

CHAPTER 260.

FISHERIES.

*Ordinance
No. 39 of 1916.*

AN ORDINANCE TO REGULATE FISHING IN THE WATERS OF
THE COLONY.

[11th December, 1916.]

Short title. 1. This Ordinance may be cited as the Fisheries Ordinance.

Application of Ordinance. 2. This Ordinance shall extend to all rivers, whether tidal or otherwise, and all waters of the Colony within one marine league of the coast.

Regulations. 3. (1) The Governor in Executive Council may make regulations, which shall be published in the *Royal Gazette*, for all or any of the following purposes:—

- (a) For prescribing the size of mesh, form, and dimensions of nets or appliances for fishing, and for the manner of using the same;
- (b) For restricting the size of fish, crabs, shrimps, and turtles that may be taken, and prohibiting the sale or exposing for sale of such as are under such size as may be prescribed by the regulations;
- (c) To prevent the taking of fish, oysters, crabs, shrimps, and turtles at such times and within such areas as may be defined in the regulations;
- (d) For naming, and prescribing the duties of, persons authorized to see to the carrying out of the provisions of this Ordinance.

(2) Regulations made under this Ordinance shall not have any force or effect until they have been approved by the Legislative Council, and when so approved by resolution shall have the same force and effect as if they were contained in and formed part of this Ordinance.

4. (1) Any person acting in contravention of any regulation under this Ordinance shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months.

Penalty for breach of regulations.

(2) Such Magistrate, in his discretion, may also order any net or other appliance used in the commission of any offence to be forfeited to His Majesty.

5. Any person who uses poison of any description or any explosive with intent to stupefy, poison, take, or kill fish shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Use of poison or explosives.

6. (1) Any member of the Constabulary Force and any person authorized in any regulation made under this Ordinance may inspect and measure any fishing net which he may see in any part of the Colony, whether or not the same has been seen in actual use, and may, without warrant, enter into or upon any premises between the hours of seven o'clock in the morning and five o'clock in the afternoon in or upon which there shall be any fishing net visible, for the purpose of inspecting and measuring the same.

Inspection, seizure, and forfeiture of nets.

(2) Any such member of the Constabulary Force or person, if upon inspection he is of opinion that the construction of such fishing net contravenes the provisions of the law for the time being set forth in any regulation made under this Ordinance, may cause such net to be conveyed to the nearest convenient place where the same may be measured.

(3) If, on inspection or measurement, it be found that the construction of such net contravenes the law as aforesaid, it shall be seized and taken before a Magistrate, who, upon being satisfied of such contravention, shall declare the same to be forfeited; and it shall be lawful for the Magistrate to declare and order such forfeiture notwithstanding that no person shall have been charged, in relation to or in connection with such net, with having committed an offence against any regulation made under section 3 of this Ordinance.

(4) Where a net has been seized under this section, and no person, at the time of such seizure, is found in possession of the same, the order for its forfeiture shall not be declared by the Magistrate until the expiration of one month after its seizure, or until, before the expiration of such month, the owner or other person entitled to the possession of such net shall come forward to claim the same and shall have been given an opportunity of showing cause why it should not be forfeited.

(5) The Magistrate shall cause every fishing net forfeited as aforesaid to be delivered to the Constabulary for the purpose of being destroyed, and it shall be the duty of the non-commissioned officer in charge of the Constabulary Station where any such fishing net is delivered forthwith to destroy the same.

Offences
committed
at sea.

7. Any offence against this Ordinance or any regulation made thereunder committed at sea shall be deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.