display in a shop is evidence that the fish or aquatic life was offered for sale.

70. Where a body corporate is found guilty of an offence against this Act, every Director and every person concerned in the management of the body corporate shall be guilty of a like offence if it is proved that the act or omission that constituted the offence took place with the person's authority, permission, or consent, or that the person knew the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

Liability of Directors, Managers, and Licensees

71.-(1) Notwithstanding anything in this Act or in any other law, where an assistant or any employee or agent of a licensee is found guilty of an offence against this Act in respect of operations in relation to the licence, the licensee is, subject to subsection (2) of this section, guilty of the same offence.

Vicarious liability for offence of others.

(2) It is a defence to a prosecution for an offence by the licensee that is referred to in subsection (1) of this section, if the licensee establishes that he took all reasonable precautions to prevent commission of the offence by his assistant, employee or agent.

72.-(1) On the finding of guilt of any person for any offence against this Act any vessel, vehicle or other conveyance, fishing gear, implement, appliance, material, container, goods, or equipment used in respect of the commission of the offence and any fish or aquatic life in respect of which the offence has been committed, whether or not they have been seized, taken possession of, detained, or released and any proceeds from the sale of such property shall stand forfeited to the Authority.

Forfeiture of property on finding of guilt.

(2) A person whose property has been forfeited to the Authority under subsection (1) of this section or a person who immediately before the forfeiture, had a legal or equitable interest in such property may apply to the Managing Director within thirty days after a finding of guilt for the sale of the property so forfeited; and the Managing Director may order the sale to the applicant of the property on payment to the Authority of such amount as the Managing Director thinks appropriate, being an amount not exceeding the estimated market value of the property.

(3) Any forfeiture directed or payment imposed under this section shall be in addition to, and not in substitution for, any other penalty that may be imposed by the court or by this Act.

(4) Subject to subsection (2) of this section, where fish or aquatic life or fishing gear is seized under this Act and a person pays an infringement penalty that has not been refunded to him in respect of the alleged offence to which the fish, aquatic life or gear relates, the fish, aquatic life or fishing gear is, withstanding that no conviction is entered against the person, forfeited to the Authority.

PART X

Powers of Designated Officers of the Authority

Designated Officers.

73.—(1) The Authority may, in writing, designate officers of the Authority to administer and enforce the provision of this Act.

(2) Designated Officers and any other person designated by the Authority for that purpose shall have power to do all that is necessary for the effective carrying out of the provisions of this Act and any Regulations, Orders, directions and restrictions made or issued thereunder.

Power to question and examine.

74.—(1) Subject to section 76 of this Act, a Designated Officer may for the purposes of assisting in the conservation or management of a fishery or for the enforcement of this Act or any Regulations or Orders made thereunder, at all reasonable times without warrant,

- (a) stop, enter and examine any vehicle or vessel or enter and examine any premises or place or detain and examine any record, document, article, fishing gear, container, apparatus, or device, or open and examine the contents of an unlocked container, cupboard, drawer, chest, trunk, box, cage or other receptacle;
- (b) require a person to unlock a vehicle, vessel, premises, or place, or a locked container, cupboard, drawer, chest, trunk, box, cage or other receptacle, if the person is the owner of, or is in possession of, or is the person who locked the item required to be unlocked, and is in the immediate vicinity;

- (c) question any person and require the master of a vessel, or any other person to give any explanation or information concerning that vessel or a vehicle, or any place, fish, aquatic life, fishing method, fishing gear, container, apparatus, record, document, article, device, or thing; and
- (d) require the persons mentioned in paragraph(c) to produce any permit, authority, licence, or certificate issued in respect of that vessel, vehicle, person, or thing, within seven days after the request and to produce forthwith evidence of the person's identity,

where that Designated Officer has reasonable grounds to believe that any person is or has been engaged in taking, possessing for sale, selling, or buying fish or aquatic life contrary to this Act.

(2) A person shall comply with and not contravene a requirement made under subsection (1)(b), (c) or (d) of this section.

75.-(1) Subject to section 76 of this Act, where a Designated Officer satisfied that there are reasonable grounds for suspecting offence against this Act has been, is being, or is about to be committed and whether after an examination under section 74 of this Act or otherwise, the officer may, without warrant,

Power to search.

- (a) enter, with such force as is reasonably necessary, at any time, any vehicle, vessel, premises or place and, for that purpose, stop and detain any vehicle or vessel;
- (b) search the vehicle, vessel, premises, or place and stop and detain any person found in or on them or it and any person whom the officer reasonably believes to be about to enter or to have recently left the vehicle, vessel, premises, or place;
- (c) break open and search any container, cupboard, drawer, chest, trunk, box, cage, package or other

receptacle, whether a fixture or not, in or on the vehicle, vessel, premises or place;

- (d) detain, remove, and secure any vehicle, vessel or fishing gear, or any plant, motor, appliance, fitting or equipment in, on, or attached to any vehicle, vessel, premises, or place, or any fish or aquatic life or other thing that is found on any vehicle, vessel, premises, or place if the officer has reasonable grounds for believing that it is evidence of or otherwise relates to an offence that has been, is being, or is about to be committed against this Act;
- (e) require the master or other person in charge of a vehicle or vessel to cause it to stop or to bring it to a place in Belize and to remain in control of it at that place until a Designated Officer permits the master or other person to depart from that place;
- (f) order a person to open a locked, barred or otherwise secured container, door, lid, drawer or other receptacle, or gate; and
- (g) take such action as is reasonably necessary to prevent the commission of an offence against this Act.

(2) A person shall comply with and shall not contravene a requirement made under subsection (1) (e) or (f) of this section,

Restrictions in use
of powers.

76.—(1) The powers conferred by sections 74 and 75 of this Act, to enter any premises or place without a warrant does not include power to enter a room that is used solely for domestic purposes.

(2) Nothing in sections 74 and 75 of this section, shall be construed so as to require any person to answer a question if the answer might tend to incriminate that person.

- (3) For the purposes of exercising a power of examination or search under section 74 or section 75 of this Act, a Designated Officer may,
- (a) order a person who is, or in the opinion of the Designated Officer appears to be, the master or other person in control of a vessel or vehicle to take an action, or to desist from an action, to facilitate the entering or boarding of the vessel or vehicle by the Designated Officer; or
 - (b) order a person who is, or in the opinion of the Designated Officer appears to be, in possession of fishing gear to remove the gear from the water so that the Designated Officer can inspect it.
- (4) A person shall comply with and shall not contravene an order given under subsection (3) of this section.
- (5) A Designated Officer lawfully exercising powers under section 74 or section 75 of this Act, may make or take copies of any relevant record of a document, and for this purpose may take possession of and remove from the place where it is kept, for such period of time as is reasonable in the circumstances, any such record or document.
- (6) Every person exercising a power conferred by section 74 or section 75 of this Act, shall produce evidence that the person is a Designated Officer to any person on or in the vehicle, vessel, premises, or place or claiming an interest in the things on or in respect of which the power is exercised, who questions the right of the Designated Officer to exercise those powers.
- (7) The production by a Designated Officer of an identity card issued under this Act or evidence that the officer is a member of the Police Department shall, until the contrary is proved, be sufficient authority to do anything which the officer is authorised by or under this Act to do.
- (8) A Designated Officer may, while exercising powers under this Act, be accompanied by any person, and may, if the officer reasonably believes that it is necessary in the circumstances, request any suitable person to assist the officer in exercising those powers.

(9) A person, while assisting a Designated Officer in response to a request for assistance under subsection (8), shall have and may exercise all such powers of a Designated Officer as are reasonably necessary for the purpose.

Power of seizure.

77.-(1) A Designated Officer may seize,

- (a) any vessel, vehicle or other conveyance, fishing gear, implement, appliance, material, container, goods or equipment which the officer believes on reasonable grounds is being or has been used or is intended to be used in the commission of an offence against this Act;
- (b) any fish or aquatic life which the officer believes on reasonable grounds are being or have been taken, killed, transported, bought, sold, or found in the possession of any person in contravention of this Act or any Regulations or Orders made thereunder, or any fish or aquatic life with which such fish or aquatic life have been intermixed.

(2) A vessel, vehicle or other conveyance, fish or aquatic life or other articles seized pursuant to subsection (1) of this section, shall be delivered into the custody of the Managing Director or to a person authorized by the Managing Director in that behalf.

(3) Notwithstanding subsection (2) of this section, a vessel, vehicle or other conveyance, fish or aquatic life or other article seized pursuant to subsection (1) of this section may, on application by the person from whom the vessel, vehicle or other conveyance, fish, aquatic life, or article was seized or, if that person is not the owner, by the owner, be released to that person or, as the case may be, to the owner, under such sureties and conditions, including the entering into of a bond or other financial security to secure the payment of money, as the Managing Director shall specify.

(4) Where, in the opinion of the Managing Director, any fish, aquatic life or other article seized pursuant to subsection (1) of this section may rot, spoil, or otherwise perish, the Managing Director may arrange for the sale of the fish, aquatic life, or other article, or may otherwise dispose of them as the Managing Director thinks fit.

(5) Where the ownership of any vessel, vehicle or other conveyance, fishing gear, implement, appliance, material, container, goods, equipment, fish or aquatic life, cannot, at the time of seizure, be ascertained, the property seized shall stand forfeited to the Authority and shall be disposed of as directed by the Authority after ninety days from the date of seizure if, within that time, it has not been possible after reasonable enquiry to establish the ownership of the property.

(6) All property seized pursuant to subsection (1) of this section and the proceeds from the sale of property pursuant to subsection (4) of this section, except where the property has been released pursuant to subsection (3) of this section or the property or proceeds have been forfeited to the Authority pursuant to subsection (5) of this section, shall be held in the custody of the Managing Director or an authorized person until,

- (a) a decision is made not to lay any complaint or charge in respect of the alleged offence for which the property was seized; or
- (b) where a complaint or charge is laid, upon the completion of proceedings in respect of the alleged offence for which the property was seized, or such sooner time as the court may determine.

(7) The decision whether or not to lay any complaint or charge in respect of an alleged offence for which any property is seized under subsection (1) of this section, shall be made no later than thirty days after the day on which the property is seized.

(8) Neither the Managing Director nor the Authority or any Director, employee or consultant thereof shall be liable to any person for any spoilage or deterioration in the quality of any fish or aquatic life or, subject to reasonable care being taken, any deterioration in any vessel, vehicle or other conveyance or other article seized under subsection (1) of this section.

(9) Subject to subsection (8) of this section, but notwithstanding any other provisions of this section, where property has been seized under subsection (1) of this section then,

- (a) on a decision being made not to lay a complaint or charge; or
- (b) on the acquittal of any person charged with an offence,

the property, or the proceeds from the sale of the property, shall forthwith be released from the custody of the Managing Director or authorized person to the person from whom they were seized or to their owner.

(10) A person convicted of an offence against this Act shall be liable to pay to the Authority the reasonable costs of handling, securing, maintaining, and storing property seized under subsection (1) of this section in relation to the offence, which costs may be assessed by the court and collected in like manner to a monetary penalty.

(11) Notwithstanding any other provision in this section, a Designated Officer who, at the time of seizure, returns to the water any fish or aquatic life seized pursuant to subsection (1) of this section, that the officer believes to be alive, shall not be under any civil or criminal liability to the person from whom the fish or aquatic life was seized in the event of a decision being made not to lay a complaint or charge in respect of the fish or aquatic life, or of the person being acquitted of the charge.

PART XI

Miscellaneous

Regulations.

78.—(1) Subject to this Act, the Authority may make regulations, not inconsistent with this Act, prescribing matters,

- (a) required or permitted to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

- (2) Without limiting the generality of subsection (1) of this section, the Regulations may make provision for or in relation to,
- (a) generally regulating fishing, the selling or trading of fish and aquaculture;
 - (b) prohibiting or regulating the taking (including declaring closed or open seasons), buying, selling, marketing, transporting, processing, preparing or offering for consumption in any public eating-house, acquiring, receiving, disposing of, or having in possession any fish or aquatic life;
 - (c) regulating the provision and maintenance of facilities on vessels, vehicles or other conveyances, or in premises, for the handling, transportation, preservation, preservation alive, storage, or storage in transit of fish, and prescribing measures to protect from sun, weather or contamination, any fish being handled or transported;
 - (d) regulating, prohibiting or prescribing the use, size, design, construction materials, or quantity of fishing gear;
 - (e) regulating the conduct of licensees, their employees, assistants or agents, lessees, and persons who process, carry, tranship, sell, or buy fish, or make, repair or sell gill nets;
 - (f) regulating the quantity of fish or aquatic life that may at any one time be on board a vessel, vehicle or other conveyance or that may be conveyed on any vessel, vehicle, other conveyance or animal, or kept in any container, package, or place, or in the possession of any person or of any prescribed number of persons;
 - (g) defining noxious fish, noxious aquatic life, exotic fish, and other types of fish;

- (h) prescribing standards of hygiene to be observed in the handling of fish or aquatic life;
- (j) requiring and authorising the provision and size of devices (including nets) and facilities to permit and control the passage of fish through or around any area, place or water;
- (k) prohibiting or regulating the possession, the retention in captivity, or the transfer to or release into any waters, of any fish;
- (l) authorising the Managing Director, subject to such conditions as may be specified in Regulations, to regulate the use of electric fishing devices for taking fish; and
- (m) prescribing offences and penalties in respect of contraventions and non-compliance with such Regulations, or with any notice, requirement, or direction given pursuant to such Regulations, and prescribing penalties therefore (notwithstanding anything to the contrary in the Interpretation Act) not exceeding twenty thousand dollars or five years imprisonment.

(3) Regulations made under this section shall come into force after approval by the Minister, and shall be subject to negative resolution by the House of Representatives.

(4) Regulations made under this section do not apply to shrimp farming.

79.—(1) Except where otherwise expressly provided, a reference in this Act or in Regulations or Orders made thereunder to the weight of fish or aquatic life shall be construed as a reference to the green weight of the fish or aquatic life, being the weight of the fish or aquatic life before any processing (other than freezing) commences and before any part of the fish or aquatic life is removed.

Conversion factors for green weight of fish.

(2) The Minister may, by Order in the *Gazette*, specify conversion factors which shall, for all purposes and in any proceedings for an offence against this Act, be used to determine the green weight of fish or aquatic life.

80.—(1) A notice may be served under this Act personally or by post.

Service.

(2) A notice sent by post and addressed to the recipient at the latest address for service known to the Managing Director shall be deemed to be served when, in the ordinary course of post, it is or ought to have been delivered to that address.

(3) A licensee or the owner of a boat with a fishing licence shall advise the Managing Director of any change in the licensee's or owner's address for service within seven days after the change.

81.—(1) The Authority shall be exempt from the payment of income tax and business tax, property tax, import duty and sales tax on all purchases, including but not limited to fuel purchases.

Exemption from taxes.

(2) All instruments executed on, by, or on behalf of the Authority shall be exempt from stamp duty.

82.—(1) The Fisheries Act, Revised Edition 1980-1990, is hereby repealed.

Repeals and savings.

(2) Notwithstanding the repeal of the said Act,

- (a) all Rules, Regulations and Orders made under the repealed Act, shall continue in force insofar as they are not inconsistent with the provisions of this Act and until repealed and replaced by Rules, Regulations and Orders made under this Act; and
- (b) every licence, permit or other document issued under the said Act and so issued shall, insofar as it is not inconsistent with the provisions of this Act, continue to be effectual for such period and subject to such terms and conditions as may be stated therein.