

THE FISHING INDUSTRY ACT

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FISHING INDUSTRY

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SCHEDULE [*Deleted by Act 21 of 2015, Sch.*]

THE FISHING INDUSTRY ACT

[1st October, 1976.]

Acts
17 of 1975,
33 of 1991
S. 22,
21 of 2015
Sch.

Preliminary

1. This Act may be cited as the Fishing Industry Act.

Short title.

2.—(1) In this Act—

Interpretation.

“conveyance” includes a vessel, motor vehicle and any other means of transport;

21/2015
Sch.

“equipment” in relation to fishing, means any implement or other thing that can be used in the course of fishing, including any net, rope, line, float, trap, hook, tackle, winch, item, device, machine, spear gun, Hawaiian sling, underwater diving apparatus, gear, aircraft, boat or other craft carried on board a boat or other conveyance;

21/2015
Sch.

“fish” means any aquatic plant or animal, whether piscine or not, (including their eggs and all juvenile stages thereof) and by-products and includes any aquatic mammal;

21/2015
Sch.

“Fishery Inspector” means an individual who is—

21/2015
Sch.

- (a) a game warden approved as such under the Wild Life Protection Act;
- (b) a Marine Officer as defined in the Exclusive Economic Zone Act or the Maritime Areas Act;
- (c) an authorized officer under the Natural Resources Conservation Authority Act or the Aquaculture Inland and Maritime Products and By-Products (Inspection, Licensing and Export) Act;

- (d) a member of the Jamaica Constabulary Force or the Jamaica Defence Force;
- (e) any person designated as a Fishery Inspector by the Minister by notice published in the *Gazette*;

21/2015
Sch.

“fishing” means—

- (a) locating, catching, taking or harvesting of fish;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any radio beacons, fish aggregating devices or associated equipment;
- (d) any operation in support of or in preparation for any activity described in paragraph (a), (b) or (c); or
- (e) using an aircraft, a boat, submarine or any other conveyance in relation to any activity described in paragraph (a), (b), (c) or (d),

but does not include the locating, catching or taking of fish that are farmed in an aquaculture facility;

“fishing boat” or “boat” means any canoe, floating platform, decked boat, carrier vessel, vessel equipped with an outboard or an inboard motor, or other vessel used for the purpose of fishing;

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Sch.

“kraal” means a device of any construction, submerged within water and used to hold live fish;

“Licensing Authority” means the public officer designated by the Minister pursuant to section 4, and includes any person carrying out such functions of the Licensing Authority as may be assigned to such person;

“licensed fisherman” means a person licensed to fish pursuant to section 5;

“Minister” means the Minister for the time being responsible for fisheries.

Fishing Licences

3.—(1) Subject to subsection (2), after the expiration of thirty days from the commencement of this Act, no person shall, engage in fishing in Jamaica or, if a citizen of Jamaica, such areas outside Jamaica as may be prescribed, unless he is the holder of a valid licence issued by the Licensing Authority.

Prohibition
of fishing
without
licence.
Schedule.
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Sch.

(2) The Minister may, by order, subject to such terms and conditions as he may specify, exempt from the requirements of this section—

(a) persons who he is satisfied are engaged *bona fide* in research and who intend to fish only for scientific purposes;

(b) any other category of person specified in the order.

(3) Any person who contravenes the provisions of subsection (1) or who fails to observe any term or condition imposed by an order made under subsection (2) commits an offence and shall be liable—

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Sch.

(a) on summary conviction before a Resident Magistrate, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding two years;

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Sch.

(b) on conviction on indictment in a Circuit Court, to a fine or to imprisonment for a term not exceeding two years.

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Sch.

4. The Minister may designate by general notice a public officer as the Licensing Authority and such other public officers as he may think fit to assist the Licensing Authority.

Appoint-
ment of
Licensing
Authority
and
assistants.