

THE FISHING INDUSTRY ACT

ORDER
(under section 3 (2))

The Fishing Industry (Exemption) Order, 1976

L.N. 309A/76
168/77

ORDERS
(under section 18)

(Omitted)

ORDER
(under section 19)

The Fishing Industry (Declaration of Close Season) (Lobsters) Order,
1987

L.N. 123/87

[For subsequent Orders, please see Guide to Subsidiary Legislation.]

REGULATIONS
(under section 25)

The Fishing Industry Regulations, 1976

L.N. 390B/76
88/79
871A/82

The Fishing Industry (Conservation of Conch (Genus Strombus))
Regulations, 2000

L.N. 26/2000
Vide
L.N. 142c/2003

THE FISHING INDUSTRY ACT

ORDER
(under section 3(2))

THE FISHING INDUSTRY (EXEMPTION) ORDER, 1976

(Made by the Minister on the 24th day of September, 1976)

L.N. 309/76
Amdt:
L.N. 168/77

1. This Order may be cited as the Fishing Industry (Exemption) Order, 1976.

2. The persons named in the Schedule are, subject to such terms and conditions (if any) as are specified in the said Schedule, hereby exempt from the requirements of section 3 (1) of the Act. Schedule.

SCHEDULE (Paragraph 2)

Persons	Terms and Conditions
Every child under the age of sixteen	If accompanied by the holder of a valid licence issued pursuant to section 5 of the Act.
Any— (a) visiting consultant; (b) employee of a foreign or international agency, on attachment to the Fisheries Division of the Ministry of Agriculture	If accompanied by— (a) an officer of the Fisheries Division of the Ministry of Agriculture who is the holder of a valid licence issued pursuant to section 5 of the Act; or (b) an officer of the Fisheries Division of the Ministry of Agriculture to whom an exemption has been granted under section 3 (2) of the Act.

SL-14

THE FISHING INDUSTRY ACT

ORDER
(under section 19)

THE FISHING INDUSTRY (DECLARATION OF CLOSE SEASON) (LOBSTERS)
ORDER, 1987

(Made by the Minister on the 20th day of July, 1987)

L.N. 123/87

1. This Order may be cited as the Fishing Industry (Declaration of Close Season) (Lobsters) Order, 1987.
2. In respect of each year the period commencing on the 1st day of April and ending on the 30th day of June is hereby declared to be a close season for lobsters.

THE FISHING INDUSTRY ACT

REGULATIONS
(under section 25)

THE FISHING INDUSTRY REGULATIONS, 1976

*(Made by the Minister on the 24th day of September, 1976)*L.N. 309B/76
Amdts.
L.N. 88/79
87IA/82

1. These Regulations may be cited as the Fishing Industry Regulations, 1976.

2. In these Regulations—

“fishing equipment” includes outboard motor, life jacket, anchor, fishpot, the rope attaching the fishpot to the buoy, buoy, net, netrope, head rope, speargun and fins;

“port identification mark” means such marks as are prescribed and set out in the Second Schedule, being the marks in respect of which the port of origin of a registered fishing boat may be identified for the purpose of these Regulations.

Second
Schedule.

3. A distance of five hundred miles beyond the territorial sea of Jamaica shall be the area in which no person shall, using any of the methods specified in the Schedule to the Act, engage in fishing unless he is the holder of a valid licence issued pursuant to section 5 of the Act.

4.—(1) Any person wishing to obtain a licence to fish shall apply to the Licensing Authority in the form set out as Form A in the First Schedule.

First
Schedule.
Form A.

(2) A licence to fish granted by the Licensing Authority pursuant to section 5 (1) of the Act shall be in the form set out as Form B in the First Schedule.

Form B.

(3) A temporary licence to fish granted by the Licensing Authority pursuant to section 5 (3) of the Act shall be in the form set out as Form C in the First Schedule.

Form C.

(4) A fee of one dollar shall be payable to the Licensing Authority in respect of a temporary licence to fish granted by the Licensing Authority.

5.—(1) A register of all licences kept by the Licensing Authority pursuant to section 5 (5) of the Act shall have entered therein—

- (a) the date on which the grant of any licence is made;
- (b) the licence number;
- (c) the name and address of the licensed fisherman;
- (d) such other details, relevant to the grant of the licence, as, in the discretion of the Licensing Authority, are necessary for the proper recording of every licence granted.

First
Schedule.
Form D.

(2) Such register of all licences shall be in the form set out as Form D in the First Schedule.

6. The identification card which shall be carried by a licensed fisherman pursuant to section 7 (1) of the Act, shall be in the form set out as Form E in the First Schedule.

Form E.

7.—(1) Every application to the Licensing Authority to register a fishing boat pursuant to section 9 (1) of the Act, shall be in the form set out as Form F in the First Schedule.

Form F.

(2) A certificate of registration of a fishing boat, issued by the Licensing Authority shall be in the form set out as Form G in the First Schedule.

Form G.

8.—(1) A register of all fishing boats, kept by the Licensing Authority pursuant to section 10 (1) of the Act, shall have entered therein—

- (a) the date of registration of each fishing boat registered by the Licensing Authority;
- (b) the registration number assigned to each registered fishing boat;
- (c) the name (if any), class and colour of each registered fishing boat;
- (d) particulars of any licence granted to the owner of the registered fishing boat authorizing such boat to be used for fishing.

(2) Such register of all fishing boats shall be in the form set out as Form H in the First Schedule.

Form H.

9. Every application by a registered owner of a fishing boat, for a licence for such boat to be used for fishing pursuant to section 11 (1) of the Act, shall be made in the form set out as Form F in the First Schedule.

10.—(1) The registration marks of every registered boat shall—

- (a) consist of a port identification mark followed immediately

- by the registration number of the registered boat;
- (b) be made of red or orange luminous paint upon a white or black background;
 - (c) be displayed by the registered boat in such manner as is prescribed in paragraphs (2), (3), (4) and (5).

(2) Where a registered boat is a non-decked canoe, the registration marks of such boat shall be 20.23 centimetres (8 inches) in height and 2.54 centimetres (1 inch) in width, displayed on both sides of the bow.

(3) Where a registered boat is a decked canoe, the registration marks of such boat shall be 20.23 centimetres (8 inches) in height and 2.54 centimetres (1 inch) in width, displayed on both sides of the bow and on the deck.

(4) Where a registered boat is a fully decked vessel, the registration marks of such boat shall be 30.5 centimetres (12 inches) in height and 3.8 centimetres (1½ inches) in width, displayed on both sides of the bow and on top of the wheelhouse.

(5) Where a registered boat is a yacht, the registration marks of such boat shall be 30.5 centimetres (12 inches) in height and 3.8 centimetres (1½ inches) in width, displayed on both sides of the bow and on both sides of the mainsail.

11. Where a registered boat is a non-decked canoe it shall be equipped with—

- (a) an anchoring device;
- (b) at least one pair of oars;
- (c) at least one life jacket for each person to be carried thereon;
- (d) at least one cell battery operated electrical flashlight; and
- (e) at least two daylight distress flares and two night distress flares, at all times when such boat is in use for fishing.

12. Every item of fishing equipment shall, at all times when such equipment is being used for fishing, be identifiable by having attached or painted on it the registration number of the registered fishing boat by which it is being used or upon which it is being carried.

13.—(1) An appeal against a decision of the Licensing Authority, pursuant to section 16 of the Act, shall be made in writing to the Minister.

(2) Such appeal shall be commenced by a notice of appeal delivered to the Minister.

(3) A notice of appeal shall include—

- (a) the name, address and nationality of the appellant;
- (b) particulars of the decision of the Licensing Authority against which the appeal is made;
- (c) the grounds of appeal.

(4) On a notice of appeal being delivered to the Minister, the appellant may include any document, information, or correspondence, relevant to the appeal, which in the opinion of the appellant is likely to assist the Minister in coming to a decision on the appeal against the decision of the Licensing Authority.

(5) The Minister may request that the appellant deliver to him any document, information, or correspondence, relevant to the appeal, which in the opinion of the Minister is likely to assist him in coming to a decision on the appeal against the decision of the Licensing Authority.

(6) Upon failure, within a reasonable time, to comply with a request made by the Minister pursuant to paragraph (5), the Minister may proceed to consider the appeal made to him by the appellant and may make such decision as he may think fit.

14.—(1) No person shall—

- (a) catch and bring ashore, or destroy, any berried lobster;
- (b) catch and bring ashore, or destroy, any spiny lobster (*panulirus argus*) of carapace length of less than 7.62 centimetres (3 inches);
- (c) use for the purpose of any fishing any fry net, or any shove net, of any length exceeding 3.66 metres (12 feet).

(2) No person shall, for the purpose of any fishing, make use of any beach seine unless—

- (a) the mesh size of the bunt be 3.17 centimetres (1¼ inches) or more wide upon the bunt being fully stretched;
- (b) the mesh size of the corners be 4.43 centimetres (1½ inches) or more wide upon the corners being fully stretched;
- (c) the mesh size of the wings be 5.08 centimetres (2 inches) or more wide upon the wings being fully stretched.

15. If any person shall contravene the provisions of regulation 14, he shall be guilty of an offence and upon summary conviction before a Resident Magistrate be liable to a fine not exceeding five hundred dollars and in default thereof, to imprisonment for a term not exceeding six months.

THE FISHING INDUSTRY REGULATIONS, 1976

FORM B

(Regulation 4 (2))

Licence to Fish

The Fishing Industry Act

Licence No.....

PARTICULARS OF LICENCE

Name of Licensee.....

Address.....

Nationality..... Date of Birth.....

Expiry Date.....

Stamp..... Stamp.....

Expiry Date..... Expiry Date.....

Stamp..... Stamp.....

Licensing Authority, Jamaica

FORM C

(Regulation 4 (3))

No.....

Temporary Licence to Fish

The Fishing Industry Act

This is to certify that.....of

.....is hereby licensed to fish

for a period of.....with effect from.....

.....pursuant to section 5 (3) of the Act.

Licensing Authority

Date

FORM D

(Regulation 5)

Register of Licence to Fish

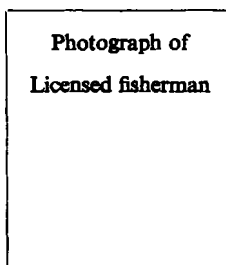
The Fishing Industry Act

Date	Licence No.	Name of Licensee	Address	Remarks

FORM E

(Regulation 6)

Fisherman's Identification Card



Name.....

Address.....

.....

.....
Licensing Authority

GOVERNMENT OF JAMAICA

FORM F

(Regulations 7(1) and 9)

Application to Register and Licence Fishing Vessel

The Fishing Industry Act

PARTICULARS OF BOAT			
Name	Class	Colour	Make and H.P. of engine
Tonnage	Range	Length	Beam
Type of fuel used	Type of operation to be carried out		Place usually moored
	Fishing	Carrying Other	

PARTICULARS OF OWNER		
Name	Nationality	Address

.....
Signature.....
Date

FORM F, contd.

For Official Use Only

Fishery Inspector's Report

Items		Comments	
Life Jackets			
Life Raft			
Distress Flares and Launcher			
Floating Rings			
Life Buoys			
Fire Extinguishers			
Transmitter-receiver			
Marine Compass			
Oars			
Oarlocks			
Sail			
Anchring device			
Fishery Inspector's Recommendations		Fee Collected	Receipt No.
		
		<i>Fishery Inspector's Signature</i>	<i>Date</i>
Registration Approved	Registration No.	Type of Registration	Licence No.
Yes () No ()			

Remarks

.....
Licensing Authority, Jamaica.

.....
Date

FORM G

(Regulation 7 (2))

Certificate of Negistration and Licence of Fishing Vessel

The Fishing Industry Act

Licence No.

PARTICULARS OF VESSEL

Name of Vessel

Type of Vessel

Dimensions

Colour

H.P. and Make of Engine

Tonnage

Registration No.

Type of Registration

Name of Owner

Address

CHANGE OF OWNERSHIP

Name

Date and Stamp

Address

Name

Date and Stamp

Address

RENEWALS OF LICENCE

Expiry Date

Stamp

Expiry Date

Stamp

Expiry Date

Stamp

[The inclusion of this page is authorized by L.N. 96/1977]

SECOND SCHEDULE

(Regulation 2)

FISHING PORT	PORT IDENTIFICATION MARK					
<i>Kingston and St. Andrew</i>						
Bull Bay	BB
Seven Miles	SM
Harbour Head	HH
Gunboat	GU
Port Royal	PR
Kingston	K
Rae Town (Paradise Street, Fleet Street, and Water Lane)	RT
Greenwich Town	GT
Hunts Bay	HB
<i>St. Catherine</i>						
Wreck Bay	WB
Old Harbour Bay	OHB
Passage Fort	PF
Port Henderson	PH
Hellshire	H
<i>Clarendon</i>						
Salt River	SR
Welcome	W
Mitchell Town	MT
Bournemouth	BM
Barnswell Dale	BD
Rocky Point	RP
Jackson Bay	JB
Carlisle Bay	CB
Beauchamp	BE
Farquhar (Alligator Hole)	F
<i>Manchester</i>						
Gutts River	GR
Hudson Bay	HD
Boiler Beach	BO
Alligator Pond (Top and Bottom Bay)	AP
<i>St. Elizabeth</i>						
Cutlass Hole	CH
Great Bay	GB
Calabash Bay	CA
Frenchman's Bay	FB
Billy's Bay	BI
Fort Charles	FC
Parottee	PT
Hodges	HG
Long Acre	LA
Black River (River Side and Heavy Sand)	BR

SECOND SCHEDULE, *contd.*

FISHING PORT							PORT IDENTIFICATION MARK
<i>Westmoreland</i>							
Scotts Cove	..	..	..	..	..	..	SC
Whitehouse (Gillings Gully)	..	..	..	..	..	..	WH
Broughton	..	..	..	..	..	..	B
Auchendown (Culloden)	..	..	..	..	..	..	A
Mount Edgecomb	..	..	..	..	..	..	ME
Market Beach	..	..	..	..	..	..	MB
Belmont	..	..	..	..	..	..	BL
Cave	..	..	..	..	..	..	C
St. Anne	..	..	..	..	..	..	SA
Smithsfield	..	..	..	..	..	..	S
St. Mary	..	..	..	..	..	..	ST. M
Hope Wharf	..	..	..	..	..	..	HW
Salmon Point	..	..	..	..	..	..	SP
Little Bay	..	..	..	..	..	..	LT
Revival	..	..	..	..	..	..	RV
Orange Hill	..	..	..	..	..	..	OH
Ironshore	..	..	..	..	..	..	I
Negril	..	..	..	..	..	..	NG
<i>Hanover</i>							
Bloody Bay	..	..	..	..	..	..	BY
Orange Bay	..	..	..	..	..	..	OG
Green Island	..	..	..	..	..	..	GI
Industry Cove	..	..	..	..	..	..	IC
Cousins Cove	..	..	..	..	..	..	CC
Lances Bay	..	..	..	..	..	..	LB
Haughton Court	..	..	..	..	..	..	HC
Lucea	..	..	..	..	..	..	LC
Johnson Town	..	..	..	..	..	..	JT
Elgin Town	..	..	..	..	..	..	E
Paradise	..	..	..	..	..	..	PD
Mosquito Cove	..	..	..	..	..	..	MC
Sandy Bay	..	..	..	..	..	..	SD
Hopewell (Orchard and Parkins)	..	..	..	..	..	..	HP
Great River (Rum Bottle Cove)	..	..	..	..	..	..	GTR
<i>St. James</i>							
Spring Garden	..	..	..	..	..	..	SG
Reading	..	..	..	..	..	..	RD
River Bay	..	..	..	..	..	..	RB
Whitehouse (Flanker)	..	..	..	..	..	..	WT
Success (Rose Hall)	..	..	..	..	..	..	SCS
Grange Pen	..	..	..	..	..	..	GE
Harvey's (Salt Spring)	..	..	..	..	..	..	HV
<i>Trelawny</i>							
Salt Marsh (Scarlett Hall)	..	..	..	..	..	..	SLM
Falmouth (Gentles, Seaboard St., and Charlotte)	..	..	..	..	..	..	FA
Rock	..	..	..	..	..	..	R
Cooper's (Good Hope)	CO
Darby (Stewart Castle and Silver Sand)	D
Braco	BC
Rio Bueno	RI

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SECOND SCHEDULE, *contd.*

FISHING PORT						PORT IDENTIFICATION MARK
<i>St. Ann</i>						
Old Folly (Alloah)	OF
Discovery Bay (Fort)	..	..	..	..	..	DB
Runaway Bay	..	..	..	..	..	RU
Salem	..	..	..	..	..	SL
Laughlands (Llandoverly)	..	..	..	..	..	L
Priory	..	..	..	..	..	PY
St. Ann's Bay	..	..	..	..	..	SAB
Mammee Bay	..	..	..	..	..	MMM
Ocho Rios (Sailors Hole)	..	..	..	..	..	OR
White River	..	..	..	..	..	WR
<i>St. Mary</i>						
Rio Nuevo	..	..	..	..	..	RN
Boscobel (Playboy Fishermen Beach, Salt Gut and Breakfast Gap)	..	..	..	..	..	BCB
Oracabessa (White and Magnus)	..	..	..	..	..	O
Pagee	..	..	..	..	..	PG
Mahoe Bay	..	..	..	..	..	MA
Carlton Beach	..	..	..	..	..	CL
Robins Bay	..	..	..	..	..	BO
Annotto Bay (Sea View)	..	..	..	..	..	AB
Stewart Town	..	..	..	..	..	ST
Dover (Windsor Castle)	..	..	..	..	..	DO
<i>Portland</i>						
Buff Bay	..	..	..	..	..	BF
Orange Bay (East and West)	..	..	..	..	..	OB
Hope Bay	..	..	..	..	..	HE
St. Margaret's Bay	..	..	..	..	..	SMB
Snow Hill	..	..	..	..	..	SH
Norwich	..	..	..	..	..	N
Port Antonio (East and West Harbours, Bryans Bay)	..	..	..	..	..	PA
Williamsfield (Turtle Crawl)	..	..	..	..	..	WF
Bottom Beach	..	..	..	..	..	BT
Drapers	..	..	..	..	..	DP
Fairy Hill	..	..	..	..	..	FH
Blue Hole	..	..	..	..	..	BU
Priestman's River	..	..	..	..	..	PMR
Boston	..	..	..	..	..	BS
Long Bay	..	..	..	..	..	LO
Divers River	..	..	..	..	..	DR
Sanaco Bay	..	..	..	..	..	SB
Manchioneal	..	..	..	..	..	M
Innes Bay	..	..	..	..	..	IB
Hectors River	..	..	..	..	..	HR
<i>St. Thomas</i>						
Holland Bay	..	..	..	..	..	HO
Rocky Point	..	..	..	..	..	RK
Dalvey	..	..	..	..	..	DV
Pera (Old and New)	..	..	..	..	..	PE

SECOND SCHEDULE, *contd.*

FISHING PORT							PORT IDENTIFICATION MARK
<i>St. Thomas, contd.</i>							
Port Morant	..	..	..	..	..	..	PM
Leith Hall	..	..	..	..	..	..	LH
Prospect	..	..	..	..	..	..	P
Lyssons	..	..	..	..	..	..	LY
Princess Margaret Hospital Beach	..	..	..	..	..	..	PMH
Morant Bay	..	..	..	..	..	..	MO
Duhaney Pen	..	..	..	..	..	..	DU
White Horses	..	..	..	..	..	..	WTH
Yallahs	..	..	..	..	..	..	Y
Green Bay	..	..	..	..	..	..	GN
Cow Bay	..	..	..	..	..	..	CW
Grants Pen	GP
Nine Miles	NM

[The inclusion of this page is authorized by L.N. 96/1977]

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THE FISHING INDUSTRY ACT

REGULATIONS
(under section 25)THE FISHING INDUSTRY (CONSERVATION OF CONCH (GENUS STROMBUS))
REGULATIONS, 2000*(Made by the Minister on the 20th day of March, 2000)*

L.N. 26/2000

1. These Regulations may be cited as the Fishing Industry (Conservation of Conch (Genus Strombus)) Regulations, 2000.

2. In these Regulations—

“50% cleaned conch” means conch that has been removed from the shell and has its viscera and operculum removed;

“commercial cold storage facility” means any premises, on shore or off shore, and includes vessels where conch meat is kept or stored for commercial purposes;

“conch meat” means processed or unprocessed conch and any derivatives thereof;

“eating establishment” means any place where conch is prepared or sold for human consumption and includes a mobile cart or unit, a roadside stand and a container in which conch is prepared;

“Fishery Management Area” means an area listed in the First Schedule in which the fishing of conch is monitored by the Licensing Authority;

First
Schedule.

“immature conch” means conch—

- (a) that has a shell the length of which is, from tip of the spire to the siphonal canal, less than 22 centimetres; or
- (b) that does not have a shell with a flared lip;

THE FISHING INDUSTRY (CONSERVATION OF CONCH (GENUS STROMBUS))
REGULATIONS, 2000

“Individual Conch Quota” means the maximum weight of 50% cleaned conch that may be landed by any licensed fisherman, as allocated to that fisherman by the Minister, at least thirty days prior to the end of the close season;

- “National Total Allowable Catch” means the maximum weight of 50% cleaned conch that may be landed by the aggregate of licensed fishermen, as determined by the Minister at least thirty days prior to the end of the close season.

3. The maximum weight of 50% cleaned conch which may be landed during the period outside of a close season for conch shall not exceed the National Total Allowance Catch.

4.—(1) The maximum weight of 50% cleaned conch which may be landed by a licensed fisherman in any one open season shall not exceed the Individual Conch Quota allocated to that licensed fisherman.

(2) A licensed fisherman who has been allocated an Individual Conch Quota shall be issued a certificate regarding such allocation.

(3) An Individual Conch Quota allocated to a licensed fisherman shall not be transferable and shall be valid for such period as is specified in the certificate referred to in paragraph (2).

5.—(1) Every licensed fisherman and every person in charge of a commercial cold storage facility, hotel or eating establishment which offers conch meat to its patrons, shall, in writing, declare to the Licensing Authority the level of processing and quantity of conch meat in their possession.

(2) A licensed fisherman shall give to the Licensing Authority the information required under paragraph (1) at least seven days prior to the commencement of each close season for conch.

(3) Subject to paragraph (4), a person in charge of a commercial cold storage facility, hotel or eating establishment shall give to the Licensing Authority the information required under that paragraph within seven days of the commencement of each close season for conch.

(4) A person in charge of a commercial cold storage facility shall, in addition to the information required to be given pursuant to paragraph (1), make further declarations to the Licensing Authority of—

- (a) the name, address and such other particulars as the Licensing Authority may require from time to time, which identify the persons for whom the conch meat is stored; and
- (b) the quantity and level of processing of any additional conch meat that he receives for storage in his facility during the close season for conch.

(5) Declarations in relation to the information specified in paragraph (4) (b) shall be made within seventy-two hours of the receipt of the conch meat.

(6) A declaration as to the level of processing of conch meat shall specify whether the conch is—

- (a) 50% cleaned;
- (b) 65% processed;
- (c) 85% processed;
- (d) 100% processed fillet;
- (e) ground conch;
- (f) of any other category specified by the Licensing Authority.

(7) The conversion factor used in ascertaining the level of processing shall be as specified in the Second Schedule.

Second
Schedule.

6.—(1) Subject to paragraph (2), no person shall sell, process or import conch meat during the close season for conch.

(2) Notwithstanding paragraph (1), where conch meat has been declared under regulation 5 to be in storage, that conch meat may be sold or processed during the first twenty-one days of the close season for conch.

7. A Fishery Inspector may at any reasonable time of day enter any processing plant, commercial cold storage facility, hotel or eating establishment or any other place in which conch meat is stored for the purpose of sale (hereinafter referred to as “prescribed premises”) and may—

- (a) inspect the prescribed premises;
- (b) examine any conch meat found thereon;
- (c) determine whether the Individual Conch Quota has been exceeded by any licensed fisherman;
- (d) remove any conch meat that is found thereon, of which the Licensing Authority has not been informed pursuant to regulation 5; and

- (e) take, where he considers it appropriate, such other steps as may be deemed necessary to prevent the sale of conch meat therefrom.

8.—(1) A Fishery Inspector may, where he has reasonable grounds for suspecting that any offence against these Regulations is being committed or is about to be committed on any prescribed premises—

- (a) enter, and remain upon such premises;
- (b) request any person in charge of or employed in such premises to furnish such information as the Fishery Inspector may require for the purposes of these Regulations; and
- (c) give such directions as he considers necessary to prevent the commission or further commission of an offence against these Regulations.

(2) Any person who—

- (a) refuses, neglects or fails to comply with any direction given to him by any Fishery Inspector; or
- (b) refuses, without reasonable cause, to give any explanation which he is required by any Fishery Inspector to give; or
- (c) assaults or obstructs any Fishery Inspector acting in the execution of his duty,

is guilty of an offence and is liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding five hundred dollars and, in default of payment, to imprisonment for a term not exceeding twelve months.

9. Where a Fishery Inspector is satisfied, pursuant to regulations 7 and 8 that—

- (a) the prescribed premises is in satisfactory condition; and
- (b) the storage of conch meat found thereon complies with the provisions of these Regulations,

he shall issue a certificate to that effect.

10. No person shall fish, collect, offer for sale or sell immature conch.

* 11. The Minister may at any time, by Order—

- (a) implement measures to conserve and manage the fishing of conch in any Fishery Management Area; and
- (b) prohibit fishing of conch in any Fishery Management Area for a specified period of time.

12. No person shall fish in a Fishery Management Area unless the Minister has declared that fishing may be allowed in that Area at that time.

13.—(1) Every licensed fisherman shall, using the relevant form specified in the Third Schedule, declare to the Licensing Authority, such information in respect of each catch conducted.

- L.N. 37B/2000

(2) Every person in charge of a processing plant shall declare to the Licensing Authority such information as is required using the relevant form specified in the Third Schedule.

Third
Schedule.

(3) The information received by the Licensing Authority pursuant to paragraphs (1) and (2) shall be used for the purposes of Fisheries Statistics.

(4) Any person who refuses, neglects or fails to comply with paragraph (1) or (2) is guilty of an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

14. Any person who contravenes any provision of these Regulations for which no penalty has been expressly provided shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

FIRST SCHEDULE

(Regulation 2)

Fishery Management Areas

The Island Shelf of Jamaica
Pedro Bank
Morant Bank
Formigas Bank
Henry Holmes Bank
Albatros Bank
Grappler Bank

SECOND SCHEDULE

(Regulation 5)

Conversion Factors

<u>Degree of Processing</u>	<u>Conversion Factor</u>
50%	1.0000
65%	1.1130
85%	1.2821
100%	1.4286

