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No. 5 of 2020

First Session Twelfth Parliament Republic of Trinidad and Tobago

SENATE

BILL

AN ACT to provide for long term sustainable fisheries in Trinidad and Tobago and to regulate fishing and fishing related activities in the fishery waters and in areas beyond national jurisdiction, to repeal the Fisheries Act, Chap. 67:51 and the Control of Importation of Live Fish Act, Chap. 67:52, and to amend the Tobago House of Assembly Act, Chap. 25:03, the Environmental Management Act, Chap. 35:05, the Marine Areas (Preservation and Enhancement) Act, Chap. 37:02, the Shipping Act, Chap. 50:10, the Archipelagic Waters and Exclusive Economic Zone Act, Chap. 51:06, the Conservation of Wildlife Act, Chap. 67:01, the Customs Act, Chap. 78:01, the Fish and Fishery Products Regulations, Chap. 30:01 and the Imports and Exports Control Regulations, 1941, and for related matters

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REPUBLIC OF TRINIDAD AND TOBAGO—2020

THE FISHERIES MANAGEMENT (NO. 2) BILL, 2020

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Fisheries Management (No. 2) Bill, 2020 (the Bill) seeks to make provisions for long term sustainable fisheries in Trinidad and Tobago and to regulate fishing and fishing related activities in the fishery waters and in areas beyond national jurisdiction.

The Bill would be required to be passed by a special majority of three-fifths of the members of each House as it would be inconsistent with sections 4 and 5 of the Constitution.

The Bill repeals the Fisheries Act, Chap. 67:51 and the Control of Importation of Live Fish Act, Chap. 67:52. It also amends the Tobago House of Assembly Act, Chap. 25:03, the Environmental Management Act, Chap. 35:05, the Marine Areas (Preservation and Enhancement) Act, Chap. 37:02, the Shipping Act, Chap. 50:10, the Archipelagic Waters and Exclusive Economic Zone Act, Chap. 51:06, the Conservation of Wildlife Act, Chap. 67:01, the Customs Act, Chap. 78:01, the Fish and Fishery Products Regulations, Chap. 30:01 and the Imports and Exports Control Regulations, 1941 (made pursuant to the Trade Ordinance, No. 19 of 1958).

The Bill contains 20 Parts, 242 clauses and a Schedule.

Part I (Preliminary) contains clauses 1 to 4.

Clause 1 of the Bill would provide for the short title of the Bill and would also provide for the coming into force of the proposed Act on the date fixed by the President by Proclamation.

Clause 2 of the Bill would provide that the Act shall have effect though inconsistent with sections 4 and 5 of the Constitution.

Clause 3 of the Bill would provide for the definition of terms, including the definitions of "fish", "Illegal, Unreported and Unregulated fishing" and "Tobago Fishery Waters".

Clause 4 of the Bill would provide for the scope of application of the Act as follows:

(a) fishing;

(b) fishing related activities, which include landing, transport, in transit transport, transshipment, processing, trade, bunkering, provisioning;

(c) fishery waters (from inland waters to Exclusive Economic Zone);

(d) areas beyond national jurisdiction (High Seas and waters under the jurisdiction of another State)–extra jurisdictional application; and

(e) persons, vessels, crafts and vehicles involved in fishing or fishing related activities—

i. persons: nationals of Trinidad and Tobago and non-nationals; and

ii. vessels: flagged by Trinidad and Tobago as well as foreign states.

Part II (Administrative Arrangements) contains clauses 5 to 20.

Clause 5 of the Bill would provide for the delegation of powers from the Minister to the Secretary, thereby giving the Secretary the responsibility for the management of Tobago Fishery Waters.

Clause 6 of the Bill would provide for fourteen (14) principles for decision-making by the Minister, Secretary, Director or Director -Tobago.

Clause 7 of the Bill would provide for the responsibilities of the Director with respect to the governance of fisheries in Trinidad.

Clause 8 of the Bill would provide for the responsibilities and powers of the Director-Tobago.

Clause 9 of the Bill would provide for the strengthening of institutions responsible for fisheries management through the provision of staff and resources, as well as collaboration among the Director, the Director-Tobago and the staff of their respective divisions to achieve synchronised fisheries conservation, management and development.

Clause 10 of the Bill would provide for the Fisheries Inspectorate to be established in the Ministry with responsibility for fisheries and also in Tobago. It also sets out the eleven functions of the Fisheries Inspectorate.

Part III (Incorporation of The Trinidad and Tobago Fisheries Financial Board) contains clauses 11 to 20.

Clause 11 of the Bill would provide for the establishment of the Trinidad and Tobago Fisheries Financial Board.

Clause 12 of the Bill would outline the functions of the Trinidad and Tobago Fisheries Financial Board- which would be to manage the Fund, ensure that the moneys in the Fund are utilised for the purposes established in Part IV and to make recommendations on matters relating to the use of the Fund.

Clause 13 of the Bill would provide for the membership of the Board and the tenure of its members. The Board would comprise seven members appointed by the Minister. All members except for the Director and the Director- Tobago would hold office for two years with eligibility for re-appointment. Persons with special knowledge and skills may be co-opted to advise the Board and sit on committees but they would not have the right to vote.

Clause 14 of the Bill would allow for the resignation of members from the Board as well as the circumstances for the termination of office. All members of the Board, other than the Director or Director-Tobago, may resign in writing addressed to the Minster and forwarded through the Chairman. There would be (6) six grounds under which the Minister may terminate the appointment of a member of the Board. However, if a member were to be temporarily unable to perform his functions due to illness or incapacity, another member from the same agency or organisation would be appointed for that period.

Clause 15 of the Bill would provide for the Notification of appointment and termination of a member of the Board. Appointment or termination of a member by death, resignation or otherwise would be published in the *Gazette*.

Clause 16 of the Bill would provide for the appointment of a suitably qualified person as the Secretary to the Board on such terms as the Board would see fit.

Clause 17 of the Bill would provide for the remuneration of members and co-opted members of the Board. The members of the Board would be paid such remuneration and allowances in respect to their offices, as the Minister with responsibility for finance would determine. The Board may, by resolution, with approval of the Minister declare the remuneration of the co-opted member of Committees out of the Fisheries Management Fund established under Part IV.

Clause 18 of the Bill would provide for meetings of the Board and would stipulate the process by which these meetings would be conducted. The Board would meet at least every three months and other times, where necessary, at a place and time stated by the Chairman.

Clause 19 of the Bill would allow for the appointment of Standing and Special Committees by the Board. The Board would be able to appoint other Standing and Special Committees considered necessary for efficient performance of its functions, which would report to the Board within a stipulated time. The members of these sub-committees would be paid such remuneration and allowances, as the Board would determine, with approval of the Minister.

Clause 20 of the Bill would provide for the appointment of staff such as a Corporate Secretary and such other officers and employees by the Board for the efficient administration, management and performance of its functions as it thinks fit.

Part IV (Financial Provisions) contains Clauses 21 to 30.

Clause 21 of the Bill would provide for the establishment of a Fisheries Management Fund.

Clause 22 of the Bill would provide for the management of the Fund by the Board.

Clauses 23 and 24 of the Bill would provide for the intended uses of the Fund and the resources for the Fund, which may include fees, fines and moneys from donations and grants.

Clause 25 of the Bill would state that the financial year of the Fund would commence from 1st October to the 30th September of the following year, except that the first financial year would commence on the date on which this Act comes into operation.

Clause 26 of the Bill would provide for borrowing. With the approval from the Minster with responsibility for finance, the Board would be able to borrow sums required to meet its obligations. The Minister may guarantee, as he sees fit, the payment of principal and interest, in respect of any borrowing of the Board.

Clause 27 of the Bill would provide for the investment of moneys not immediately required to be expended in meeting any obligation or discharging any function of the Board, in securities approved by the Minister with responsibility for finance.

Clause 28 of the Bill would provide for the proper audit of accounts and records to be kept by the Board. The accounts of the Board would be public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution.

Clause 29 of the Bill would provide for the preparation and submission of the annual report to Parliament.

Clause 30 of the Bill would provide for the preparation of an annual budget by the Board.

Part V (Fisheries Management and Development) contains 3 divisions and clauses 31 to 49.

Division 1-Fisheries Management and Development Plans

Clause 31 of the Bill would provide for the designation of fisheries.

Clause 32 of the Bill would allow for the preparation and implementation of fisheries management and development plans for the conservation, management and development and long-term sustainability of designated fisheries in Trinidad and Tobago.

Clause 33 of the Bill would provide for the scope of fisheries management and development plans, taking into account certain factors.

Clause 34 of the Bill would provide for a non-exhaustive list of the contents of the fisheries management and development plans.

Clause 35 of the Bill would provide for management objectives of the fisheries management and development plans.

Clause 36 of the Bill would require the application of the precautionary approach in fisheries management.

Clause 37 of the Bill would provide for the process of the adoption and implementation of fisheries management and development plans.

Clause 38 of the Bill would provide for the review of fisheries management and development plans every three years by the Director and the stakeholders.

Clause 39 of the Bill would provide for the conformity of the fisheries management and development plans with other agreements.

Clause 40 of the Bill would provide for the preparation and implementation of fisheries strategies, plans and programmes, and the revision of such plans every four years, where necessary.

Division 2-Fisheries Management Agreements and Measures

Clause 41 of the Bill would provide for a fisheries management agreement or treaty to be in compliance with international conservation and management measures and treaties to which Trinidad and Tobago is a party.

Clause 42 of the Bill would provide for the selection of appropriate fishery management measures in relation to the fishery and management plans.

Clause 43 of the Bill would provide for the Minister, by Order, to adopt fisheries management measures and specific measures of fishing effort and catch controls.

Clause 44 of the Bill would provide for the Minister, by Order, to provide additional measures to achieve the objectives of the fishery management plan which would have to be reviewed every three years.

Clause 45 of the Bill would provide for the designation of local fisheries management areas by the Minister, by Order.

Clause 46 of the Bill would provide for the Minister to create an offence under an Order made under this division (Division 2) for any contravention and impose a penalty on summary conviction not exceeding seven hundred thousand dollars and a term of imprisonment not exceeding a year.

Division 3–Prohibited Fishing Methods and Fishing Related Activities

Clause 47 of the Bill would provide for the Minister to create an offence under an Order made under this division (Division 3) for any contravention and impose a penalty on summary conviction not exceeding seven hundred thousand dollars and a term of imprisonment not exceeding a year.

Clause 48 of the Bill would provide for the Minister, by Order, after consultation with the Director and Director-Tobago, to prohibit specific fishing methods and fishing related activities, the taking of protected or endangered species of fish and other activities as he thinks fit.

Clause 49 of the Bill would provide for the prohibition of fishing with the use of poisons, explosives or electrical devices.

Part VI (Subsidies and other Economic Incentives) contains clauses 50 to 52.

Clause 50 of the Bill would require the Minister to take into account the effects of subsidies and other economic incentives on sustainability as well as the achievement of fisheries management objectives.

Clause 51 of the Bill would provide for economic incentives to be reviewed every three years and clause 52 creates an offence for the abuse of subsidies.

Part VII (Registration Requirements) contains clauses 53 to 59.

Clause 53 of the Bill would provide that this Part (Part VII) applies to fishers engaged in commercial fishing and persons engaged in fishing related activities.

Clause 54 of the Bill would provide for the establishment of a Register of Fishers and Fishworkers.

Clause 55 of the Bill would provide for the requirement for registration as a fisher or fishworker.

Clause 56 of the Bill would require the issuance of an identification card upon the approval of the application of a fisher or fishworker and Clause 57 would provide that the identification card would be valid for three years.

Clause 58 of the Bill would provide for the suspension, revocation, surrender and cancellation of registration of a fisher or fish worker.

Clause 59 of the Bill would provide for the establishment of a Record of Fish Vendors and make it an offence for a person to engage in the selling of fish unless he is entered on the Record of Fish Vendors.

Part VIII (Record of Trinidad and Tobago Fishing Vessels) contains clauses 60 to 71.

Clause 60 of the Bill would provide for the establishment of the Record of Trinidad and Tobago Fishing Vessels in respect of all Trinidad and Tobago fishing vessels registered under the Shipping Act or any other written law governing the registration of vessels.

Clause 61 of the Bill would provide for a person who owns a Trinidad and Tobago fishing vessel or who is desirous of operating a vessel in the fishery waters or in areas beyond national jurisdiction, whether for commercial gain or recreational purposes, to apply to the Director to have the vessel entered on the Record of Trinidad and Tobago Fishing Vessels and creates an offence for failure to comply. On the approval of an application, a Certificate of Record is issued.

Clause 62 of the Bill would provide for the inspection of a vessel prior to entry on the Record of Trinidad and Tobago Fishing Vessels.

Clause 63 of the Bill would provide for the marking and identification of fishing vessels in accordance with the Shipping Act or any other written law governing the marking and identification of vessels and creates an offence for failure to comply.

Clause 64 of the Bill would provide for the owner of a Trinidad and Tobago fishing vessel to notify the Director of every change in the particulars in the Record of Trinidad and Tobago Fishing Vessels within seven (7) days of such change and creates an offence for failure to comply.

Clause 65 of the Bill would provide for the grounds for the refusal to issue a Certificate of Record and the Director would be required to provide his reasons, in writing, for such refusal.

Clause 66 of the Bill would provide for the circumstances under which the Director may suspend or revoke a Certificate of Record.

Clause 67 of the Bill would provide for the surrender of a Certificate of Record to a person who no longer uses a vessel for the purpose of fishing.

Clause 68 of the Bill would provide for the circumstances under which the Director may have cause to cancel a Certificate of Record.

Clause 69 of the Bill would provide for the registration of fishing gear and engines and creates an offence for failure to comply.

Clause 70 of the Bill would provide for the identification and permanent marking of fishing gear and the engine and creates an offence for failure to comply.

Clause 71 of the Bill would create an offence for tampering with a Certificate of Record or a mark on fishing vessel, gear or engine and may result in a summary conviction.

Part IX (Commercial Fishing with a Fishing Vessel Within the Fishery Waters) contains clauses 72 to 80.

Clause 72 of the Bill would provide for the requirement of a Trinidad and Tobago fishing vessel to obtain a commercial fishing vessel licence prior to engaging in commercial fishing in the fishery waters and creates an offence for failure to comply.

Clause 73 of the Bill would provide for the application for, and issue of, a commercial fishing vessel licence and the grounds for refusal.

Clause 74 of the Bill would require that the master of a Trinidad and Tobago fishing vessel would ensure that the commercial fishing vessel licence is on board at all times while the vessel is engaged in commercial fishing in the fishery waters.

Clause 75 of the Bill would provide for the general terms and conditions attached to a commercial fishing vessel licence, including the completion and submission of fishing logbooks to the Director, allowing an observer on board and to remain on board the fishing vessel and the installation and maintenance on board of a mobile transceiver unit (MTU) or other electronic device.

Clause 76 of the Bill would provide for the specific fishing terms and conditions attached to a commercial fishing vessel licence, including the fishing areas in which the vessel may operate the maximum weight of fish catch that may be taken per day.

Clause 77 of the Bill would provide for the variation of terms and conditions attached to a commercial fishing vessel licence.

Clause 78 of the Bill would provide for the validity of a commercial fishing vessel licence for such period as the Director may specify in the licence.

Clause 79 of the Bill would provide for the circumstances where the Director may suspend or revoke a commercial fishing vessel licence and would require the Director to notify the licence-holder with reasons for such suspension or revocation.

Clause 80 of the Bill would provide for circumstances under which the Director may surrender or cancel a commercial fishing vessel licence, including when the vessel is no longer used for the purposes of commercial fishing.

Part X (Commercial Fishing Without a Fishing Vessel) contains clauses 81 to 89.

Clause 81 of the Bill would provide for the requirement of a person undertaking commercial fishing without a fishing vessel to obtain a non-vessel commercial fishing licence.

Clause 82 of the Bill would provide for the application for, and issue of, a non-vessel commercial fishing licence.

Clause 83 of the Bill would create an offence for the failure to produce a non-vessel commercial fishing licence to an authorised officer when undertaking commercial fishing without a vessel.

Clause 84 of the Bill would provide for the general terms and conditions attached to a non-vessel commercial fishing licence, including that the licence-holder and any other persons who are jointly engaged in his fishing operations shall not engage in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing and it also creates offences for failure to comply.

Clause 85 of the Bill would provide for specific terms and conditions attached to a non-vessel commercial fishing licence, including the fishing operations, methods and fishing gear that the licence-holder may use and it also creates offences for failure to comply.

Clause 86 of the Bill would provide for the variation of terms and conditions attached to a non-vessel commercial fishing licence.

Clause 87 of the Bill would provide for the term of validity of a non-vessel commercial fishing licence.

Clause 88 of the Bill would provide for the circumstances where the Director may suspend or revoke a non-vessel commercial fishing licence and would require the Director to notify the licence-holder with reasons for such suspension or revocation.

Clause 89 of the Bill would provide for the circumstances where the Director may surrender or cancel a non-vessel commercial fishing licence, including where the licence-holder no longer conducts non-vessel commercial fishing.

Part XI (Commercial Fishing and Fishing Related Activities in Areas Beyond National jurisdiction) contains clauses 90 to 101.

Clause 90 of the Bill would provide for a requirement for a Trinidad and Tobago fishing vessel used for commercial fishing or

fishing related activities, in areas beyond national jurisdiction, to obtain a valid commercial fishing authorisation.

Clause 91 of the Bill would provide for the application for, and issue of, a commercial fishing authorisation.

Clause 92 of the Bill would create an offence for the failure to carry on board a commercial fishing authorisation when engaging in fishing or fishing related activities in areas beyond national jurisdiction.

Clause 93 of the Bill would provide for terms and conditions attached to a commercial fishing authorisation and clause 94 would provide for the variation of such terms and conditions.

Clause 95 of the Bill would provide for the term of validity of a commercial fishing authorisation.

Clause 96 of the Bill would provide for circumstances where the Director may suspend or revoke a commercial fishing authorisation and would require the Director to notify the authorisation-holder with reasons for such suspension or revocation.

Clause 97 of the Bill would provide for the circumstances under which the Director may surrender or cancel a commercial fishing authorisation.

Part XII (Recreational Fishing) contains clauses 98 to 109.

Clause 98 of the Bill would provide that this Part (Part XII) applies to recreational fishing within the fishery waters on a vessel or without a vessel and in areas beyond national jurisdiction on a Trinidad and Tobago vessel.

Clause 99 of the Bill would require that a person who intends to use a Trinidad and Tobago vessel in recreational fishing, obtains a recreational fishing vessel licence. It would also provide for the application for, and issue of, a recreational fishing vessel licence.

Clause 100 of the Bill would provide for a person on a recreational fishing vessel engaging in recreational fishing on that vessel in the fishery waters to obtain a recreational fishing permit. It would also provide for the application for, and issue of, a recreational fishing permit. It would further provide that the master of a recreational fishing vessel shall ensure that a person who is engaged in recreational fishing on that vessel in the fishery waters is the holder of a valid recreational fishing permit.

Clause 101 of the Bill would provide for a person on a recreational fishing vessel engaging in any prescribed type of recreational fishing in the fishery waters without a vessel to obtain a non-vessel recreational fishing permit. It would also provide for the application for, and issue of, a non-vessel recreational fishing permit.

Clause 102 of the Bill would provide for a person intending to use a foreign fishing vessel for the purposes of recreational fishing within the fishery waters to obtain a recreational foreign fishing vessel licence. It would also provide for the application for, and issue of, a recreational foreign fishing vessel licence.

Clause 103 of the Bill would provide for a person intending to use a Trinidad and Tobago fishing vessel for recreational fishing, in areas beyond national jurisdiction, to obtain a valid recreational fishing authorisation. It would also provide for the application for, and issue of, a recreational fishing authorisation.

Clause 104 of the Bill would provide for terms and conditions attached to an authorisation, licence or permit.

Clause 105 of the Bill would provide for the term of validity of the following authorisation, licence or permit: (1) a recreational fishing vessel licence, (2) a non-vessel recreational fishing permit, (3) a recreational foreign fishing vessel licence, and (4) a recreational fishing authorisation.

Clause 106 of the Bill would require a holder of an authorisation, licence or permit to notify the Director of any change of information submitted in his application for an authorisation, licence or permit and creates an offence for failure to comply.

Clause 107 of the Bill would create an offence for the failure to carry on board the vessel, at all times, the recreational fishing licence or the recreational foreign fishing while the vessel is engaged in recreational fishing in the fishery waters. It also creates an offence for the failure to carry on board the recreational fishing authorisation at all times while the vessel is engaged in recreational fishing in areas beyond national jurisdiction.

Clause 108 of the Bill would provide for the circumstances under which the Director may suspend or revoke the following: (1) a recreational fishing vessel licence, (2) a non-vessel recreational fishing permit, (3) a recreational foreign fishing vessel licence and (4) a recreational fishing authorisation and would require the Director to notify the holder of such authorisation, licence or permit, reasons for such suspension or revocation.

Clause 109 of the Bill would provide for circumstances under which the Director may surrender or cancel the following: (1) a recreational fishing vessel licence, (2) a non-vessel recreational fishing permit, (3) a recreational foreign fishing vessel licence and (4) a recreational fishing authorisation.

Part XIII (Commercial Foreign Fishing Vessels) contains Clauses 110 to 120.

Clause 110 of the Bill would provide for the entry into agreements and arrangements with foreign States for access to fishing, fishing related activities or operations described in the Act.

Clause 111 of the Bill would provide for the general requirements that a foreign fishing vessel shall undertake when in the fishery waters.

Clause 112 of the Bill would provide for certain reporting requirements by an operator of a foreign fishing vessel intending to navigate or navigating through the fishery waters without a valid commercial foreign fishing vessel licence.

Clause 113 of the Bill would require that a foreign vessel used for fishing in the fishery waters obtain a valid licence and creates an offence for the operator of the vessel who fails to comply.

Clause 114 of the Bill would provide for the application for, and issuance of, a commercial foreign fishing vessel licence.

Clause 115 of the Bill would provide for the grounds for refusal by the Minister to issue a commercial fishing vessel licence and would require the Minister to notify the applicant, in writing, of the reasons for the refusal.

Clause 116 of the Bill would provide for the terms and conditions attached to a commercial foreign fishing vessel licence.

Clause 117 of the Bill would provide for the circumstances under which the Director may suspend or revoke a commercial foreign fishing vessel licence.

Clause 118 of the Bill would provide for circumstances where the Director may surrender or cancel a commercial foreign fishing vessel licence.

Clause 119 of the Bill would provide for the master of a foreign fishing vessel to keep records of fishing and fishing related activities of the vessel in English for submission to the Director upon his request.

Clause 120 of the Bill would provide for stowage of fishing gear in a manner prescribed at all times while the foreign fishing vessel is in the fishery waters and failure to do so would constitute an offence.

Part XIV (Fishing Related Activities) contains 4 divisions and clauses 121 to 139.

Division 1–Ports and Landing Sites

Clause 121 of the Bill would provide for the identification of ports and designation of landing sites by the Minister, by Order, for fishing related activities.

Clause 122 of the Bill would provide for the maintenance and inspection of designated landing sites.

Division 2-Transshipment and In Transit Permits

Clause 123 of the Bill would provide for a transshipment permit in order for transshipment to take place.

Clause 124 of the Bill would create an offence for a person causing or allowing fish to be in transit in Trinidad and Tobago without an in transit permit.

Clause 125 of the Bill would provide for the application for, and issuance of, a transshipment permit or an in transit permit.

Clause 126 of the Bill would provide for the grounds of refusal by the Director to issue a transshipment permit or an in transit permit and require him to notify the applicant, in writing, with the reasons for such refusal.

Clause 127 of the Bill would provide for the terms and conditions attached to a transshipment permit or an in transit permit and creates an offence for failure to comply.

Clause 128 of the Bill would provide for the circumstances under which the Director may suspend or revoke a transshipment permit or an in transit permit and would require the Director to notify the permit holder, in writing, with reasons for such refusal.

Clause 129 of the Bill would provide for circumstances where the Director may surrender or cancel a transshipment permit or an in transit permit.

Division 3–Landing, Bunkering and Provisioning

Clause 130 of the Bill would provide for a person causing or allowing fish to be landed in Trinidad and Tobago to obtain a landing permit and an operator of a fishing vessel engaging in the provisioning of personnel, fuel, gear or other supplies or the bunkering of a fishing vessel, to obtain a provisioning or bunkering permit, as necessary.

Clause 131 of the Bill would provide for the appointment of a local representative in Trinidad and Tobago as the agent of an owner of a foreign fishing vessel permitted to land, transship or transit fish, import, re-export, package or process fish or bunker or provision a fishing vessel.

Division 4–Trade

Clause 132 of the Bill would provide that this division (Division 4) applies to the regulation of trade in fish, fishing, fishing vessels, engines, gear, bait or any other items used for fishing and fishing related activities.

Clause 133 of the Bill would provide for the functions of the Director, as the competent authority for the purpose of fisheries management, to include monitoring, regulating, and controlling the import, export and re-export of fish for personal use and research purposes, verifying the operation of licensed fish processing establishments and any authorised, licensed or permitted fishing vessels where required by law, and overseeing the certification of fish and fish products discharged from Trinidad and Tobago vessels into foreign ports where required by overseas controlling authorities.

Clause 134 of the Bill would require a person intending to import, export or re-export fish to obtain a permit, a Release Certificate and such other approvals as may be required under the Act.

Clause 135 of the Bill would provide for a holder of an import, export or re-export permit to apply for a Release Certificate for each shipment of fish prior to the arrival or departure of the shipment. It also provides for the application for, and issuance of, a Release Certificate.

Clause 136 of the Bill would provide for a person intending to export prescribed species of fish to obtain a Trinidad and Tobago Catch Certificate. It also provides for the application for, and issuance of, a Trinidad and Tobago Catch Certificate.

Clause 137 of the Bill would provide for persons intending to import, export or re-export a fishing vessel, fishing gear, and vessel, engine and gear intended to be used for fishing or fishing related activities to obtain the necessary permit.

Clause 138 of the Bill would provide for the marking, labelling or tagging of fish for import, export and re-export, in accordance with the prescribed requirements for marking.

Clause 139 of the Bill would provide for the prohibition of seafood fraud in the trade of fish, by making or submitting false records, labelling and identification of fish; improving the appearance and quality of the fish; and intermixing fish, or otherwise, in the supply chain as part of any fishing related activities.

Part XV (Fisheries Scientific Research and Fish Bioprospecting) contains clauses 140 to 149.

Clause 140 of the Bill would provide for the routine collection and verification of data for the purposes of statistical analysis.

Clause 141 of the Bill would provide for regional collaborative arrangements with research and data sharing with other organisations or arrangements.

Clause 142 of the Bill would provide for a person who intends to undertake fisheries scientific research on fish originating in the fishery waters to obtain a fisheries scientific research permit.

Clause 143 of the Bill would require that an application be made by any person who intends to undertake fisheries scientific research relating to fisheries or fishery-related resources in fishery waters.

Clause 144 of the Bill would provide for the grounds of refusal by the Director to issue a fisheries scientific research permit and require him to notify the applicant, in writing, with the reasons for such refusal.

Clause 145 of the Bill would provide for the terms and conditions attached to a fisheries scientific research permit.

Clause 146 of the Bill would provide for the term of validity of a fisheries scientific research permit.

Clause 147 of the Bill would provide for a person intending to undertake fish bioprospecting in the fishery waters to obtain a fish bioprospecting permit. It also provides for the application for, and issuance of, a fish bioprospecting permit.

Clause 148 of the Bill would provide for circumstances where the Director may suspend or revoke a fisheries scientific research permit or fish bioprospecting permit and would require the Director to notify the permit holder, in writing, with reasons for such refusal.

Clause 149 of the Bill would provide for circumstances where the Director may surrender or cancel a fisheries scientific research permit or fish bioprospecting permit.

Part XVI (Monitoring, Control, Surveillance and Enforcement) contains 4 divisions and clauses 150 to 185.

Division 1–Reporting and Vessel Monitoring Systems

Clause 150 of the Bill would provide for procedures for reporting and record-keeping which are to be done in English and submitted to the Director within fifteen days of the close of the period to which the report applies.

Clause 151 of the Bill would provide for the installation, mainte nance and operation of a mobile transceiver unit or other electronic device unto a fishing vessel that is issued with an authorisation, licence or permit, unless exempted by the Minister, by Order.

Division 2–Authorised Officers and Observers

Clause 152 of the Bill would provide for certain persons to be authorised officers.

Clause 153 would provide for their general powers.

Clause 154 of the Bill would provide for the power of entry and search without a warrant by an authorised officer.

Clause 155 of the Bill would provide for the power to seize items without a warrant by an authorised officer.

Clause 156 of the Bill would provide for the power of an authorised officer to question persons and require production of documents.

Clause 157 would provide for his power to make or take copies of any record or documents.

Clause 158 of the Bill would empower an authorised officer, in certain circumstances, to give directions to the master of a vessel to take the vessel, as soon as practicable, to the nearest available port, wharf, pier or jetty in Trinidad and Tobago, or such other place agreed between the master and the authorised officer.

Clause 159 of the Bill would provide for the power of arrest by an authorised officer, if he believes, on reasonable grounds, that any person has committed an offence or is likely to commit an offence in contravention of the Act.

Clause 160 of the Bill would provide for a code of conduct for an authorised officer and clause 161 would provide for the duties of an authorised officer.

Clause 162 of the Bill would create offences, including where a person interferes, insults or impersonates an authorised officer, or fails to comply with instructions or direction of an authorised officer.

Clause 163 of the Bill would provide for the establishment of the Trinidad and Tobago Observer Programme.

Clause 164 of the Bill would provide for the designation of observers by the Minister, by instrument in writing, to include citizens and nationals of foreign states to be observers on fishing vessels issued with valid authorisations, licences or permits.

Clause 165 of the Bill would provide for duties of observers to include boarding, remaining on and disembarking a fishing vessel, or any craft; gathering data or information relating to fishing or fishing related activities in the fishery waters; and preparing and submitting weekly reports on fishing operations and transshipping of fish.

Clause 166 of the Bill would provide for a Code of Conduct of observers in the performance of their duties.

Clause 167 of the Bill would provide for the duties to an observer by an operator and crew.

Clause 168 of the Bill would provide for immunity from suit for an authorised officer, an observer or a person assisting an authorised officer or an observer, who acts in good faith.

Division 3–Port Control Measures for Trinidad and Tobago Fishing Vessels

Clause 169 of the Bill would provide that this division (Division 3) applies to Trinidad and Tobago fishing vessels intending to enter or depart the fishery waters.

Clause 170 of the Bill would provide for an operator of a Trinidad and Tobago fishing vessel or his authorised local representative to notify the Director of the estimated time of entry of the vessel into any identified port in Trinidad and Tobago.

Clause 171 of the Bill would provide for an operator of a Trinidad and Tobago fishing vessel or his authorised local representative to notify the Director of the estimated time of departure of the vessel into any identified port in Trinidad and Tobago.

Clause 172 of the Bill would provide for written approval by the Director for a Trinidad and Tobago fishing vessel intending to operate in areas beyond national jurisdiction, to depart from an identified port or an area specified by the Director.

Clause 173 of the Bill would provide for the requirement of written approval by the Director for a Trinidad and Tobago fishing vessel intending to operate in areas beyond national jurisdiction to access or to use an identified port or a designated landing site for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning.

Clause 174 of the Bill would provide for the inspection of any Trinidad and Tobago fishing vessel in port, at a landing site or in the fishery waters and in areas beyond national jurisdiction for the purpose of determining whether the vessel is in compliance with the Act.

Clause 175 of the Bill would create an offence for a person who accesses, uses or assists a vessel to access or use a port or an area specified by the Director for the purposes of landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning, without the written approval of the Director.

Clause 176 of the Bill would create an offence for a person who uses or assists in the use of a port or an area not specified by the Director for the purposes of landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning.

Division 4-Port State Control Measures for Foreign Fishing Vessels

Clause 177 of the Bill would provide for the prior declaration of intent to enter an identified port by an operator of a foreign fishing vessel or his authorised local representative resident in Trinidad and Tobago.

Clause 178 of the Bill would provide for the prior declaration of intent to depart from an identified port or an area specified by the Director by an operator of a foreign fishing vessel or his authorised local representative resident in Trinidad and Tobago.

Clause 179 of the Bill would provide for foreign fishing vessels to obtain written approval by the Director to enter an identified port or an area specified by the Director.

Clause 180 of the Bill would provide for foreign fishing vessels to obtain written approval by Director to depart an identified port or an area specified by the Director.

Clause 181 of the Bill would provide for foreign fishing vessels to obtain written approval by the Director to access an identified port, or an area specified by the Director, for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning.

Clause 182 of the Bill would provide for inspections, at any time, by the Director of any foreign fishing vessel on a port, landing site or in the fishery waters for the purpose of determining compliance with the Act.

Clause 183 of the Bill would create an offence for a person who accesses, uses or allows or assists a foreign fishing vessel to access or use a port or an area specified by the Director for the purposes of landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning, without the written approval of the Director.

Clause 184 of the Bill would create an offence for a person who allows or assists a foreign fishing vessel in the entry of a port not identified, or an area not specified, for the purposes of landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning, without the written approval of the Director.

Clause 185 of the Bill would create an offence for a person who uses, allows or assists in the use of a port not identified, or an area not specified, for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning.

Part XVII (Fixed Penalties) contains clauses 186 to 194.

Clause 186 of the Bill would provide for a fixed penalty notice.

Clause 187 of the Bill would provide for the particulars to be specified in a fixed penalty notice.

Clause 188 of the Bill would provide for the methods and payees for payment of a fixed penalty.

Clause 189 of the Bill would provide for a sixty-day period for payment of fixed penalties from the date that a fixed penalty notice would have been served.

Clause 190 of the Bill would provide for a person to contest a fixed penalty notice by filing a notice to contest with the payee within fifteen days from the date that the fixed penalty notice was issued.

Clause 191 of the Bill would provide for transmission of documents to the court where a notice to contest has been filed.

Clause 192 of the Bill would provide for the listing of proceedings in respect of fixed penalty notices.

Clause 193 of the Bill would provide for the appearance of parties in proceedings where a notice to contest was filed.

Clause 194 of the Bill would provide non-payment of fixed penalty and failure to file notice to contest.

Part XVIII (Jurisdiction, Evidence and Presumptions) contains clauses 195 to 206.

Clause 195 of the Bill would provide for the jurisdiction of national courts for offences arising from this legislation whether an offence occurs in the fishery waters or beyond.

Clause 196 of the Bill would provide for the making of a certificate of evidence by the Director or any person designated, in writing, by the Director which could be used in legal proceedings.

Clause 197 of the Bill would provide for the validity of a certificate unless the Court directs otherwise in the interest of justice.

Clause 198 of the Bill would provide for a certificate regarding the location of the vessel given by the Director which would be used as evidence in any proceedings, unless the contrary is proved otherwise.

Clause 199 of the Bill would provide for the admissibility of photographic evidence.

Clause 200 of the Bill would provide for the admissibility of electronic evidence.

Clause 201 of the Bill would create an offence for interfering with evidence (including data, document, equipment or other item including any premises or facilities in which evidence, vessel, fish, data, document, equipment or other items are kept), such as tampering, destruction or disposal of any evidence.

Clause 202 of the Bill would provide for the disposal of fish and other perishables that have been seized under this Act.

Clause 203 of the Bill would provide for forfeiture of items seized under this Act to the State upon conviction.

Clause 204 of the Bill would provide for imposition of a bond or other security to allow for the prompt release of an item, a vessel and its crew.

Clause 205 of the Bill would provide for measures to be taken if the conditions of a bond or other security have not been met.

Clause 206 of the Bill would provide for general presumptions applicable in certain circumstances.

Part XIX (Appeals Committee) contains clauses 207 to 215.

Clause 207 of the Bill would provide for the establishment and jurisdiction of an Appeals Committee.

Clause 208 of the Bill would provide for the right to appeal in respect of records, registers, authorisations, licences and permits within twenty-one days of the receipt of the written notification of the decision.

Clause 209 of the Bill would provide for the composition of the Appeals Committee. The Appeals Committee will comprise five persons, including an Attorney-at-law, who shall be the Chairman, and four other persons drawn from the fields of fisheries management, maritime affairs and the fishing industry.

Clause 210 of the Bill would provide for a quorum of the Appeals Committee to be either three or five members at a sitting.

Clause 211 of the Bill would provide for the Appeals Committee to make rules relating to the conduct of its business.

Clause 212 of the Bill would provide for the powers of the Appeals Committee which are to dismiss an appeal or hear an appeal and make a decision.

Clause 213 of the Bill would provide for the hiring of staff to support the work of the Appeals Committee.

Clause 214 of the Bill would provide for the resignation of a member of the Appeals Committee.

Clause 215 of the Bill would provide for the termination of the appointment of a member by the Minister.

Part XX (General Provisions) contains clauses 216 to 242.

Clause 216 of the Bill would provide for the Director to establish and maintain records and registers necessary for the effective implementation of the Act.

Clause 217 of the Bill would provide for the collaboration by the Director with other agencies responsible for, including but not limited to, trade, health, customs, finance, national security, maritime services, foreign affairs and the environment.

Clause 218 of the Bill would provide for the establishment of rules and guidelines, by Order, for use of and operations at, public facilities provided for the fishing industry.

Clause 219 of the Bill would provide for an offence for the use of a fishing vessel for purposes other than fishing and fishing related activities, except for activities essential for the safety of life at sea, the safety of the vessel, or other prescribed activities.

Clause 220 of the Bill would provide for an offence for the interference with or disturbance of fishing gear and fish.

Clause 221 of the Bill would require that documentation from foreign entities must be submitted in English.

Clause 222 of the Bill would provide for an offence for the provision of false information.

Clause 223 of the Bill would provide for the Minister, by Order, to declare any portion of the fishery waters as a protected area.

Clause 224 of the Bill would provide for an offence for activities contrary to the laws of another State such as the import, export, landing, transport, sale, receipt, acquisition and purchase of fish taken that would be contrary to the laws of another State or would be taken in contravention of international conservation and management measures.

Clause 225 of the Bill would provide for prevention of pollution of marine pollution measures to be carried out by an operator of a fishing vessel in accordance with international conservation and management measures.

Clause 226 of the Bill would provide for the Court on conviction for an offence under the Act, to order the owner and, as applicable, the charterer of a vessel, body corporate or other entity involved in the offence, jointly and severally, to bear the cost of expenditure incurred by the State in connection with the seizure of a foreign vessel, the prosecution for an offence against the Act and the repatriation of the master or crew of any vessel seized under the Act.

Clause 227 of the Bill would provide for the penalty for offences for which a penalty is not prescribed which shall be liable on conviction to a fine of one hundred and forty thousand dollars and, if the offence is a continuing one, to a further fine of three thousand five hundred dollars for every day after the first day on which the offence has continued.

Clause 228 of the Bill would provide for a limitation of two (2) years for prosecution of a summary offence.

Clause 229 of the Bill would provide for imprisonment of non-nationals where an offence would have been committed in the Exclusive Economic Zone.

Clause 230 of the Bill would provide for a Banning Order enabling the Court to prohibit a person who has been convicted of an offence under the Act, within seven years of conviction of another offence, from undertaking fishing and fishing related activities.

Clause 231 of the Bill would provide for a duty of confidentiality on a person carrying out duties or responsibilities under the Act and creates an offence for failure to comply.

Clause 232 of the Bill would provide for the Minister to make Regulations under the Act.

Clause 233 of the Bill would provide for the repeal of the Fisheries Act, Chap. 67:51 and the Control of Importation of Live Fish Act, Chap. 67:52.

Clause 234 of the Bill would provide for an amendment to the Tobago House of Assembly Act, Chap. 25:03, by inserting a new definition of "Tobago Fishery Waters" in order to clarify the waters under the jurisdiction of Tobago for the purpose of fisheries conservation and management.

Clause 235 of the Bill would provide for an amendment to the Fish and Fishery Product Regulations, 1998, Chap. 30:01 by deleting the definition of "fish" and substituting a new definition of "fish" in accordance with section 2 of the Fisheries Management Act.

Clause 236 of the Bill would provide for an amendment to the Environmental Sensitive Species Rules 2001, Chap. 35:05 by deleting references to the Fisheries Act and substituting with the references to the Fisheries Management Act.

Clause 237 of the Bill would provide for an amendment to the Marine Areas (Preservation and Enhancement Act, Chap. 37:02 in sections 3(1), 5 and 6(1), by deleting the word "The" and substituting the words "Subject to the Fisheries Management Act and in collaboration with the Minister responsible for fisheries, the" and in the Marine Areas (Preservation and Enhancement) Regulations by deleting the words "includes corals, crabs, lobsters, shrimps, turtles, turtle eggs and any species of marine fauna" and substituting the words " means cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any state of their development".

Clause 238 of the Bill would provide for an amendment to the Shipping Act, Chap. 50:10 by inserting the definitions of "Illegal, Unreported and Unregulated fishing" and "IUU listed vessel", by deleting the definitions of "fishing vessel" and substituting it with the definition stated in section 2 of the Fisheries Management Act and by including a new provision to govern the restriction on registration of fishing vessels for IUU listed vessels.

Clause 239 of the Bill would provide for an amendment to the Archipelagic Waters and Exclusive Economic Zone Act, Chap. 51:06 by deleting the definitions of "allowable catch", "fish", "fishing craft", "foreign fishing craft" and "foreign ship", substituting a new definition of "fish" in accordance with section 2 of the Fisheries Management Act, by inserting new definitions of "craft" and "suspect craft", by repealing sections 21, 23, 25, 26, 27, 28, 29, 30(1), 31, 32*(f)* to *(p)* and substituting new sections 28 and 31.

Clause 240 of the Bill would provide for an amendment to the Conservation of Wild Life Act, Chap. 67:01 by inserting in section 2, the words "fish or" in the definition of an animal and inserting a definition of "fish", in accordance with section 2 of the Fisheries Management Act.

Clause 241 of the Bill would provide for an amendment to the Customs Act, Chap. 78:01 by deleting all references to "Chief Fisheries Officer" and substituting it with "Director of Fisheries", and inserting a new paragraph *(aa)* after paragraph 279*(a)*.

Clause 242 of the Bill would provide for an amendment to the Imports and Exports Control Regulations, 1941 G.N. 44 of 1441 by inserting a new regulation 3(4) stating that a person intending to apply for a licence to import, export or re-export fish, fishing vessels, fishing gear and engines shall have a permit issued in accordance with the Fisheries Management Act.

The Schedule contains offences and penalties for the offences.

FISHERIES MANAGEMENT (NO. 2) BILL, 2020

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SCHEDULE

BILL

AN ACT to provide for long term sustainable fisheries in Trinidad and Tobago and to regulate fishing and fishing related activities in the fishery waters and in areas beyond national jurisdiction, to repeal the Fisheries Act, Chap. 67:51 and the Control of Importation of Live Fish Act, Chap. 67:52, to amend the Tobago House of Assembly Act, Chap. 25:03, the Environmental Management Act, Chap. 35:05, the Marine Areas (Preservation and Enhancement) Act, Chap. 37:02, the Shipping Act, Chap. 50:10, the Archipelagic Waters and Exclusive Economic Zone Act, Chap 51:06, the Conservation of Wildlife Act, Chap. 67:01, the Customs Act, Chap. 78:01, the Fish

and Fishery Products Regulations, Chap. 30:01 and the Imports and Exports Control Regulations, 1941, and for related matters

[, 2020]

Preamble

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I
PRELIMINARY

Short title and Commencement

1. (1) This Act may be cited as the Fisheries Management (No. 2) Act, 2020.

(2) This Act comes into force on such day as is fixed by the President by Proclamation.

Act inconsistent with Constitution

2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation

3. In this Act—

"access rights" means the authorised entitlement to operate in a fishery or in a specific

fishing ground and may include limited entry systems, where the overall number of fishers or vessels licensed in a fishery is restricted at a national level;

"Appeals Committee" refers to the committee appointed under section 207;

"approved form" means a form approved by the Director or the Director-Tobago;

"archipelagic waters" has the meaning assigned to it in the Archipelagic Waters and Exclusive Economic Zone Act; Chap. 51:06

"areas beyond national jurisdiction" means areas beyond the fishery waters and includes the high seas and areas under the jurisdiction of other States;

"artisanal fishing" means fishing using manually deployed and retrieved gear and low technology;

"artisanal vessel" means a vessel or craft used by persons for artisanal fishing;

"authorised officer" means any person authorised by the Minister under sections 152 to carry out the inspection of fishing and fishing related activities and enforcement of fisheries legislation;

"Board" means the Trinidad and Tobago Fisheries Financial Board established as a body corporate under section 11;

"bunkering" means the process of replenishment of a vessel's fuel for its own consumption and "bunker" has a corresponding meaning;

"bunkering permit" means an approval issued under section 130 by the Director to an operator of a fishing vessel to engage in bunkering in the fishery waters, including

at ports, wharves and landing sites, under the jurisdiction of Trinidad and Tobago;

"Catch Certificate" means a certificate issued under section 136;

"Certificate of Record" means the certificate issued in relation to a vessel under section 61(4);

"commercial fishing" means engaging in fishing as a primary activity and disposing of the catch for profit but does not include fishing for personal use or recreational fishing;

"commercial fishing authorisation" means an approval issued under section 91 by the Minister to an operator of a Trinidad and Tobago fishing vessel to engage in fishing in areas beyond national jurisdiction;

"commercial fishing vessel" means a fishing vessel engaged in commercial fishing;

"commercial fishing vessel licence" means an approval issued under section 73 by the Director to an operator of a Trinidad and Tobago Fishing Vessel to engage in commercial fishing within the fishery waters under the jurisdiction of Trinidad and Tobago;

"commercial foreign fishing vessel licence" means an approval issued under section 114 by the Minister to an operator of a foreign fishing vessel to engage in commercial fishing and fishing related activities within the fishery waters under the jurisdiction of Trinidad and Tobago;

"conservation and management measure" means a measure to conserve or manage fisheries resources that is—

(a) contained within a fisheries

management plan prepared in accordance with Part V;

(b) provided in this Act; or

(c) prescribed under section 231 of this Act;

"craft" means a vessel, aircraft, hovercraft, refrigerated container, carrier vessel or other conveyance of whatever size and however propelled;

"designated landing site" means a location specifically designated for the landing and sale of fish catches under section 121(1);

"Director" means the public officer appointed by the Public Service Commission as Director of Fisheries, in the Ministry responsible for Fisheries, or any person acting in the post or assigned to carry out the functions of the Director;

"Director-Tobago" means the public officer appointed by the Public Service Commission as Director, Marine Resources and Fisheries in Tobago or any other person acting in the post or assigned to carry out the functions of the Director in Tobago;

"document" includes any chart, logbook and other information or record which include electronically stored records or information used in the operation of a vessel or for the purpose of fishing or fishing related activities, or that which relates to a vessel and crew activities and vessel operations;

"ecosystem" means a system of complex interactions among people, animals, plants and micro-organisms and their environment as a functional unit;

"electronic device" means a device approved by the Director for the purposes of this Act and includes a device which is placed on a fishing vessel that records and, or transmits, either in conjunction with another device or devices or independently, information or data concerning the fishing and such other activities of the vessel as may be required;

"exclusive economic zone" has the meaning assigned to it in the Archipelagic Waters and Exclusive Economic Zone Act;

"export permit" means a permit issued under section 134 and is an approval issued by the Director to a person to take or cause to be taken, fish and vessels, engines and gear intending to be used for fishing, out of Trinidad and Tobago;

"fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development;

"fish aggregating device" means a natural, man-made or partially man-made floating, semi-submerged or submerged device, whether anchored or not, intended to aggregate fish, and includes any natural floating object on which a device has been placed to facilitate its location;

"fish bioprospecting" means the taking of fish originating within the fishery waters for research and development on any genetic resources, or biochemical compounds, comprising or contained in the fish or any part thereof or any product derived from fish;

"fish bioprospecting permit" means an approval issued under section 147 by the Director to a person to engage in fish bioprospecting within the fishery waters under the jurisdiction of Trinidad and Tobago;

"fish processing" means the production of any substance or article from fish by any method and includes the cleaning, eviscerating, filleting, shucking, chilling, icing, packing, canning, freezing, irradiating, smoking, salting, cooking, pickling, drying and preserving of fish;

"fish vendor" means a person who or entity that sells fish and includes a person who sells fish that is live, fresh, chilled or frozen, and that he has caught;

"fisher" means any person engaged in fishing;

"fisheries access agreement" means a treaty, agreement or other arrangement entered into pursuant to section 110 to which Trinidad and Tobago is party and which may relate to the fishery waters, the High Seas, or such area as may be described in such agreement or arrangement;

"fisheries management agreement" means a treaty, agreement or other arrangement entered into pursuant to section 41 of this Act;

"fisheries management plan" means the fisheries management and development plan prepared under Part V;

"fisheries officer" includes the Director, the Director-Tobago, those holding the office of Fisheries Officer, persons involved in monitoring, control, surveillance and enforcement in the agency responsible for fisheries management and any other officer

so designated by the Director or Director-Tobago;

"fisheries scientific research" means any scientific activity—

(a) to investigate a fishery;

(b) to support implementation of the ecosystem approach to fisheries;

(c) which involves the removal of fish from the aquatic environment; or

(d) which is prescribed as "fisheries scientific research", including social, economic, ecological and environmental research of relevance to fisheries;

"fisheries scientific research permit" means an approval issued under section 144 by the Director to a person to engage in fisheries scientific research within the fishery waters under the jurisdiction of Trinidad and Tobago;

"fishery" means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of ecological, cultural, geographical, scientific, technical, recreational or economic characteristics;

"fishery waters" means the territorial sea, the archipelagic waters and the exclusive economic zone, and any other waters, including the extended continental shelf, mangroves, swamps, fresh water rivers and lakes, and other inland waters, over which Trinidad and Tobago, by enactment,

proclamation, ruling, judgement or any other form, claims jurisdiction over the fishery water;

"fishing" means—

(a) searching for, catching, taking or harvesting fish;

(b) the attempted searching for, catching, taking or harvesting of fish;

(c) engaging in any activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;

(d) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;

(e) any operation in the fishery waters or beyond in support of or in preparation for any activity described herein, except for operations defined as fishing related activities in this section; or

(f) the use of an aircraft in relation to any activity described herein;

"fishing gear" means any equipment, tool or implement used for the purpose of fishing;

"fishing industry" includes any person or organisation having a direct or indirect interest in fishing or engaged in processing, production, transport or marketing of fish, or in the supply of fishing gear, tackle or similar equipment used in fishing;

"fishing logbook" means a record of data and information relating to fishing or fishing

related activities to be submitted by the operator of a vessel engaged in fishing or fishing related activities to the Director, in a template and manner required by the Director;

"fishing related activities" means any operation in support of, or in preparation for, fishing, including—

(a) storing, buying, transshipping, processing, packaging or transporting fish taken from the fishery waters or elsewhere up to the time they are first landed;

(b) on-shore storing, buying, processing, packaging or transporting of fish from the time they are first landed;

(c) provisioning of personnel, fuel, gear, equipment, other supplies or performing maintenance, drydocking and any other activity in support of fishing;

(d) exporting fish from Trinidad and Tobago;

(e) importing fish into Trinidad and Tobago;

(f) engaging in the business of providing agency, consultancy or other similar services in relation to fishing or a related activity; and

(g) landing of fish in Trinidad and Tobago;

"fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities;

"fishworker" means a person engaged in fishing related activities;

"fixed penalty" means an offence specified in the Schedule which is set out in Column 5 and for which a fixed penalty is specified in Column 7 of the Schedule;

"foreign fishing" means fishing by a foreign fishing vessel;

"foreign fishing vessel" means any fishing vessel that is not a Trinidad and Tobago fishing vessel;

"former Acts" means the Fisheries Act and the Control of Importation of Live Fish Act, both repealed by this Act; Chap. 67:51 Chap. 67:52

"full insurance coverage" means insurance cover for—

(a) personal injury;

(b) loss of life;

(c) loss of equipment and personal effects;

(d) medical coverage, including medical evacuation;

(e) repatriation costs; and

(f) losses arising from the action, inaction or activity of an authorised observer whilst on board or in the service of the vessel;

"Fund" means the Fisheries Management Fund established under section 21;

"High Seas" means any area of the sea beyond the exclusive economic zone, territorial sea or internal waters of any State or archipelagic waters of an archipelagic State;

"identified port" includes offshore terminals

and other installations specifically identified under section 121 for the landing, transshipping, in transit, import, export and re-export, packaging, processing of fish or for other port services, including bunkering or provisioning;

"Illegal, Unreported and Unregulated (IUU) fishing", means fishing activities that are contrary to the international or national conservation and management measures applicable in the fishing area concerned, including, but not limited to, the following:

(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;

(b) a person or an operator of a fishing vessel who has not fulfilled the obligations to record and report on fishing activities including catch or catch-related data or has misreported the data or information;

(c) fishing in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth;

(d) falsification of documents in relation to the fishing vessel;

(e) fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

(f) fishing with the use of prohibited or non-compliant fishing gear;

(g) in relation to a fishing vessel, falsification or concealment of its

markings, identity or registration;

(h) concealment, tampering with or disposal of evidence relating to an investigation concerning fishing or fishing related activities;

(i) obstruction or interference with the work of officials in the exercise of duties in inspecting a fishing vessel for compliance with the applicable laws or conservation and management measures;

(j) possession, transshipment, transit or landing of fish in contravention of this Act;

(k) fishing or fishing related activities in contravention of the terms and conditions of an authorisation, licence, permit or certificate;

(l) engaging in transshipment with fishing vessels identified as having engaged in activities that may be characterised as illegal, unreported and unregulated fishing;

(m) fishing or fishing related activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a State not party to that organisation, or not cooperating with that organisation as established by that organisation;

(n) the use of a fishing vessel that has no nationality for fishing or fishing related activities;

(o) engaging in fishing or fishing related activity with an IUU listed vessel;

(p) conduct of business directly connected with Illegal, Unreported and Unregulated fishing, including trading in fish;

(q) the use of a fishing vessel for any activity in contravention of national law; or

(r) fishing or fishing related activities in contravention of a management plan or measure;

"import permit" means a permit issued under section 134 and is an approval issued by the Director to a person to bring or cause to be brought, fish and vessels, engines and gear intending to be used for fishing, within Trinidad and Tobago;

"internal waters" has the definition assigned to it in section 4 of the Territorial Sea Act; Chap. 1:51

"international conservation and management measures" means measures to conserve or manage fish that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea, either by global, regional or sub-regional organisations, or by treaties or arrangements to which Trinidad and Tobago is a party or cooperating non-contracting party;

"in transit" means the transportation of fish under customs control from one craft in a port or place to another craft in another port or place within Trinidad and Tobago;

"in transit permit" means a permit issued under section 125 and is an approval issued by the Director for a person to engage in in transit movement of fish, under customs control, from one port or place to another port or place within Trinidad and Tobago;

"IUU listed vessel" means a vessel that is included in a list of vessels, adopted by a regional fisheries management organization, that have engaged in Illegal, Unreported and Unregulated fishing or is on a regionally or internationally recognised list of vessels presumed to have carried out Illegal, Unreported or Unregulated fishing;

"landing" means the transfer of any fish from—

(a) a vessel to any land within Trinidad and Tobago;

(b) any fishing without a vessel to any land within Trinidad and Tobago; or

(c) a vessel to any offshore terminal or other installation or structure;

"landing permit" means a permit issued under section 130 and is an approval issued by the Director to a person to engage in landing of fish to any land in Trinidad and Tobago or to any offshore structure in the fishery waters under the jurisdiction of Trinidad and Tobago;

"local fisher" means a fisher, being a citizen or resident of Trinidad and Tobago, who is engaged on a Trinidad and Tobago fishing vessel;

"local fisheries management area" refers to an

area designated by the Minister pursuant to section 45 of this Act;

"management plan" means any fisheries management and development plan prepared in accordance with Part V;

"master" in relation to any vessel means the person in command or in charge, or for the time being in charge, or apparently in command or in charge of the vessel, but does not include a pilot on board the vessel solely for the purposes of navigation;

"Minister" means the Minister to whom responsibility for fisheries is assigned and "Ministry" will be construed accordingly;

"Mobile Transceiver Unit" or "MTU" means a device approved by the Director which is installed on board a fishing vessel through the use of General Packet Radio Services and/or satellite communication, which is designed to automatically transmit vessel position, speed and course and allows detection and unique identification of the vessel;

"non-artisanal fishing" means fishing using mechanised fishing gear or high-technology;

"non-artisanal vessel" means a vessel or craft used for non-artisanal fishing;

"non-vessel fishing operations" means fishing, whether commercial or recreational, without the use of a fishing vessel, and may include "spear fishing", "beach seine fishing" and "diving";

"non-vessel commercial fishing licence" means a licence issued under section 80 and is an approval issued by the Director to a person

to engage in commercial fishing in the fishery waters without the use of a vessel;

"non-vessel recreational fishing" means the activities to be prescribed under section 101;

"non-vessel recreational fishing permit" means a permit issued under section 101 and is an approval issued by the Director to a person to engage in recreational fishing in the fishery waters with a prescribed gear without the use of a vessel;

"observer" means a person designated under section 164 to monitor fishing and fishing related activities;

"operator" means any person who is in charge of, responsible for the operations of, directs or controls a vessel, including the owner, charterer and master and includes the beneficiary of the economic or financial benefit of the vessel's operations;

"owner" in relation to a fishing vessel, means any person exercising, discharging or claiming the right or accepting the obligation to exercise or discharge any of the powers or duties of an owner, whether on his own behalf or on behalf of another, a person who is a joint owner or persons and any manager, director or secretary of a body corporate or company;

"port" means any place on the coast or elsewhere appointed by the President to be a port for the purposes of customs laws, and includes any customs aerodrome and offshore terminals;

"precautionary approach" means an approach

to fisheries management which is aimed at conserving fisheries resources and their ecosystems and taken in the absence of adequate scientific information;

"provisioning permit" means a permit issued under section 130 and is an approval issued by the Director to an operator of a fishing vessel to engage in provisioning in the fishery waters, including at ports, wharves and landing sites, under the jurisdiction of Trinidad and Tobago;

"recreational fishing" means fishing for pleasure, competition or personal consumption, and not for commercial purposes;

"recreational fishing permit" means a permit issued under section 100 and is an approval issued by the Director for a person, on board a recreational fishing vessel with a recreational fishing vessel licence, to engage in recreational fishing within or beyond the fishery waters;

"recreational fishing vessel" means a vessel engaged in recreational fishing;

"recreational fishing authorisation" means an approval issued by the Director under section 103 to an operator of a Trinidad and Tobago vessel to engage in recreational fishing in areas beyond national jurisdiction;

"recreational fishing vessel licence" means a licence issued under section 99 and is an approval issued by the Director to an operator of a Trinidad and Tobago Vessel to engage in recreational fishing within the fishery waters;

"recreational foreign fishing vessel licence" means an approval issued by the Director

to an operator of a foreign fishing Vessel to engage in recreational fishing within the fishery waters;

"re-export" means any movement of fish, in its harvested or processed form, from Trinidad and Tobago where it has been previously imported;

"regional fisheries management organisation" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the legal competence to establish international conservation and management measures;

"Release Certificate" means a certificate issued under section 135;

"relevant Conventions and Agreements" means those Conventions and Agreements relevant to fisheries management to which Trinidad and Tobago is a party;

"resident of Trinidad and Tobago" means a person who has acquired resident status under the laws of Trinidad and Tobago;

"seafood fraud" includes—

(a) mislabelling or other forms of deceptive trade of fish with respect to their quality, quantity, origin, or species including, but not limited to, species substitution;

(b) practices where a fish or fish product is made to look better in grade and quality than it actually is;

(c) the intermixing and mislabelling, or otherwise, of fish in the supply chain as part of processing and distribution; and

(d) any activities prescribed as "seafood fraud";

"Secretary" means the person with responsibility for fisheries in Tobago;

"sell" includes—

(a) any method of disposition for consideration, including cash, anything which has value or which can be exchanged for cash, and barter;

(b) disposition to an agent for sale on consignment;

(c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale; and

(d) disposition by way of raffle, lottery, or other game of chance, and "sale" and "sold" have a corresponding meaning;

"SCUBA" means any self-contained underwater breathing apparatus;

"statutory fishing right" means any of the following separate fishing rights:

(a) a right to take a particular quantity of fish, or to take a particular quantity of fish of a particular species or type, from, or from a particular area in, a designated fishery;

(b) a right to a particular proportion of the fishing capacity that is

permitted, by or under a fisheries management plan, for, or for a part of, a designated fishery;

(c) a right to engage in fishing in a designated fishery at a particular time or times, on a particular number of days, during a particular number of weeks or months, or in accordance with any combination of the above, during a particular period or periods;

(d) a right to use a vessel in a designated fishery for purposes stated in a fisheries management plan;

(e) a right to use particular fishing equipment in a designated fishery;

(f) a right to use, in a designated fishery, fishing equipment that is of a particular kind, of a particular size or of a particular quantity or is a combination of any of the above;

(g) a right to use a particular type of vessel in a designated fishery;

(h) a right to use a vessel of a particular size or having a particular engine power, or of a particular size and having a particular engine power, in a designated fishery; or

(i) any other prescribed right in respect of fishing in a designated fishery;

"subsistence fishing" means fishing without a vessel for personal consumption and not for commercial purposes, pleasure or competition;

"territorial sea" has the meaning assigned to it in the Territorial Sea Act;

"Tobago Fishery Waters" means the fishery waters within eleven nautical miles from the low water mark of Tobago, including the internal and inland waters of Tobago, designated for the purpose of fisheries conservation and management;

"transshipment" means the transfer of any or all of the fish on board a fishing vessel onto a craft at the same port, either directly or by off-loading the fish from the vessel at a port or area specified in the transshipment permit and then immediately onto another craft, for the purposes of transporting that fish elsewhere;

"transshipment permit" means a permit issued under section 125 and is an approval issued by the Director to a person to engage in transshipment of fish in the fishery waters, including at ports, wharves and landing sites, under the jurisdiction of Trinidad and Tobago;

"Trinidad and Tobago fishing vessel" means a fishing vessel registered pursuant to shipping legislation and any vessel entitled to fly the flag of Trinidad and Tobago;

"vehicle" means any car, truck, van, bus, trailer or other powered land conveyance;

"vessel" means any boat, ship, hovercraft or other water-going craft;

"vessel monitoring system" means a vessel tracking system which is capable of monitoring fishing and fishing related activities, including, but not limited to, the

determination of a fishing vessel's identity, position, course and speed at regular time intervals and may include the use of a MTU which can be accessible to multiple authorised users.

Application of the Act

4. (1) Subject to subsection (3), unless the contrary intention appears, this Act applies to all—

(a) fishing and fishing related activities;

(b) persons, vessels, crafts, vehicles, aircrafts, other crafts, any export or import facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act;

(c) persons, including persons who are not citizens or nationals of Trinidad and Tobago, and vessels, including foreign fishing vessels, in and in relation to—

(i) the fishery waters; and

(ii) any other waters—

(A) where following or being followed in hot pursuit conducted in accordance with international law; or

(B) as required by this Act or international conservation and management measures, or permitted by international law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party;

(d) Trinidad and Tobago fishing vessels and to all persons on board such vessels; and

(e) all persons dealing with or having any connection or association with Trinidad and Tobago fishing vessels or any persons on them.

(2) This Act has extra-territorial application according to its provisions and tenor.

(3) The provisions of this Act concerning the application of conservation and management measures adopted by a regional fisheries management organisation or arrangement to which Trinidad and Tobago is a member do not apply to the internal waters, Archipelagic Waters and territorial sea of Trinidad and Tobago unless given the force of law in Trinidad and Tobago.

PART II

ADMINISTRATIVE ARRANGEMENTS

Powers of the Secretary

5. (1) With the exception of sections 14, 29(2), 39 and 40 and Part XI, Part XII, Part XIII and Part XIV, where in this Act a power is conferred on the Minister or he is required to discharge a function, or has a discretion in respect thereof, then in relation to Tobago, including Tobago Fishery Waters, the Secretary shall exercise the power conferred on the Minister or discharge the function or discretion so imposed.

(2) For the better performance of his functions, the Secretary may do all acts and take all such steps as may be necessary for, or incidental to the exercise of his powers or for the discharge of his duties under this Act.

Principles for decision-making

6. The Minister, Secretary, Director, or Director–Tobago, as appropriate, when performing functions or exercising powers under this Act, shall accordingly—

(a) adopt measures to ensure the long-term sustainability of fisheries resources and promote the objective of their optimum utilisation;

(b) ensure that such measures are based on

the best scientific evidence available and are designed to maintain or restore, where appropriate, target stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards;

(c) for specific target stocks to which the application of paragraph (b) would not otherwise apply, ensure that measures applied to such stocks are considered appropriate to achieve the purpose of this Act;

(d) apply the precautionary approach in accordance with this Act;

(e) assess the impacts of fishing, other human activities and environmental factors on target stocks, non-target species and species belonging to the same ecosystem or dependent upon or associated with target stocks in accordance with the ecosystem approach to fisheries management;

(f) adopt measures to minimise waste, discards, catch by lost or abandoned gear, pollution originating from fishing vessels, catch of non-target species and impacts on associated or dependent species, in particular endangered species and promote the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;

(g) protect biodiversity in the aquatic environment, including habitats of particular significance for fisheries resources;

(h) take measures to reduce, prevent or

eliminate over-fishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fisheries resources;

(i) take into account the interests of artisanal, and subsistence fishers and local communities, including ensuring their participation, and consideration of traditional and local knowledge in decision making;

(j) ensure broad participation by Trinidad and Tobago nationals and relevant stakeholders in activities related to the sustainable use of fisheries resources;

(k) promote and facilitate the development and conduct of fisheries-related scientific monitoring and research in the fishery waters, and beyond such waters as permitted by international law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party, and utilise the best scientific information available in decision-making;

(l) collect and share, as appropriate, and in a timely manner, complete and accurate data concerning fishing activities on, among other things, vessel position, catch of target and non-target species and fishing effort, as well as information from national and international research programmes;

(m) implement conservation and management measures through effective monitoring, control and surveillance and enforcement; and

(n) promote and facilitate inter-agency

collaboration for effective implementation of this Act.

Responsibilities of the Director

7. (1) The Director shall provide the Minister with technical and administrative advice for the better discharge of his duties as the Minister under this Act.

(2) The Director shall carry out the functions assigned to him in this Act and shall act on behalf of the Minister as is provided in this Act.

(3) The Director shall be the competent authority for the purposes of Trinidad and Tobago's obligations under any treaty, convention or other international agreement relating to fishing and fishing related activities

Responsibilities and Powers of the Director-Tobago

8. (1) The Director-Tobago shall provide the Secretary with technical and administrative advice for the better discharge of his duties as Secretary under this Act.

(2) The Director-Tobago shall carry out the functions assigned to him in this Act and shall act on behalf of the Secretary as is provided in this Act.

(3) Where, in this Act, a power is conferred or a duty is imposed on the Director, then unless otherwise stated, the Director-Tobago, shall exercise that power or discharge that duty in relation to Tobago.

Provisions of staff and resources and collaboration

9. (1) The Minister and the Secretary shall work in collaboration and cause the necessary staff and all other required resources to be provided to the Director and Director-Tobago in order to achieve the aims and objectives of the Act.

(2) The Director and the Director-Tobago, and the staff of their respective divisions, shall work in collaboration and shall share data and information to achieve coordinated and harmonised fisheries conservation, management and development.

Fisheries Inspectorate

10. (1) The Minister and the Secretary shall cause a Fisheries Inspectorate each to be established in the Ministry with responsibility for Fisheries and in Tobago.

(2) The Fisheries Inspectorates shall comprise authorised officers and other suitably qualified and trained staff appointed by the Minister and the Secretary on such terms and conditions as they see fit.

(3) In addition to other functions under this Act, the Fisheries Inspectorates shall exercise the following functions:

(a) enforce national fisheries laws and regulations and standards and to ensure industry compliance with these and other international fisheries management treaties and agreements that are binding on Trinidad and Tobago;

(b) collaborate with relevant agencies in regulating fishing and fishing related activities and relevant trade;

(c) collaborate with the agency responsible for the registration and oversight of all Trinidad and Tobago vessels in the fishery waters and beyond such waters;

(d) coordinate the monitoring and control of all Trinidad and Tobago fishing vessels in the fishery waters and outside such waters through any vessel identification, tracking and monitoring system that is utilised;

(e) collect, analyse and verify catch data, log sheets and any information on all Trinidad and Tobago fishing vessels;

(f) prepare data and reports for submission to regional or sub-regional fisheries management organisations or arrangements to which Trinidad and Tobago is a member or cooperating non-Contracting Party;

(g) discharge any other obligations of Trinidad and Tobago under a treaty or agreement

to which Trinidad and Tobago is a party, or under regional or sub-regional fisheries management organisations or arrangements to which Trinidad and Tobago is a member or cooperating non-Contracting Party;

(h) monitor and report compliance with conservation and management measures including measures set out in fisheries management plans, strategies and programmes;

(i) take responsibility for any matter concerning the compliance by any person or vessel to which this Act applies, with any condition, obligation or requirement imposed on it by this Act;

(j) conduct the necessary inspections to achieve the purpose of this Act; and

(k) discharge such other functions as the Director determines.

PART III

INCORPORATION OF THE TRINIDAD AND TOBAGO FISHERIES FINANCIAL BOARD

Establishment and power of Trinidad and Tobago Fisheries Financial Board

11. There is established for the purposes of this Act, a body corporate to be known as "the Trinidad and Tobago Fisheries Financial Board".

Functions of the Board

12. The functions of the Board are to—

(a) manage the Fund;

(b) ensure that the monies in the Fund are utilised for the purposes set out in Part IV; and

(c) make recommendations to the Minister on matters relating to the use of the Fund.

Membership of the Board and tenure of members

13. (1) The Board shall comprise seven members appointed by the Minister as follows:

(a) the Director who shall be the Chairman of the Board;

(b) the Director-Tobago who shall be the Vice-Chairman of the Board;

(c) an Attorney-at-Law with at least ten years' experience in civil law practice, including experience in fisheries, maritime or environmental law;

(d) one person with qualifications and proven experience in financial management;

(e) a senior administrative officer from the Ministry or the administrative body responsible for fisheries;

(f) an appropriate officer from the Ministry responsible for finance; and

(g) an appropriate officer from the Ministry responsible for planning.

(2) Notwithstanding subsection (1), vacancies in the membership of the Board shall not affect its legal existence unless its membership is reduced to less than four.

(3) With the exception of the Director and Director-Tobago, every member of the Board shall hold office for a period of two years and may be eligible for re-appointment for another term.

(4) The Board may, in the performance of its functions, co-opt persons with special knowledge or skills to—

(a) attend any particular meeting for the purpose of assisting or advising the Board, but no such person shall have the right to vote; or

(b) sit on any Committee.

Resignation from and termination of office of Board members

14. (1) A member of the Board, other than the Director or Director-Tobago, may, at any time, resign

from his office by instrument in writing, addressed to the Minister and forwarded through the Chairman.

(2) The Minister may terminate the appointment of a member of the Board if—

(a) he has been adjudged or otherwise declared bankrupt under any law enforced in any country and has not been discharged;

(b) subject to subsection (3), he is by reason of mental or physical incapacity unable to perform his duties as a member of the Board;

(c) he is absent, except on leave granted by the Board, from three consecutive meetings of the Board or fifty percent of meetings of the Board within any fiscal year;

(d) he is guilty of misconduct in relation to his duties;

(e) he is convicted in a court of law for any offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade or any other offence which in the opinion of the Minister warrants his termination or revocation of appointment from the Board; or

(f) he is no longer associated with the agency he represents or he has been requested, in writing, by that agency to resign from membership of the Board.

(3) If a member of the Board is temporarily prevented by illness or other cause from exercising his functions as a member of the Board, the Minister may appoint another person, from the same agency or organisation, to act in his stead for the period of such illness or incapacity.

Notification of appointment and termination of office

15. The appointment of any person as a member and termination of appointment of any person as a member, whether by death, resignation or otherwise, shall be published in the *Gazette*.

Secretary to the Board

16. The Board may appoint a suitably qualified person to be the Secretary to the Board on such terms as it thinks fit.

Remuneration of members and co-opted members of the Board

17. (1) The members of the Board shall be paid such remuneration and allowances in respect of their offices as the Minister with responsibility for finance shall determine.

(2) The Board may, by resolution, with the approval of the Minister, declare the remuneration of co-opted members of Committees and such funds shall be payable out of the Fisheries Management Fund established under Part IV.

Meetings of the Board

18. (1) The Board shall meet at least every three months and at such other times as may be necessary for the performance of its functions, at such place and time as the Chairman may determine.

(2) Upon the receipt of a written request, signed by no fewer than three members, the Chairman may convene a special meeting of the Board.

(3) The Chairman shall preside at every meeting of the Board, and in his absence the Vice-Chairman shall preside.

(4) The quorum of the Board shall consist of four members, including the Chairman or the Vice-Chairman, and three representatives appointed under section 13(1)*(c)* to *(g)*.

(5) The Board shall take its decisions by a majority of the votes of the members present and where there is an equality of votes, the member presiding shall have the casting vote.

(6) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any

vacancy in its membership or any defect in the appointment of its members.

(7) The Board may, by resolution, adopt rules governing the conduct of its proceedings.

(8) The minutes of meetings of the Board shall be taken in proper form and kept by the Secretary and confirmed by the Board at the next following meeting.

(9) Copies of the confirmed minutes of meetings of the Board shall be forwarded to the Minister.

Appointment of Standing and Special Committees

19. (1) The Board may appoint such other Standing Committees as it considers necessary for the efficient performance of its functions.

(2) The Board may appoint such Special Committees as it considers necessary to assist in the performance of its functions.

(3) A Committee appointed by the Board under this section shall report to the Board within the period stipulated by the Board.

(4) A Committee of the Board shall consist of at least one member of the Board.

(5) The members of the sub-committees shall be paid such remuneration and allowances as the Board shall determine with the approval of the Minister.

Appointment of Staff

20. The Board may, with the approval of the Minister, appoint a Corporate Secretary and such other officers and employees as may be necessary for the efficient administration, management and performance of its functions on such terms and conditions of service as it thinks fit.

PART IV

FINANCIAL PROVISIONS

Establishment of the Fund

21. There is established a Fisheries Management Fund.

Management of the Fund

22. The Fund shall be managed by the Board.

Functions of the Fund

23. The Fund shall be used to—

(a) support fisheries and related research aimed at providing data and information for decision-making in respect of fisheries conservation and management;

(b) ensure that the results of research are widely disseminated;

(c) provide for fisheries extension and training, as needed, to enable the fishing industry to operate safely and competitively in a global marketplace;

(d) support the preparation and implementation of fisheries management plans and fisheries strategies, plans and programmes, including the costs of stakeholder consultations and participation;

(e) support any other specific management requirements that are identified in fisheries management plans, including, *inter alia*, the costs of monitoring, control, surveillance and enforcement;

(f) support the participation of fishers' organizations in the fisheries management process;

(g) pay remuneration of co-opted members of such committees as appointed by the Board; and

(h) support any other purpose that the Board may, in its discretion, consider fit subject to the approval of the Minister.

Financial resources of the Fund

24. The resources of the Fund shall consist of—

(a) monies allocated to it by Parliament;

(b) donations or grants made by regional and international organisations for the purposes of fisheries research;

(c) contributions made by members of the fishing industry or other stakeholders;

(d) any fees collected in respect of the issuance of identity cards, licences, authorisations and permits, or any other fees collected, under this Act; and

(e) any other monies collected in any other way in the management of the fisheries of Trinidad and Tobago under this Act.

Financial Year

25. The financial year of the Fund shall commence on the 1st day of October of each year and end on the 30th day of September of the following year, except that the first financial year shall commence on the date on which this Act comes into operation.

Borrowing

26. (1) The Board may, with the approval of the Minister with responsibility for finance, borrow sums required for meeting any of its obligations under this Act.

(2) The Minister with responsibility for finance may guarantee, in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing of the Board under this section.

Investment

27. The Board may invest moneys not immediately required to be expended in meeting any obligation or discharging any function of the Board in securities approved by the Minister with responsibility for finance.

Accounts and Audit

28. (1) The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of the moneys of the Fund are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and the incurring of liability by the Board.

(2) The accounts of the Board are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution.

Annual Report

29. (1) The Board shall, within three months of the end of each financial year, submit to the Minister an annual report dealing with the activities of the Board during the previous year, together with the financial statements and such other information relating to the operations as the Minister may require.

(2) The Minister shall cause a copy of the report submitted under subsection (1) to be laid before Parliament within twenty-eight days of its receipt by him or, if Parliament is not in sitting, within twenty-eight days after commencement of its next sitting.

Board to prepare budget

30. The Board shall prepare a budget for its activities for each financial year, in such form as the Minister responsible for finance may direct and shall submit estimates so prepared to the Minister not later than the deadline date stipulated by the Minister responsible for finance.

PART V

Fisheries Management and Development

Division 1

Fisheries Management and Development Plans

Designated Fisheries

31. The Minister may, by Order, declare a fishery as a designated fishery where, having regard to scientific, social, economic, ecological, environmental and other relevant considerations, such fishery—

(a) is important to the national interest; and

(b) requires implementation of management measures for ensuring sustainable use of the fishery resource.

Management and development plans

32. (1) The Minister shall cause to be prepared such fisheries management and development plans (hereinafter called "management plans") as are considered necessary for the conservation, management and development and long-term sustainability of designated fisheries in Trinidad and Tobago.

(2) Where there is no management plan in effect for a fishery, the Minister may cause to be put in place interim measures and such other arrangements necessary to support long-term sustainability of the fishery.

Scope of management plans

33. (1) Separate management plans shall be prepared taking into account, among other factors, the following:

(a) the species of fish that are targeted;

(b) the types of fishing gear that are used in the fishery;

(c) the types of vessels that are used in the fishery; or

(d) the geographical areas that are fished.

(2) A management plan may apply to a single target species, or include other associated or dependent species caught in the fishery, or may cover a full ecosystem.

(3) To the extent possible, a management plan shall cover the whole stock unit of the main target fish species, over its entire range of distribution, taking into account its biological characteristics and any migration patterns.

(4) For those stocks of fish that are distributed in areas beyond national jurisdiction, a management plan may also give consideration to the management and conservation measures under relevant Conventions and Agreements.

Contents of management plans

34. (1) Subject to section 35, each management plan shall contain elements relating to the particular fishery being managed, including but not limited to—

(a) an introduction outlining the need and rationale for management of the fishery;

(b) the scope of the plan, as described in section 33;

(c) assessments of the historical development and the current status of the fishery, including its biological, ecological, social and economic dimensions;

(d) a stakeholder analysis of the fishery and a clear statement on the roles and responsibilities of the different stakeholders in the management process, including any co-management arrangements;

(e) the goals and objectives for the fishery, for each of the biological, ecological, social and economic dimensions, and the relative prioritisation between any conflicting objectives;

(f) the indicators and points of reference to be used in measuring the performance of management in achieving each objective;

(g) the management measures that will be used to achieve the objectives, and protect the resources from over exploitation;

(h) the specifications of any use or access rights to be allowed in the fishery and any terms and conditions to be attached to them;

(i) a decision control rule framework, developed in in consultation with the fishery stakeholders, stating which management measures, including any levels of fishing effort, fish catches or other controls, shall be adopted depending on the status of the fishery;

(j) a statement on the current management recommendation for the fishery, as guided by the decision control rule framework, based on the estimated current status of the fishery and allowing for any uncertainties in the assessment and any associated risks for achievement of the fishery goals;

(k) an agreed process and timetable for monitoring the state of the fishery, and evaluating and reviewing the management plan as needed, providing for on-going consultation with the fishery stakeholders; and

(l) an estimated cost of implementation.

(2) The adoption of management measures and decision control rule framework in management plans shall be based on the best available scientific evidence and local knowledge of resource users.

Management objectives

35. (1) In setting management objectives for each fishery, priority may be given to long-term sustainability of the fisheries resources, as qualified by relevant environmental and socio-economic factors and the impacts of climate, including climate change and variability, on the resources.

(2) Secondary management objectives may be established to provide *inter alia* that—

(a) the economic conditions under which the fishing industry operates promote responsible fisheries;

(b) the interests of fishers, including those engaged in artisanal fisheries, are taken into account;

(c) biodiversity of aquatic habitats and ecosystems is conserved and endangered species are protected;

(d) depleted stocks are allowed to recover or, where appropriate, are actively restored;

(e) adverse environmental impacts on the resources from fishing, including pollution, waste, discards, catch by lost or abandoned fishing gear, catch of non-target species, and impacts on associated or dependent species, are minimised;

(f) climate change adaption and mitigation and disaster risk management are taken into account and;

(g) the rights and responsibilities of the State arising from international and regional treaties and arrangements are complied with.

Precautionary approach

36. (1) The absence of adequate scientific information shall not justify postponing or failing to take conservation and management measures.

(2) The precautionary approach shall be adopted, as far as is practicable, in the preparation and implementation of management plans in order to protect exploited fish species and to conserve the aquatic environment.

Adoption and implementation of management plans

37. (1) Management plans shall be prepared in consultation with members of the fishing industry and other stakeholders, including any Fishing Association and agencies or Ministries with responsibility for coastal zone management and the environment.

(2) The Director shall submit the final management plans to the Minister for approval.

(3) The Minister may, by Order, approve a management plan and the management plan shall be set out in the Order.

(4) The Director shall be responsible for the implementation of management plans approved by the Minister.

(5) The Director shall cause the contents of each management plan to be publicised, in order to promote the understanding and acceptance of management plans and assist in their implementation.

Review of management plans

38. (1) A management plan shall be reviewed every three years or for any other period agreed between the Director and the stakeholders referred to in section 37(1).

(2) Notwithstanding subsection (1), the Director shall cause a management plan to be reviewed at any time where such a review is considered necessary by the Minister or the Secretary and—

(a) the review shall be undertaken in consultation with stakeholders; and

(b) the findings of the review shall be submitted to the Minister or the Secretary, as the case may be.

(2) Section 37 shall apply to any review or revision of a management plan.

Plans to conform with other agreements

39. The Minister shall ensure that all management plans are in conformity with such international, regional or national agreements governing fish stock assessments or the management of fisheries to which Trinidad and Tobago is a party.

Fisheries strategies, plans and programmes

40. (1) The Minister may cause to be prepared such national fisheries strategies, plans and programmes necessary to achieve the objectives of this Act.

(2) The Minister may cause to be prepared national plans of action, including, but not limited to, those required under treaties to which Trinidad and Tobago is party and other international or regional instruments and shall report accordingly on the implementation of such plans.

(3) All national plans of action referred to in this section shall be reviewed at least every four years, and revised as necessary.

Division 2

Fisheries Management Agreements and Measures

Fisheries management agreements

41. (1) A fisheries management agreement or treaty—

(a) which relates to fishing and fishing related activities—

(i) within the fishery waters, is subject to the sovereignty and sovereign rights of Trinidad and Tobago over fisheries resources; or

(ii) in areas beyond national jurisdiction, is subject to the requirements of any applicable bilateral or multilateral treaty or arrangement to which Trinidad and Tobago is party; and

(b) shall promote compliance with international conservation and management measures and treaties to which Trinidad and Tobago is party.

(2) A fisheries management agreement or treaty may provide for—

(a) harmonised terms and conditions for access;

(b) joint or reciprocal fisheries monitoring, control, surveillance and enforcement measures;

(c) harmonised or joint conservation and management of fisheries;

(d) data and information sharing on a reciprocal basis;

(e) an observer programme, which includes provisions for the reciprocal recognition of observers; and

(f) such other matters as may be required for the effective implementation of the agreement in accordance with this Act.

Selection of fisheries management measures

42. (1) For the purposes of ensuring that fisheries resources are maintained at sustainable levels and to achieve any other specific objectives agreed for a given fishery, the Minister may, by Order, adopt for each

fishery, an appropriate combination of fishery management measures as outlined in the fisheries management plan.

(2) The selection of fishery management measures shall take into account, amongst other things—

(a) the best scientific information available or the precautionary approach in the absence of such information;

(b) the cost-effectiveness and feasibility of alternative options;

(c) the need to avoid the risk of conflict among fishers using different vessels, fishing gear and fishing methods;

(d) the practices, needs and interests of local fishing communities which are highly dependent on fishery resources for their livelihood; and

(e) regional and international fisheries agreements to which Trinidad and Tobago is a party.

Fishing effort and catch controls

43. (1) The Minister may, by Order, take measures consistent with the management plans to ensure that the level of fishing effort and the catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources.

(2) To control the amount of fishing effort in a fishery, an Order under subsection (1) may provide for a combination of management measures including, but not limited to—

(a) the numbers of fishing vessels to be allowed;

(b) the maximum permitted engine horsepower;

(c) the maximum permitted size of fishing vessels;

(d) the types of fishing gear and the number of

fishing gear units to be allowed by each fisher or vessel; and

(e) the number of fishing days.

(3) Where a fishing fleet has an excess of fishing or catching capacity, an Order under subsection (1) may require the reduction of the excess capacity to reduce capacity to levels commensurate with the sustainable use of fisheries resources so as to ensure that fishers operate under economic conditions that promote responsible fisheries.

(4) Without prejudice to subsections (1) to (3), an Order under subsection (1) may prescribe measures to control the level of fish catch over a specified period, including the setting of catch quotas—

(a) on the total catch in the fishery;

(b) for a fleet or fleet segment; or

(c) for individual vessels as part of their authorisation, licences or permits to fish.

Additional measures

44. (1) The Minister may, by Order, prescribe additional measures as required to achieve the fishery management objectives of a management plan including—

(a) restrictions on the species of fish that may be caught;

(b) size or age limits on fish species that may be caught;

(c) closed seasons;

(d) closed areas;

(e) zones reserved for selected fisheries, particularly artisanal fisheries;

(f) fishing gear restrictions, including diagonal stretched mesh sizes of different fishing gear; and

(g) limitations on the period of fishing gear deployment.

(2) An Order under subsection (1), as far as practicable, shall prescribe measures to—

(a) ensure that fishing gear, methods and practices which are not consistent with responsible fishing are phased out or prohibited; and

(b) minimise waste, discards, catch by lost or abandoned fishing gear, catch of non-target species, catch of juvenile and spawning fish and negative impacts on associated or dependent species, in particular endangered species.

(3) The Minister shall cause the management measures prescribed under this section to be reviewed every three years and revised as necessary.

Local fisheries management areas

45. The Minister may, by Order, designate any area of the fishery waters as a local fisheries management area and prescribe measures for the management of that area provided that those measures are consistent with the provisions of any applicable management plans or interim measures and arrangements under section 32(2).

Contravention of Orders under Division 2

46. An Order under this division may create an offence for any contravention and impose on summary conviction, a penalty not exceeding a fine of seven hundred thousand dollars and a term of imprisonment not exceeding one year.

Division 3

Prohibited Fishing Methods and Fishing Related Activities

Contravention of Orders under Division 3

47. An Order under this division may create an offence for any contravention and impose on summary conviction, a penalty not exceeding a fine of seven hundred thousand dollars and a term of imprisonment not exceeding one year.

Prohibited fishing methods and related fishing activities

48. (1) Subject to this Act, the Minister may, by Order, after consultation with the Director and Director-Tobago—

(a) prohibit at all times, or during a specified period, the taking, from any specified area of fishery waters of—

(i) fish or fish included in a specified class of fish; and

(ii) in the case of a specified class of crustaceans, females having eggs or spawn attached to them, and the processing of such fish on a vessel in the specified area;

(b) prohibit the taking, from any fisheries waters, of fish included in a specified class of fish that–

(i) are smaller or larger than a specified size;

(ii) have a dimension smaller or larger than a specified dimension; or

(iii) have a part which has a dimension smaller or larger than a specified dimension in relation to that part;

(c) prohibit the taking, from any fisheries waters, of fish, or of fish included in a specified class of fish–

(i) by a specified method or fishing gear;

(ii) by persons other than a specified class of persons; or

(iii) by vessels other than a specified class of vessels;

(d) prohibit the buying, selling, landing, displaying for sale, receiving, possession,

transportation or export or import of fish, fish products or of fish included in a specified class of fish;

(e) prohibit a person from having in his possession or in his charge in a vessel, in any area of waters, fishing gear of a specified kind for taking fish;

(f) prohibit a person from using, or having in his possession or in his charge in a vessel, in any fishery waters, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the Order;

(g) prohibit a person from using or having in his possession or in his charge or in or on a vessel or a class of vessels, in any part of the fishery waters to which an Order under subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment;

(h) prohibit the conduct of a specified type of fishing related activity—

(i) absolutely;

(ii) by persons other than a specified class of persons; or

(iii) in a specified manner; and

(i) prohibit such other activities as the Minister thinks fit.

(2) The Minister may, by Order, after consultation with the Director and Director-Tobago, prohibit the taking of protected or endangered species of fish in accordance with any written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party.

(3) An Order under this section may provide for exemptions from the prohibition and the duration of such exemptions.

(4) A person who—

(a) on his own account, or as the partner, agent or employee of another person, does;

(b) causes or permits a person acting on his behalf to do; or

(c) uses a vessel to do,

an act prohibited by an Order for the time being in force under subsection (1) or (2), except in accordance with an exemption granted under subsection (3), commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(5) A person who, in the fishery waters, has any fish in his or her possession or under his control in a vessel at a time when the taking of such fish in that area is prohibited by an Order under subsection (1) or (2), commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(6) No person shall land, sell, transport, receive, or have in his possession any fish or any parts thereof taken in contravention of subsection (4).

(7) A person who contravenes subsection (6) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Fishing with poisons, explosives or electrical devices prohibited

49. (1) Unless prescribed otherwise, no person shall—

(a) use, permit to be used or attempt to use any—

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite or explosive substance or device; or

(iii) electrical device,

for the purposes of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught; or

(b) carry, permit to be carried, possess or control any—

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin;

(ii) dynamite or explosive substance or device; or

(iii) electrical device,

in circumstances which indicate the intention of its use for any of the purposes referred to in subsection (1)*(a)*; or

(c) place in the water or assist in placing in the water any—

(i) chemical, poison or noxious substance or material whether of manufactured or natural origin; or

(ii) dynamite, or any explosive substance or device; or

(iii) electrical device,

for any of the purposes referred to in subsection (1)*(a)*.

(2) Unless prescribed otherwise, no person shall—

(a) land, display for sale, sell, deal in, transport, receive or possess any fish taken by any means which contravenes this section; or

(b) fail or refuse to give, on request, to any authorised officer information regarding—

(i) any activity described in subsection (1), or any support of or contribution to such activity; or

(ii) the source of his supply of any fish referred to in subsection (2)*(a)*.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(4) For the purposes of this section, any chemical, poison, noxious substance or material, dynamite, electrical device or explosive substance or device, unless the explosive substance is fuel which is used to power the fishing vessel, found on board any fishing vessel shall be presumed to be intended for the purposes referred to in subsection (1)*(a)*.

(5) All fish seized under this section shall be confiscated, and any vessel or vehicle used to transport such fish may be confiscated, and disposed of in such manner as the Director determines.

(6) For the purposes of this section, the "chemical", "poison", "noxious substance or material" include, but are not limited to, hypochlorus acid or any of its salts, including bleaches and bleaching powders, preparations containing rotenone, tephrosin or plant material from *Barringtonia asiatica, Oculus ferrandianus, Hura crepitans, Piscidia erythrina, Tephrosia purpurea* and *Wikstroemia.*

PART VI

SUBSIDIES AND OTHER ECONOMIC INCENTIVES

Effects of subsidies and other economic incentives

50. In developing management plans, the Minister shall consider the possible effects of subsidies and any other economic incentives on the sustainability of fisheries resources, and the achievement of fishery management objectives.

Revision of subsidies and other economic incentives

51. (1) All subsidies and other economic incentives shall be reviewed by the Director every three years for the purpose of determining whether-

(a) they contribute to the goals and objectives outlined in the fishery management plans; and

(b) they should be revised or new subsidies or other economic incentives be introduced in order to prevent excessive fishing and promote the sustainability of aquatic living resources, taking into account the needs of artisanal fisheries.

(2) The Director shall submit to the Minister a report on each review conducted under subsection (1), including his recommendations.

(3) The Minister shall cause the report to be laid in Parliament.

Offence for abuse of subsidies and other economic incentives

52. (1) A person who gives false or misleading information in order to qualify for a subsidy or other economic incentive for which that person would not otherwise have qualified, commits an offence and is liable on summary conviction to the fine and term of imprisonment as specified in the Schedule.

(2) It shall be a defence for any person charged under subsection (1) to prove that he did not give false or misleading information in order to qualify for a subsidy or other economic incentive for which he would not otherwise have qualified.

PART VII

REGISTRATION REQUIREMENTS

Application of Part VII

53. This Part shall apply to fishers engaged in commercial fishing and persons engaged in fishing related activities.

Register of Fishers and Fishworkers

54. (1) The Director shall establish and maintain a Register of Fishers and Fishworkers which shall include—

(a) the name, date of birth, Board of Inland Revenue number or any other identification number used in the administration of tax laws, residential and postal address, telephone number and email address of each fisher or fishworker;

(b) the name and identity mark of any vessel on which each fisher or fishworker conducts his fishing operations; and

(c) such other information as the Director may require.

(2) Subject to section 55, every fisher or fishworker shall apply to the Director to be registered on the approved form.

Requirement for registration as a fisher or fishworker

55. (1 A person who wishes to become a fisher shall apply for a temporary identity card in order to enable him to meet the requirement under subsection (3)*(e)*.

(2) A fisher or fishworker shall notify the Director of any changes in the information set out in the application form for the identity card within fourteen days of such change.

(3) To be registered as a fisher, a person shall—

(a) be at least sixteen years or obtain a provisional permit in the manner to be determined by the Director;

(b) not have been convicted within two years prior to the date of his application of any offence under this Act;

(c) not have been convicted of an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within two years prior to the date of his application;

(d) present evidence of certified training in personal survival, vessel operation, general

safety in fishing operations and any other certification required;

(e) have at least six months' practical experience on a vessel; and

(f) comply with any other prescribed criteria.

(4) To be registered as a fishworker, a person shall—

(a) be at least sixteen years;

(b) not have been convicted within two years prior to the date of his application of any offence under this Act;

(c) not have been convicted of any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, within two years prior to the date of his application;

(d) present evidence of certified training in specific fishing related activities; and

(e) comply with any other prescribed criteria.

(5) A person who gives false or misleading information in order to be registered as a fisher or fishworker commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.

Fisher and Fishworker Identity card

56. (1) The Director, upon receiving an application for a fisher and fishworker identity card on the approved form and payment of the prescribed fee, shall cause to be issued to every fisher or fishworker registered under this Part an identity card attesting to that fact.

(2) An identity card issued to a fisher or fishworker under subsection (1) shall be in the approved form.

(3) Where the Director refuses to issue an identity

card, he shall give reasons for the refusal.

(4) The Director may issue a new identity card where—

(a) it is necessary to update information; and

(b) an identity card has been lost, stolen or severely damaged.

(5) A fisher or fishworker shall keep his identity card on his person when engaged in fishing or any fishing related activities on land and sea and is required to produce it whenever required by an authorised officer.

(6) Subject to section 55(1), no person shall fish or engage in fishing related activities without being registered under this Act and without his identity card.

(7) A person who engages in fishing or fishing related activities without being registered under this Part commits an offence and is liable on summary conviction to the penalty set out in the Schedule.

(8) It shall be for any person charged with engaging in fishing or fishing related activities without being registered under this Part to prove that they were registered under this Part.

(9) If upon request by an authorised officer, a registered fisher or fishworker does not produce his identity card he commits an offence and is liable to payment of the fixed penalty as prescribed.

Validity and renewal of Fisher and Fishworker Identity card

57. (1) A fisher or fishworker identity card shall be valid for three years unless otherwise prescribed.

(2) An identity card may be renewed if lost, stolen, damaged, destroyed or expired upon application on the approved form and upon payment of the prescribed fee.

Suspension, revocation, surrender and cancellation of registration

58. (1) Where a registered fisher or fishworker has been convicted of an offence under this Act, the Director may—

(a) in the case of a first offence, allow the fisher or fishworker to retain his identity card;

(b) in the case of a second offence, suspend the registration of the fisher or fishworker for a period not exceeding six months; and

(c) in the case of three or more offences, revoke the registration of the fisher or fishworker.

(2) Where a registered fisher or fishworker has been convicted of an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade, the Director shall suspend the registration of the fisher or fishworker for such a period of time as the Director considers reasonable or revoke the registration.

(3) Where a registered fisher or fishworker fails to provide notification of any change in information within the period specified in section 55(2), the Director may suspend the registration of the fisher or fishworker for such a period of time as the Director considers reasonable.

(4) The Director shall give a fisher or fishworker whose registration has been suspended or revoked under this section written notification of the suspension or revocation and provide reasons.

(5) The Director—

(a) may cancel an identity card issued under section 54; and

(b) shall notify, in writing, the person to whom the identity card was issued of the cancellation.

(6) A person who no longer continues to be a fisher or fishworker under subsection (5)*(a)* shall return the identity card to the Director within fourteen days of the receipt of the notification.

(7) A person who is no longer engaged in fishing or fishing related fishing activities, other than a person under subsection (5)*(a)* shall surrender his identity card to the Director as soon as practicable.

Record of fish vendors

59. (1) The Director shall establish and maintain a Record of Fish Vendors.

(2) An application to be entered on the Record of Fish Vendors by a person engaged in the selling of fish shall be made to the Director, on the approved form and be accompanied by the prescribed fee.

(3) No person shall engage in the selling of fish unless he is entered on the Record of Fish Vendors.

(4) The Director may remove an entry on the Record of Fish Vendors if he is satisfied that—

(a) the entry was based on false or erroneous information;

(b) the person is no longer engaged in the selling of fish; or

(c) the entry should be removed on such other grounds as may be prescribed.

(5) Where an entry on the Record of Fish Vendors is removed under this section, the Director shall give the person written notification of the removal and provide reasons.

(6) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

PART VIII

Record of Trinidad and Tobago Fishing Vessels

Record of Trinidad and Tobago Fishing Vessels

60. (1) The Director shall establish and maintain a record to be known as "Record of Trinidad and Tobago Fishing Vessels".

(2) All vessels to be entered on the Record of Trinidad and Tobago Fishing Vessels shall be registered

under the written law governing the registration of vessels.

(3) The Record of Trinidad and Tobago Fishing Vessels shall contain the following particulars in respect of all fishing vessels registered in Trinidad and Tobago:

(a) the name of the fishing vessel;

(b) the identity mark allotted to the fishing vessel under the legislation governing the marking of vessels;

(c) the International Maritime Organization (IMO) number, if any, any other unique identifier, and the international radio call sign which is held by the vessel;

(d) the name, address and any other contact information of the owner, the owner's authorised local representative resident in Trinidad and Tobago and operator of the vessel;

(e) the type, registered length and width, material of construction, tonnage, colour, power of main engines, fish hold capacity, fuel tank capacity, catch storage methods, and other distinguishing features of the vessel;

(f) the type of fishing, whether commercial or recreational, for which the vessel is to be used;

(g) any specific fishing gear types and fishing gear specifications which the vessel is designed to use;

(h) photographs of the vessel;

(i) the identity mark of the fishing gear and engines of the vessel;

(j) the place of mooring or beach at which the vessel is to be stationed;

(k) proof of compliance with any relevant national law; and

(l) any other information that the Director thinks fit.

Application to be entered on the Record of Trinidad and Tobago Fishing Vessels

61. (1) A person who owns a Trinidad and Tobago fishing vessel or who is desirous of operating such vessel in the fishery waters or in areas beyond national jurisdiction, whether for commercial gain or recreational purposes, shall apply to the Director to have his vessel entered on the Record of Trinidad and Tobago Fishing Vessels.

(2) A person who uses a Trinidad and Tobago fishing vessel, in the fishery waters or in areas beyond national jurisdiction, that is not entered on the Record of Trinidad and Tobago Fishing Vessels commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(3) An application under subsection (1) shall be made on the approved form and shall be accompanied by the prescribed fee and a copy of the certificate of registration issued under a written law governing the registration of vessels.

(4) The Director shall issue to the owner of a Trinidad and Tobago fishing vessel, a Certificate of Record evidencing that the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels—

(a) upon receipt of the application made by the owner in the manner required in subsection (3) and verification of the particulars provided by the applicant; and

(b) after an inspection has been conducted under section 60 and the Director is satisfied that the vessel is in compliance with the requirements under this Act.

Inspection to be entered on the Record of Trinidad and Tobago Fishing Vessels

62. (1) A vessel shall be inspected prior to entry on the Record of Trinidad and Tobago Fishing Vessels.

(2) Where, on an inspection under subsection (1), the Director is satisfied that the vessel is not in compliance with the requirements under this Act, he shall not enter the vessel on the Record of Trinidad and Tobago Fishing Vessels and require the owner of the vessel—

(a) to effect such changes or improvements as the Director may determine, in order to make the vessel compliant with the requirements under this Act; and

(b) to complete the changes or improvements within such period as the Director considers reasonable.

(3) Where the owner of a vessel is required under subsection (2) to effect changes or improvements and he complies with the requirements within the stipulated period, the Director shall enter the vessel on the Record of Trinidad and Tobago Fishing Vessels and issue the Certificate of Record of the vessel.

Marking and identification of fishing vessel

63. (1) Trinidad and Tobago fishing vessels shall be marked and identified in accordance with any written law governing the marking and identification of a vessel.

(2) A person who uses a Trinidad and Tobago fishing vessel that is not marked or identified in accordance with this section commits an offence and is liable on summary conviction to the fine and term of imprisonment specified in the Schedule.

Changes to the Record of Trinidad and Tobago Fishing Vessels

64. (1) The owner of a Trinidad and Tobago fishing vessel shall notify the Director of every change in the particulars required under section 60(2) within seven days of such change.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine and term of imprisonment as specified in the Schedule.

Grounds for refusal to issue a Certificate of Record

65. (1) The Director may refuse to issue a Certificate of Record if—

(a) the fishing gear and equipment are not in a good state of repair;

(b) upon inspection, the Director is satisfied that the vessel is not in compliance with this Act;

(c) the vessel is not registered under the legislation governing registration of vessels;

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(e) the vessel is an IUU listed vessel; or

(f) the owner fails to effect any change or improvements required.

(2) Where the Director refuses to issue a Certificate of Record, he shall provide the applicant with written notice of his decision and provide reasons.

Suspension or revocation of Certificate of Record

66. (1) The Director may suspend or revoke a Certificate of Record if he is satisfied that—

(a) the issue of the Certificate of Record was based on false information, or;

(b) since the issue of the Certificate of Registry under the Shipping Act—

(i) the vessel has been altered, resulting in a change in length, size, engine power or other particulars regarding the vessel recorded under section 58(2) without notice to or approval from the relevant competent authority for registration of vessels;

(ii) the name of the vessel has been changed or the vessel has been transferred to another owner without the relevant notice to or approval of the competent authority with responsibility for registration of vessels; or

(iii) the particulars of fishing gear or engines recorded under section 69 have been altered without approval from the Director;

(c) the vessel is an IUU listed vessel; or

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade.

(2) Where the Director refuses to issue a Certificate of Record, he shall provide the applicant with written notice of his decision and provide reasons.

Surrender of Certificate of Record

67. A person who no longer uses the vessel for the purpose of fishing shall surrender the Certificate of Record to the Director.

Cancellation of Certificate of Record

68. The Director may cancel a Certificate of Record where—

(a) there is failure to comply with the conditions for inclusion on the Record of Trinidad and Tobago fishing vessels or this Act;

(b) the issue of the Certificate of Record was based on erroneous information;

(c) the vessel is no longer used for the purposes of fishing;

(d) the vessel has been substantially damaged, destroyed or abandoned; or

(e) the Certificate of Record or the identity mark placed on the fishing vessel, fishing gears or engines has been tampered with.

Registration of fishing gear and an engine

69. (1) A person who, for the purpose of fishing or fishing related activity, is desirous of using fishing gear or an engine shall register the fishing gear or engine with the Director in the manner prescribed.

(2) A person who uses or causes to be used fishing gear or an engine for the purpose of fishing or fishing related activity, which is not registered as prescribed commits an offence and is liable on summary conviction to the fine and term of imprisonment specified in the Schedule.

Identification and marking of fishing gear and an engine

70. (1) Fishing gear and an engine shall be clearly and permanently marked in the manner prescribed.

(2) A person who uses or causes to be used, any fishing gear or engine that is not marked or identified as prescribed commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Tampering with Certificate of Record or mark on fishing vessel, fishing gear and an engine

71. A person who tampers with—

(a) a Certificate of Record issued by the Director under section 61(4); or

(b) an identity mark placed on any fishing vessel, fishing gear or an engine after it has been entered on a record or register,

commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

PART IX

Commercial Fishing With a Fishing Vessel Within the Fishery Waters

Requirement for a commercial fishing licence

72. (1) No Trinidad and Tobago fishing vessel shall be used for commercial fishing in the fishery waters,

unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid commercial fishing vessel licence in relation to it.

(2) A person who uses or authorises the use of a Trinidad and Tobago fishing vessel in contravention of subsection (1), commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Application for a commercial fishing vessel licence

73. (1) An application for a commercial fishing vessel licence shall be made by the owner of the fishing vessel to the Director on the approved form and be accompanied by the prescribed fee.

(2) The Director, upon receiving an application under this section, may issue the applicant with a commercial fishing vessel licence in respect of the fishing vessel to which the application refers.

(3) Before issuing a commercial fishing vessel licence, the Director shall consider the applicant's historical participation in the fishery and record of compliance with this Act and the former Acts.

(4) The Director may refuse to issue a commercial fishing vessel licence on the grounds that—

(a) it is necessary to do so in order to give effect to any licensing programme or other management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a condition of a commercial fishing vessel licence previously issued to him and, the nature and gravity of the breach;

(c) the commercial fishing vessel in respect of which the application is made—

(i) does not have a valid Certificate of Record issued under this Act; or

(ii) is not in compliance with any other requirements specified in this Act;

(d) the vessel is an IUU listed vessel;

(e) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(f) the vessel is not a Trinidad and Tobago fishing vessel within the meaning of this Act.

(5) Where the Director refuses to issue a commercial fishing vessel licence, he shall provide the applicant with written notice of his decision and provide reasons.

(6) A licence holder shall notify the Director of any change in the information set out—

(a) in his application form for the licence; or

(b) provided pursuant to paragraph *(a)*, as soon as is reasonably practicable, and in any case, not later than seven days after the change.

(7) A licence-holder who contravenes subsection (6) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Failure to carry on Board the commercial fishing vessel licence

74. (1) The master of a Trinidad and Tobago fishing vessel shall ensure that a commercial fishing vessel licence is on board the vessel at all times while the vessel is engaged in commercial fishing in the fishery waters.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

General terms and conditions attached to commercial fishing vessel licencee

75. (1) Without prejudice to any terms and conditions that may be attached to a licence under this Act, the holder of a commercial fishing vessel licence issued in respect of a Trinidad and Tobago fishing vessel shall be subject to the following general terms and conditions:

(a) where a fishing vessel licensed as a Trinidad and Tobago fishing vessel becomes a foreign fishing vessel, the licence shall automatically terminate;

(b) no licence shall be transferable;

(c) mark and identify the fishing vessel to which the licence relates in accordance with the Shipping Act and any other law governing the marking and identification of vessels;

(d) mark and identify the fishing gear;

(e) cooperate together with any member of the crew with any authorised officer and observer in compiling catch and fishing effort data or in taking of samples on behalf of the Director for statistical or scientific purposes;

(f) complete and submit fishing logbooks to the Director at the intervals specified in the commercial fishing vessel licence;

(g) hand over all data collected or samples taken to an authorised officer or observer on request and in accordance with procedures prescribed by the Director;

(h) allow an observer on board and to remain on board the fishing vessel on the terms specified in section 161;

(i) allow the authorised officer to board the vessel and to perform his duties in

accordance with sections 154, 155, 156, 157, 158 and 159;

(j) install and maintain on board an MTU or other electronic devices to be prescribed;

(k) comply with the laws of that other country if the fishing vessel is fishing in the fishery waters of another country; and

(l) comply, together with the crew, with the requirements of this Act and any other written law.

(2) The operator of a commercial fishing vessel who breaches any general term or condition attached to a commercial fishing vessel licence commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Specific terms and conditions attached to commercial fishing vessel licence

76. (1) On the issuance of a commercial fishing vessel licence, the Director shall specify the type of fishing for which the vessel is licensed and may impose such specific terms and conditions as he thinks fit, including but not limited to the following:

(a) the fisheries in which the vessel is licensed to participate;

(b) the fishing areas in which the vessel may operate;

(c) the fishing times at which the vessel may operate;

(d) the fishing operations, methods and fishing gear that the fishing vessel may use;

(e) the maximum weight of fish catches that the vessel may take over the period of the licence, for each specified fish species or in aggregate;

(f) the maximum weight of fish catch that may be taken per day; and

(g) the placement and use of fish aggregating devices.

(2) A commercial fishing vessel license shall be subject the arrangement adopted under a fisheries management plan or a fisheries strategy plan or programme.

(3) An operator of a Trinidad and Tobago fishing vessel, who uses the vessel in breach of any specific term or condition of a commercial fishing vessel licence commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(4) The Director shall attach terms and conditions to a licence as considered necessary or expedient for the purpose of giving effect to—

(a) international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member; or

(b) treaties or arrangements to which Trinidad and Tobago is a party.

Variation of terms and conditions

77. (1) Where the Director is of the opinion that it is expedient for the proper management of fisheries in the fishery waters, he may vary any general or specific term or condition attached to a commercial fishing vessel licence.

(2) Where the Director varies any general or specific term or condition attached to a commercial fishing vessel licence, he shall give written notification to the licence-holder of the variation as soon as practicable.

Validity of commercial fishing vessel licence

78. Subject to this Act, a commercial fishing vessel licence shall be valid for such period as the Director may specifiy in the licence.

Suspension of revocation of commercial fishing vessel licence

79. (1) Without prejudice to any other proceedings under this Act or any other written law that was issued in respect of any fishing vessel, the Director may suspend or revoke any commercial fishing vessel licence, where he is satisfied that—

(a) the issue of the commercial fishing vessel licence was based on false information;

(b) the Certificate of Record has been suspended or revoked;

(c) the applicant has committed, or if the vessel that caught the fish has been used in the commission of an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(d) the fishing vessel has been used in breach of any term or condition of its licence, or of this Act or any other written law;

(e) the fishing vessel is an IUU listed vessel;

(f) he is required or authorised to do so in accordance with the provisions of any arrangement or agreement entered into under this Act; or

(g) it is in accordance with such grounds as may be prescribed in the Regulations.

(2) In the case of a suspension under subsection (1)*(b)*, the licence-holder may provide the information requested by the Director, within such period as the Director may determine.

(3) Where a commercial fishing vessel licence is suspended or revoked under this section, the Director shall give the licence-holder written notification of the suspension or revocation and provide reasons.

(4) The Director shall determine procedure with respect to the suspension and revocation of licences.

Surrender and cancellation of commercial fishing vessel licence

80. (1) A person who no longer uses the vessel for the purpose of commercial fishing shall surrender the commercial fishing vessel licence to the Director as soon as practicable.

(2) The Director may cancel a commercial fishing vessel licence where—

(a) the issue of the license was based on erroneous information;

(b) the vessel is no longer used for the purposes of commercial fishing; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3) Where the Director determines that the commercial fishing vessel license should be cancelled in accordance with subsection (1), the Director shall give written notice of the cancellation and provide reasons to the license-holder that the license shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the license-holder submits written reasons to the satisfaction of the Director as to why the license should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the license, he shall, as soon as is practicable, notify the license-holder in writing.

PART X

COMMERCIAL FISHING WITHOUT A FISHING VESSEL

Requirement for a licence for commercial fishing vessel without a vessel

81. (1) No person shall conduct non-vessel commercial fishing in the fishery waters unless that person has first obtained a non-vessel commercial fishing licence.

(2 Any person who fishes in contravention of subsection (1) commits an offence and is liable on summary conviction to the fine set out on the Schedule.

Application for a non-vessel commercial fishing licence

82. (1) An application for a non-vessel commercial fishing licence shall be made to the Director on the approved form and be accompanied by the prescribed fee.

(2) The Director, upon receiving an application under this section and upon payment of the prescribed fee, may issue a non-vessel commercial fishing licence to the applicant.

(3) Before issuing a non-vessel commercial fishing licence, the Director shall consider the applicant's historical participation in the fishery and record of compliance with this Act and the former Acts.

(4) The Director may refuse to issue a non-vessel commercial fishing licence on any of the following grounds:

(a) it is necessary to do so in order to give effect to any licensing programme or other management measure specified in a relevant fisheries management plan or fisheries strategy plan or programme;

(b) the applicant has been engaged in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing;

(c) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(d) the applicant has breached a term or

condition of a non-vessel commercial fishing licence previously issued to him and the nature and gravity of the breach.

(5) Where the Director refuses to issue a non-vessel commercial fishing licence, he shall provide the applicant with written notice of his decision and provide reasons.

Failure to present a non-vessel commercial fishing licence

83. (1) A non-vessel commercial fishing licence shall be presented by the licence-holder to any authorised officer upon request.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine as set out in the Schedule.

General terms and conditions attached to non-vessel commercial fishing licences

84. (1) Without prejudice to any term and condition that may be attached to a licence under this Act, issuance of a non-vessel commercial fishing licence shall be subject to the following general terms and conditions:

(a) any change in the information set out in the application form for the licence shall be notified to the Director by the licence-holder as soon as is reasonably practicable, and in any case, not later than seven days after the change;

(b) no licence shall be transferable;

(c) the licence-holder and any other persons who are jointly engaged in his fishing operations shall—

(i) comply with any direction given in good faith by an authorised officer; and

(ii) cooperate with any authorised officer in compiling catch data or in taking of samples on behalf of the Director for statistical or scientific purposes; and

(d) the licence-holder and any other persons who are jointly engaged in his fishing operations shall not engage in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing.

(2) In relation to subsection (1)*(c)*(ii), the authorised officer shall, upon request, provide proof of identification, and proof that the data or samples are required for a study approved by the Director.

(3) A person who conducts non-vessel commercial fishing in breach of any general term or condition of a non-vessel commercial fishing licence commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Specific terms and conditions attached to non-vessel commercial fishing licences

85. (1) On the issuance of a non-vessel commercial fishing vessel licence, the Director shall specify the type of fishing for which the licence-holder is licensed and may impose such specific terms and conditions as he thinks fit including, but not limited to, the following:

(a) the fisheries in which the licence-holder may participate;

(b) the fishing areas in which the licence-holder may operate;

(c) the fishing times at which the licence-holder may operate;

(d) the fishing operations, methods and fishing gear that the licence-holder may use;

(e) the maximum weight of fish catch that the licence-holder may take over the period of the licence, for each specified fish species or in aggregate;

(f) the maximum weight of fish catch that may be taken per day; and

(g) any other condition the Director considers necessary.

(2) A non-vessel commercial fishing licence shall be subject to arrangements adopted under a specific fisheries management plan or fisheries management strategy plan or programme.

(3) A person who conducts non-vessel commercial fishing in breach of any specific term or condition of a non-vessel commercial fishing licence commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Variation of terms or conditions

86. (1) Where the Director is of the opinion that it is expedient for the proper management of fisheries in the fishery waters, he may vary any general or specific term or condition attached to a non-vessel commercial fishing licence.

(2) Where the Director varies any general or specific term or condition attached to a non-vessel commercial fishing licence, he shall give written notification to the licence-holder of the variation as soon as practicable.

Validity of non-vessel commercial fishing licence

87. Subject to this Act, a non-vessel commercial fishing licence shall be valid for such period as may be specified in the licence.

Suspension or revocation of non-vessel commercial fishing licence

88. (1) The Director may suspend or revoke a non-vessel commercial fishing licence issued under this part where—

(a) the issue of the non-vessel commercial fishing licence was based on false information;

(b) the licence-holder is in breach of any of the terms or conditions set out in sections 84 and 85;

*(c) t*he licence-holder who is engaged in his fishing operations engaged in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing;

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(e) where the Director is satisfied that it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any specific fisheries management plan or fisheries strategy, plan or programme prepared under Part V; or

(f) it is in accordance with such additional grounds as may be prescribed in the Regulations.

(2 Where a non-vessel commercial fishing licence is suspended or revoked under this section, the Director shall give the licence-holder written notification of the suspension or revocation and provide reasons.

Surrender and cancellation of non-vessel commercial fishing vessel

89. (1) A person who no longer conducts non-vessel commercial fishing shall surrender the non-vessel commercial fishing licence to the Director as soon as practicable.

(2) The Director may cancel a non-vessel commercial fishing vessel licence where—

(a) the issue of the license was based on erroneous information;

(b) the license-holder no longer conducts non-vessel commercial fishing; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with

the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3) Where the Director determines that the non-vessel commercial fishing vessel license should be cancelled in accordance with subsection (1), the Director shall give written notice of the cancellation and provide reasons to the license-holder that the license shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the license-holder submits written reasons to the satisfaction of the Director as to why the license should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the license, he shall, as soon as is practicable, notify the license-holder in writing.

PART XI

Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction

Requirement for a commercial fishing authorisation in areas beyond national jurisdiction

90. (1) No Trinidad and Tobago fishing vessel shall be used for commercial fishing or fishing related activities in areas beyond national jurisdiction unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid commercial fishing authorisation in relation to it.

(2) Subject to subsection (1), where the areas beyond national jurisdiction refers to the waters under the jurisdiction of another State, the Trinidad and Tobago fishing vessel shall possess a valid authorisation issued by the competent authority in that State for

the purpose of conducting fishing or fishing related activities.

(3) A person who uses or authorises the use of a Trinidad and Tobago fishing vessel in contravention of subsections (1) and (2) commits an offence and is liable on summary conviction to payment of the fine and term of imprisonment set out in the Schedule.

Application for, and issue of, a commercial fishing authorisation

91. (1) An application for a commercial fishing authorisation shall be made by the owner of the fishing vessel to the Minister on the approved form and accompanied by the prescribed fee.

(2) Subject to subsections (3) to (5), the Minister, upon receiving an application under this section and upon payment of the prescribed fee, may issue a commercial fishing authorisation in relation to the vessel to which the application refers.

(3) The Minister shall consider the following matters in determining whether or not to issue a commercial fishing authorisation:

(a) whether the applicant has breached a condition of an authorisation previously issued to him and the nature and gravity of the breach,

(b) the applicant's historical participation in fishing and fishing related activities;

(c) the applicant's record of compliance with this Act and the former Acts;

(d) the applicant's record of compliance with international conservation and management measures; and

(e) any other relevant matter.

(4) Subject to subsection (3), the Minister shall not issue a commercial fishing authorisation in relation to any Trinidad and Tobago fishing vessel—

(a) if that vessel was previously authorised to

be used for fishing on the High Seas by a foreign State, and the foreign State either—

(i) suspended such authorisation and the suspension has not expired; or

(ii) revoked such authorisation within the three years preceding the application for a licence,

on the grounds that the vessel was used to undermine the effectiveness of international conservation and management measures;

(b) where the vessel is an IUU listed vessel; or

(c) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade.

(5) Subsection (4) shall not apply if—

(a) the ownership of the vessel has changed since the suspension or revocation of the authorisation by the foreign State and the new owner has provided sufficient evidence to the Minister that the previous owner or master has no legal, beneficial or financial interest in the vessel; and

(b) the Minister is satisfied that issuance of a commercial fishing authorisation would not subvert the purposes of relevant Conventions and Agreements.

(6) Where the Minister refuses to issue a commercial fishing authorisation, he shall provide the applicant with written notice of his decision and reasons.

(7) An authorisation-holder shall notify the Minister in writing of any change in the information set

out in his application form for the commercial fishing authorisation as soon as is reasonably practicable, and in any case, not later than seven days after the change.

(8) An authorisation-holder who contravenes subsection (7) commits an offence and is liable to payment of the fixed penalty as prescribed.

(9) In this Part, "authorisation-holder" means the owner of a Trinidad and Tobago fishing vessel in relation to which a commercial fishing authorisation has been issued.

Failure to carry on board a commercial fishing authorisation

92. (1) The master of a Trinidad and Tobago fishing vessel shall ensure that a commercial fishing authorisation is on board the vessel at all times while the vessel is engaged in fishing or fishing related activities in areas beyond national jurisdiction.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine set out in the Schedule.

Terms and conditions attached to commercial fishing authorisation

93. (1) Every commercial fishing authorisation shall be subject to the general terms and conditions of section 75.

(2) The Minister may attach such other terms and conditions to each commercial fishing authorisation as are necessary and appropriate to carry out the obligations of Trinidad and Tobago under relevant Conventions and Agreements and international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member, including the following:

(a) any of the fishing-related terms and conditions described in section 76(1) *(a)* to *(g)*;

(b) a requirement that the vessel shall not engage in any activities which undermine the effectiveness of any sub-regional, regional or international conservation and management measures;

(c) a requirement that the vessel carry observers, local or foreign, on board during fishing operations in areas beyond national jurisdiction;

(d) a requirement that additional monitoring equipment be carried;

(e) measures to be taken to avoid catching non-target species;

(f) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data, including the use of vessel monitoring systems;

(g) requirements for the completion and submission of fishing logbooks to the Director at the intervals specified in the commercial fishing authorisation; and

(h) requirements for verifying the catch of target and non-target species;

(i) requirements for the stowage of fishing gear; and

(j) any other condition the Minister considers necessary.

(3) A person who carries out fishing or fishing related activities using a Trinidad and Tobago fishing vessel in breach of any term or condition contained in the commercial fishing authorisation commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(4) A person who authorises the use of a Trinidad and Tobago fishing vessel in breach of any term or condition contained in the commercial fishing authorisation commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Variations of terms and conditions: commercial fishing authorisation

94. (1) The Minister may vary any terms and conditions attached to a commercial fishing authorisation where the Minister is satisfied that this is necessary to ensure compliance by Trinidad and Tobago with its obligations under relevant Conventions and Agreements.

(2) Where the Minister varies any term or condition attached to a commercial fishing authorisation, he shall give written notification to the authorisation-holder of the variation and provide reasons as soon as is reasonably practicable.

Validity of commercial fishing authorisation

95. Subject to this Act, a commercial fishing authorisation shall be valid unless suspended or revoked under section 96 for such a period as may be specified in the authorisation.

Suspension or revocartion of commercial fishing authorisation

96. (1) The Minister may suspend or revoke a commercial fishing authorisation issued in respect of a vessel where the Minister is satisfied that—

(a) the issue of the commercial fishing authorisation was based on false information;

(b) the Certificate of Record of the vessel has been suspended or revoked;

(c) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(d) the vessel has been used in contravention of this Act or in breach of any term or condition in the authorisation;

(e) the vessel is an IUU listed vessel;

(f) the vessel has been engaged in activities undermining the effectiveness of international conservation and management measures adopted by Trinidad and Tobago;

(g) it is necessary to ensure compliance by Trinidad and Tobago with its obligations under relevant Conventions and Agreements; or

(h) to do so is in accordance with such other grounds as may be prescribed.

(2) Where an authorisation is suspended or revoked, the Minister shall, within a reasonable period of time, give the authorisation-holder written notification of the suspension or revocation and provide reasons therefor.

(3) Where an authorisation is revoked, no new authorisation shall be issued unless the authorisation-holder demonstrates that the reasons for revocation no longer apply.

(4) Where an authorisation is suspended, the authorisation shall not be reactivated unless the authorisation-holder demonstrates that the reasons for suspension no longer apply.

Surrender or cancellation of commercial fishing authorisation

97. (1) A person who no longer uses the vessel for the purpose of commercial fishing shall surrender the commercial fishing authorisation to the Director as soon as practicable.

(2) The Director may cancel a commercial fishing authorisation where—

(a) the issue of the authorisation was based on erroneous information;

(b) the vessel is no longer used for the purposes of commercial fishing; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3) Where the Director determines that the

commercial fishing authorisation should be cancelled in accordance with subsection (1), the Director shall give written notice of the cancellation and provide reasons to the authorisation-holder that the authorisation shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the authorisation-holder submits written reasons to the satisfaction of the Director as to why the authorisation should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the authorisation, he shall, as soon as is practicable, notify the authorisation-holder in writing.

PART XII

RECREATIONAL FISHING

Application

98. This Part applies to recreational fishing—

(a) within the fishery waters—

(i) Trinidad and Tobago vessel or foreign vessel; or

(ii) without a vessel; and

(b) in areas beyond national jurisdiction on a Trinidad and Tobago vessel.

Requirement for a recreactional fishing vessel licence

99. (1) Unless otherwise prescribed, a person shall not use a Trinidad and Tobago vessel for recreational fishing in the fishery waters, unless the vessel has been entered on the Record of Trinidad and Tobago Fishing Vessels and there is a valid recreational fishing vessel licence in relation to it.

(2) A person who uses or authorises the use of a

Trinidad and Tobago vessel in contravention of sub-section (1) commits an offence and is liable on summary conviction to the penalty set out in the Schedule.

(3) An application for a recreational fishing vessel licence shall be made by the owner of a Trinidad and Tobago vessel to the Director in the manner prescribed on the approved form and be accompanied by the prescribed fee.

(4) The Director, upon receiving an application under sub-section (3), may issue the applicant with a recreational fishing vessel licence in respect of the Trinidad and Tobago vessel to which the application refers and may attach terms and conditions to the licence as he thinks fit.

(5) The Director may refuse to issue a recreational fishing vessel licence on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a term or condition of a recreational fishing vessel licence previously issued to him and, taking into consideration the applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the licence;

(c) the vessel in respect of which the application is made—

(i) is not a Trinidad and Tobago vessel;

(ii) does not have a valid Certificate of Record issued under this Act; or

(iii) is not in compliance with this Act;

(d) the vessel is an IUU listed vessel;

(e) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(f) such additional grounds as may be prescribed.

(6) Where the Director refuses to issue a recreational fishing vessel licence, he shall provide the applicant with written notice of his decision and provide reasons.

(7) A person who breaches a term or condition of a recreational fishing vessel licence commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.

Requirement for a recreational fishing permit

100. (1) No person on a recreational fishing vessel shall engage in recreational fishing in the fishery waters unless he is the holder of a valid recreational fishing permit.

(2) The Director, or a person authorised by him, shall issue a recreational fishing permit to a person on receipt of the prescribed fee and may attach terms and conditions to the permit as he thinks fit.

(3) The master of a recreational fishing vessel shall ensure that a person who is engaged in recreational fishing on that vessel in the fishery waters is the holder of a valid recreational fishing permit.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

(5) A person shall keep his recreational fishing

permit on his person while engaged in recreational fishing, or the landing of fish caught by means of recreational fishing, in the fishery waters.

(6) A person referred to in subsection (5) who fails, upon request by an authorised officer, to produce his recreational fishing permit commits an offence and is liable on summary conviction to the fine set out in the Schedule.

(7) A person who contravenes subsection (1) or breaches a term or condition of a recreational fishing permit commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.

Requirement for a non-vessel recreational fishing permit

101. (1) No person shall engage in any prescribed type of recreational fishing in the fishery waters without a vessel unless he is the holder of a valid non-vessel recreational fishing permit.

(2) An application for a non-vessel recreational fishing permit shall be made to the Director on the approved form and accompanied by the prescribed fee.

(3) The Director, upon receiving an application under subsection (2), may issue the applicant with a non-vessel recreational fishing permit and may attach terms and conditions to the permit as he thinks fit.

(4) The Director may refuse to issue a non-vessel recreational fishing permit on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a term or condition of a non-vessel recreational fishing permit previously issued to him and, taking into consideration the applicant's record of compliance with this Act and the former Acts, the Director reasonably

believes that the applicant will not comply with the terms and conditions of the permit;

(c) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(d) such additional grounds as may be prescribed.

(5) Where the Director refuses to issue a non-vessel recreational fishing permit, he shall provide the applicant with written notice of his decision and provide reasons.

(6) Where the Director refuses to issue a recreational fishing vessel licence, he shall provide the applicant with written notice of his decision and provide reasons.

(7) A person who contravenes subsection (1) or breaches a term or condition of a non-vessel recreational fishing permit commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.

Requirement for recreational foreign fishing vessel licence

102. (1) No person shall use a foreign fishing vessel for the purposes of recreational fishing within the fishery waters unless he is the holder of a valid recreational foreign fishing vessel licence issued by the Director.

(2) A person intending to use a foreign fishing vessel for recreational fishing in the fishery waters shall apply to the Director for a recreational foreign fishing vessel licence in the manner prescribed.

(3) An application for a recreational foreign fishing vessel licence shall be made to the Director on

the approved form and accompanied by the prescribed fee.

(4) The Director, upon receiving an application under subsection (3), may issue the applicant with a recreational foreign fishing vessel licence and may attach terms and conditions to the licence as he thinks fit.

(5) The Director may refuse to issue a recreational foreign fishing vessel licence on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a term or condition of a recreational foreign fishing vessel licence previously issued to him and, taking into consideration the applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the licence;

(c) the vessel is an IUU listed vessel;

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(e) such additional grounds as may be prescribed.

(6) Where the Director refuses to issue a recreational foreign fishing vessel licence, he shall provide the applicant with written notice of his decisions and provide reasons.

(7) A person who contravenes subsection (1) or breaches a term or condition of a recreational fishing vessel licence commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.

Requirement for recreational fishing authorisation in areas beyond national jurisdiction

103. (1) No person shall use a Trinidad and Tobago vessel for recreational fishing in areas beyond national jurisdiction unless the vessel—

(a) has been entered on the Record of Trinidad and Tobago Fishing Vessels;

(b) holds a valid recreational fishing authorisation; and

(c) where the waters are under the jurisdiction of another State, holds a valid licence issued by that State.

(2) A person intending to use a Trinidad and Tobago fishing vessel for recreational fishing in areas beyond national jurisdiction shall apply to the Director for a recreational fishing authorisation in the manner prescribed.

(3) An application for a recreational fishing authorisation shall be made to the Director on the approved form and accompanied by the prescribed fee.

(4) The Director, upon receiving an application under subsection (3), may issue the applicant with a recreational fishing authorisation and may attach terms and conditions to the authorisation as he thinks fit.

(5) The Director may refuse to issue a recreational fishing authorisation on any of the following grounds:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant fisheries management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a term or condition of a recreational fishing

authorisation previously issued to him and, taking into consideration the applicant's record of compliance with this Act and the former Acts, the Director reasonably believes that the applicant will not comply with the terms and conditions of the authorisation;

(c) the vessel in respect of which the application is made—

(i) is not a Trinidad and Tobago vessel;

(ii) does not have a valid Certificate of Record issued under this Act; or

(iii) is not in compliance with this Act;

(d) the vessel is an IUU listed vessel;

(e) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(f) such additional grounds as may be prescribed.

(6) Where the Director refuses to issue a recreational fishing authorisation, he shall provide the applicant with written notice of his decisions and provide reasons.

(7) A person who breaches a term or condition of a recreational fishing authorisation commits an offence and is liable on summary conviction to payment of the fine set out in the Schedule.

(8) A person who contravenes subsection (1) commits an offence and is liable to the penalty set out in the Schedule.

Terms and conditions for recreational fishing

104. General terms and conditions for authorisations, licences and permits issued under this Part are to be prescribed.

Validity: recreational fishing vessel licence, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence or a recreational fishing authorisation

105. A recreational fishing vessel licence, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence and a recreational fishing authorisation shall be valid, unless suspended or revoked under section 108, for a period to be specified in the authorisation, licence or permit.

Notification of change

106. (1) A holder of an authorisation, licence or permit issued under this Part shall notify the Director of any change in the information—

(a) set out in his application form for the authorisation, licence or permit; or

(b) provided pursuant to paragraph *(a)*,

as soon as is reasonably practicable and in any case, not later than seven days after the change.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement to carry on board authorisation or licence

107. (1) The master of a vessel shall ensure that a recreational fishing vessel licence or recreational foreign fishing vessel licence is on board the vessel at all times while the vessel is engaged in recreational fishing in the fishery waters.

(2) The master of a Trinidad and Tobago vessel shall ensure that a recreational fishing authorisation is on board the vessel at all times while the vessel is engaged in recreational fishing in areas beyond national jurisdiction.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

108. (1) The Director may suspend or revoke a recreational fishing vessel licence, a non-vessel recreational fishing permit, a recreational foreign fishing vessel licence or recreational fishing authorisation issued under this Part— Suspension or revocation of recreational fishing vessel licence, non-vessel recreational fishing permit, recreational foreign fishing vessel licence or recreational fishing authorisation

(a) where the issue of such licence, permit or authorisation was based on false or erroneous information;

(b) where the holder of such licence, permit or authorisation is in breach of any of the terms and conditions in this Act or set out in such licence, permit or authorisation;

(c) where the holder of such licence, permit or authorisation and any other persons who are jointly engaged in his fishing operations engaged in illegal, unreported or unregulated fishing or fishing related activities in support of such fishing;

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; or

(e) in accordance with additional grounds as may be prescribed.

(2) Where a recreational fishing vessel licence, non-vessel recreational fishing permit, recreational fishing permit or recreational fishing authorisation is revoked or suspended under this section, the Director shall give the holder of such authorisation, licence or permit written notification of the revocation or suspension and provide reasons.

Surrender and cancellation of recreational fishing vessel licence, non-vessel recreational fishing permit or recreational fishing authorisation

109. (1) A person who no longer conducts recreational fishing shall surrender the authorisation, licence or permit, as the case may be, to the Director as soon as practicable.

(2) The Director may cancel the authorisation, licence or permit where—

(a) the issue of the authorisation, licence or permit was based on erroneous information;

(b) the holder of the authorisation, licence or permit no longer conducts recreational fishing; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3 Where the Director determines that the authorisation, licence or permit should be cancelled in accordance with subsection (2), the Director shall give written notice of the cancellation and provide reasons to the holder of the authorisation, licence or permit that the authorisation, licence or permit, as the case may be, shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the holder of the authorisation, licence or permit submits written reasons to the satisfaction of the Director as to why the authorisation, licence or permit should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the

authorisation, licence or permit he shall, as soon as is practicable, notify the holder of the authorisation, licence or permit in writing.

PART XIII

COMMERCIAL FOREIGN FISHING VESSELS

Agreements with a foreign State for access

110. (1) A fisheries access agreement—

(a) which relates to areas within the fishery waters, is subject to the sovereignty and sovereign rights of Trinidad and Tobago over fisheries resources;

(b) which authorises fishing in areas beyond the fishery waters, is subject to the requirements of any applicable bilateral or multilateral treaty or arrangement to which Trinidad and Tobago is party;

(c) shall ensure the responsibility of the other party to take all measures to ensure compliance with the terms and conditions of the agreement and with all applicable laws of Trinidad and Tobago;

(d) in respect of each fishing vessel, shall require the other party to—

(i) appoint and maintain an authorised local representative resident in Trinidad and Tobago who shall have authority to receive and respond to any legal process; and

(ii) notify the Director of the name and address of the authorised local representative resident in Trinidad and Tobago, and any communication, information, document, direction, request or response to or from that authorised local representative,

shall be deemed to have been sent to, or received from the other party; and

(e) shall be consistent with the principles and measures referred to in section 6.

(2) A fisheries access agreement may provide, for—

(a) the authorisation of fishing, fishing related activities or other activities or operations described in this Act;

(b) the issuance of licences for fishing, fishing related activities or operations described in this Act;

(c) harmonised terms and conditions for access to fisheries, including for monitoring, control, surveillance and enforcement, conservation and management of fisheries, sharing of data and information; and

(d) such other matters as may be required for the effective implementation of the agreement in accordance with this Act.

General requirements

111. (1) Subject to section 112, a foreign fishing vessel that is in the fishery waters shall act in accordance with international law concerning navigation and the protection and preservation of the marine environment.

(2) A foreign vessel shall not be used in the fishery waters for fishing or for fishing related activities or other activity provided for in this Act unless—

(a) it is used in accordance with a valid licence or permit issued pursuant to this Act;

(b) there is an applicable fisheries access agreement; and

(c) the owner of the foreign fishing vessel has appointed an authorised local representative resident in Trinidad and Tobago to act as his agent.

(3) An operator of a foreign fishing vessel without a valid commercial foreign fishing vessel licence shall ensure that, while the vessel is in the fishery waters, all gear on board the vessel is stowed in such manner that it is not readily available for fishing or fishing related activities.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Reporting by foreign fishing vessels

112. (1) An operator of a foreign fishing vessel intending to navigate or navigating through the fishery waters without a valid commercial foreign fishing vessel licence shall submit a report containing the—

(a) name of the vessel;

(b) unique vessel identifier;

(c) International Radio Call Sign;

(d) flag registration;

(e) date and time;

(f) position, to one minute of arc;

(g) complement;

(h) intended activity;

(i) catch on board; and

(j) such other information as may be prescribed.

(2) A report made under subsection (1) shall be submitted in English to the Director or his nominee—

(a) in the prescribed manner;

(b) at prescribed distances or time intervals prior to entry into the fishery waters;

(c) upon entry into the fishery waters;

(d) at prescribed time intervals while within the fishery waters;

(e) upon departure from the fishery waters; and

(f) at any other prescribed time.

(3) Where the operator of a foreign fishing vessel navigating through the fishery waters refuses or otherwise fails to report the information described in subsections (1) and (2), there shall be a presumption that all fish found on board such vessel have been caught within the fishery waters in contravention of this Act.

(4) The Director may work with such other agencies as he may think fit in the implementation of subsections (1) and (2) and may, in consultation with those agencies issue notices of the reporting requirement for foreign fishing vessels intending to navigate or navigating through the fishery waters.

(5) A person who contravenes subsections (1) and (2) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement for a commercial foreign fishing vessel licence

113. (1) No foreign vessel shall be used for fishing in the fishery waters unless there is a valid commercial foreign fishing vessel licence issued under section 114 in relation to it.

(2) An operator of a foreign vessel who uses or authorises or directs in any way the use of the foreign vessel in contravention of subsection (1) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Application for, and issuance of a commercial foreign fishing vessel licence

114. (1) An application for a commercial foreign fishing vessel licence shall be made by the owner of the fishing vessel to the Minister on the approved form and be accompanied by the prescribed fee.

(2) Subject to subsection (4), the Minister, upon receiving an application under this section, may issue the applicant with a commercial foreign fishing vessel

licence in respect of the vessel to which the application refers.

(3) In deciding an application made under this section, the Minister shall take into account the following:

(a) the state of the particular fishery to which the application relates;

(b) the fisheries management plan, fisheries strategy, plan or programme governing the particular fishery and the particular area applied for; and

(c) the record of compliance of the applicant with this Act and the former Acts.

(4) The duration of a commercial foreign fishing vessel licence shall not extend beyond the expiration of the corresponding access agreement.

(5) The holder of a commercial foreign fishing vessel licence shall notify the Minister of any change in the information set out in the application form for the licence as soon as is reasonably practicable, and in any case, not later than seven days after the change.

(6) A holder of a commercial foreign fishing vessel licence who contravenes subsection (5) commits an offence and is liable to the fine set out in the Schedule.

Refusal to issue a commercial foreign fishing vessel licence

115. (1) The Minister may refuse to issue a commercial foreign fishing vessel licence on any of the following grounds:

(a) an operator is the subject of proceedings under bankruptcy laws of any jurisdiction and reasonable financial assurances have not been provided;

(b) failure to satisfy a judgment or other determination for a contravention of this

Act or an access agreement by an operator of the vessel in respect of which an application for a licence has been made until such time as the judgment or other determination has been made;

(c) an operator of the vessel has contravened, or the vessel has been used in contravention of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member;

(d) an operator of the vessel has contravened, or the vessel has been used in the contravention of a treaty, convention, or access agreement to which Trinidad and Tobago is party;

(e) an operator of the vessel has committed, or the vessel has been used to commit an offence against the laws of Trinidad and Tobago;

(f) the previous offending history of an operator of the vessel;

(g) issuing of the licence would conflict or would be inconsistent with the requirements of this Act, an applicable access agreement, fisheries management agreement, Fisheries Management Plan or any international conservation and management measure binding on Trinidad and Tobago;

(h) the vessel is an IUU listed vessel; or

(i) such other grounds as may be prescribed.

(2) Where the Minister refuses to issue a commercial foreign fishing vessel licence, he shall provide the applicant with written notice of his decision and provide reasons.

Terms and conditions of a commercial foreign fishing vessel licence

116. (1) Subject to subsection (2), the Minister may impose such terms and conditions as he thinks fit on the issue of a commercial foreign fishing vessel licence, including the type of fishing which is allowed under the licence.

(2) The Minister may, after consultation with the Director, attach to a commercial foreign fishing vessel licence additional terms and conditions relating to—

(a) the amount of catch to be marketed in Trinidad and Tobago;

(b) the periodic preparation and submission of reports on fishing in the Exclusive Economic Zone;

(c) the placement of observers on board the foreign fishing vessel and protection and indemnity insurance required before such placement;

(d) the installation and maintenance of electronic devices on board the vessel;

(e) the transshipment of fish from or onto the foreign fishing vessel;

(f) reporting requirements during the period of validity of the licence;

(g) restrictions relating to the numbers, types, sizes, specifications or operation of fishing related equipment or vessels;

(h) the proportion of catch that must be landed in Trinidad and Tobago; and

(i) the proportion of catch that may be removed from Trinidad and Tobago without being landed at any designated port of Trinidad and Tobago.

(3) An operator, of a foreign fishing vessel carrying out fishing in the Exclusive Economic Zone, in breach of the terms or conditions attached to the

commercial foreign fishing vessel licence commit an offence and is liable on summary conviction to the fine set out in the Schedule.

Suspension or revocation of a commercial foreign fishing vessel licence

117. (1) The Minister may suspend or revoke a commercial foreign fishing vessel licence where the Minister is satisfied that—

(a) the issue of the foreign fishing vessel licence was based on false or erroneous information;

(b) the vessel in respect of which the licence was issued has been used in contravention of this Act or in breach of any terms and conditions or restrictions in the licence;

(c) the vessel in respect of which the licence was issued has engaged in activities undermining the effectiveness of international conservation and management measures adopted by Trinidad and Tobago;

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(e) the vessel is an IUU listed vessel;

(f) it is necessary to ensure compliance by Trinidad and Tobago with its obligations under relevant Conventions and Agreements; or

(g) to do so is in accordance with such additional grounds as may be prescribed.

(2) Where a commercial foreign fishing vessel licence is suspended or revoked the Minister shall, within fourteen days after the suspension or revocation,

give the licence holder written notification of the suspension or revocation, as the case may be, and provide reasons therefor.

Surrender and cancellation of a commercial foreign fishing vessel licence

118. (1) A person who no longer uses the foreign fishing vessel for the purpose of commercial fishing shall surrender the commercial foreign fishing vessel licence to the Director as soon as practicable.

(2) The Director may cancel a commercial foreign fishing vessel licence where—

(a) the issue of the licence was based on erroneous information;

(b) the vessel is no longer used for the purposes of commercial fishing; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3) Where the Director determines that the commercial foreign fishing vessel licence should be cancelled in accordance with subsection (2), the Director shall give written notice of the cancellation and provide reasons to the licence-holder that the licence shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the licence-holder submits written reasons to the satisfaction of the Director as to why the licence should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the

licence, he shall, as soon as is practicable, notify the licence-holder in writing.

Reporting and record-keeping foreign fishing vessels

119. (1) While in the fishery waters, the master of the vessel shall cause to be prepared, at such times as the Director may require, a written report in English setting out information on the fishing operations of the vessel in the Exclusive Economic Zone.

(2) A report under subsection (1) shall be made in such form and for such period as the Director may require, and shall be delivered to the Director within fifteen days following the close of the period to which the report applies.

(3) The master of the vessel shall maintain a fishing logbook on a daily basis in a form specified by the Director for the purpose of recording the fishing operations of the vessel while within the Exclusive Economic Zone, including, but not limited to, maintaining a record of catches.

(4) The master of the vessel shall, upon request by the Director—

(a) provide the original logbook for inspection;

(b) transmit a copy of the log book within forty-eight hours of the receipt of the request; and

(c) provide any other specified documents relating to catches or to the composition of those catches made by the vessel in the Exclusive Economic Zone,

to the Director.

(5) The log book maintained under subsection (4) shall be retained by the master of the vessel for a period of at least twelve months following the end of the voyage to which the log book pertains.

(6) The Director may require that the master of

the foreign fishing vessel cause radio reports to be made—

(a) immediately upon entry of the vessel into the fishery waters;

(b) on such day as specified by the Director during the period that the vessel is in the fishery waters;

(c) at least four hours prior to the departure of the vessel from the fishery waters; and

(d) at any other times as the Director may specify.

(7) A report made under subsection (6) shall contain details of—

(a) the vessel's IMO number;

(b) the vessel's international radio call sign and the registration number assigned to the vessel;

(c) the position of the vessel at the time of reporting;

(d) the total catch, by species, on board the vessel at the time of reporting; and

(e) such other matters relating to fishing operations as the Director may require.

(8) A master of a foreign fishing vessel who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

(9) The Director may require the owner of a foreign fishing vessel to provide information concerning the vessel, its operations and its crew and any other information the Director thinks fit.

(10) An owner of a foreign fishing vessel who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Stowage of fishing gear

120. (1) The fishing gear of any foreign fishing vessel shall be stowed in the manner prescribed at all times while the vessel is in the fishery waters except when the vessel is engaged in fishing in a location in which it is authorised to fish, including pursuant to a recreational fishing permit, and the fishing activity is conducted in accordance with the terms and conditions of a licence or permit and this Act.

(2) The master of a foreign fishing vessel who uses or authorises the use of the vessel in contravention of this section commits an offence and are liable on summary conviction to the fine set out in the Schedule.

PART XIV

FISHING RELATED ACTIVITIES

Division 1

Ports and Landing Sites

Identification of ports and designation of landing sites

121. (1) The Minister may, by Order—

(a) identify ports, including privately-owned or managed ports, for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for any of the port services, including bunkering and provisioning; and

(b) designate landing sites, including privately-owned or managed landing sites, for the purposes of the landing or sale of fish catches.

(2) The Minister shall not identify a port or designate a landing site under subsection (1) without the written consent of the owner of the port or landing site.

(3) The ports identified and landing sites designated in accordance with subsection (1) shall be publicised and have the requisite capacity for the

conduct of inspections and meet such other criteria as may be prescribed.

(4) No person shall use a location for landing, sale, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for any of the port services, including bunkering and provisioning other than a port identified or landing site designated under subsection (1) for that purpose.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(6) Subsection (4) does not apply to the holders of a non-vessel commercial fishing licence or a non-vessel recreational fishing permit.

(7) The Director shall, as appropriate, notify regional and international organisations of the ports identified and landing sites designated under subsection (1).

Maintenance and inspection of designated landing sites

122. (1) The Minister shall cause designated landing sites, other than privately-owned designated landing sites, to be so maintained as to provide:

(a) adequate onshore and offshore infrastructure, which may include locker rooms, fishing gear and boat repair sheds, engine storage, market facilities, slipways and jetties;

(b) adequate servicing facilities for vessels, vendors and buyers;

(c) adequate freshwater supplies and storage and sanitation arrangements; and

(d) waste disposal systems, including for the disposal of fishing gear.

(2) The Minister shall cause the facilities at designated landing sites to be inspected at least once a month.

Division 2

Transshipment and In Transit Permits

Requirement for a transshipment permit

123. (1) No transshipment shall take place in the fishery waters unless—

(a) there is a valid transshipment permit; and

(b) the transshipment is carried out as specified in the transshipment permit.

(2) No Trinidad and Tobago vessel shall be used for transshipment in areas beyond national jurisdiction—

(a) unless there is a valid transshipment permit; and

(b) where applicable, the transshipment is carried out in accordance with the law of the jurisdiction where the Trinidad and Tobago vessel is located.

(3) All transshipment shall be reported in the manner to be prescribed.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Requirement for in transit permit

124. (1) No person shall cause or allow fish to be in transit in Trinidad and Tobago unless there is a valid in transit permit and the in transit is carried out as specified in the in transit permit.

(2) All fish that are in transit shall be reported in the manner prescribed.

(3) Any person who is in contravention of subsection (1) or (2) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Application and issuance of a transshipment permit and in transit permit

125. (1) An application for a transshipment permit or an in transit permit shall be made to the Director on the approved form.

(2) The Director may, upon receipt of an application made under subsection (1) and payment of the prescribed fee, issue a transshipment permit or an in transit permit.

(3) A transshipment permit or an in transit permit shall be valid for the period specified in the respective permit, unless suspended, revoked or cancelled under this Part.

(4) A permit holder shall notify the Director of any change in the information set out in the application form for the permit as soon as is reasonably practicable, and in any case, not later than seven days after the change.

(5) A permit holder who contravenes this section commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(6) In this Part, "permit holder" means a person who applied for and obtained a transshipment permit or an in transit permit.

Refusal to issue transshipment permit and in transit permit

126. (1) The Director may refuse to issue a transshipment or in transit permit on any of the following grounds:

(a) the issuance of the permit would conflict or be inconsistent with any licensing or permitting regime or other management measure specified in a relevant management plan, strategy or programme;

(b) the fishing vessel, in respect of which the application is made, has been used in a manner which contravenes any provision of this Act;

(c) the fishing vessel has been used in breach of terms and conditions of a previously issued transshipment permit or in transit

permit and the applicant's record of compliance with this Act and the former Acts;

(d) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(e) the fishing vessel is an IUU listed vessel;

(f) the vessel, in respect of which the application is made, has been used for the contravention of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member; or

(g) such other grounds as may be prescribed.

(2) Where the Director refuses to issue a transshipment permit or an in transit permit, he shall provide the applicant with written notice of his decision and provide reasons.

Terms and conditions for transshipment and in transit

127. (1) The permit holder shall comply with any term or condition of the transshipment permit or in transit permit to be prescribed.

(2) An operator of a fishing vessel who contravenes this section commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Suspension or revocation of transshipment permit and in transit permit

128. (1) The Director may suspend or revoke any transshipment permit or an in transit permit that was issued where he is satisfied that—

(a) the issue of the transshipment permit or the in transit permit was based on false information;

(b) a court of law has found that the fishing vessel has been used in the contravention of the laws of Trinidad and Tobago;

(c) any term or condition of the transshipment permit or in transit permit has been breached;

(d) where transshipment or in transit of fish has been undertaken in violation of any regional or international arrangement or agreement to which Trinidad and Tobago is a party; or

(e) the fishing vessel is an IUU listed vessel.

(2) In the case of a suspension under subsection (1)*(a)*, the permit holder shall provide the information requested by the Director, within such period as the Director may determine.

(3) Where a transshipment permit or an in transit permit is suspended or revoked under this section, the Director shall give the permit holder written notification of the suspension or revocation and provide reasons.

Surrender and cancellation of transshipment permit and in transit permit

129. (1) A person who no longer engages in the transshipment of fish or in transit movement of fish shall surrender the transshipment permit or the in transit permit, as the case may be, to the Director as soon as practicable.

(2) The Director may cancel the permit where—

(a) the issue of the permit was based on erroneous information;

(b) the holder of the permit no longer conducts transshipment or in transit; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery in accordance with

the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3) Where the Director determines that the permit should be cancelled in accordance with subsection (2), the Director shall give written notice of the cancellation and provide reasons to the holder of the permit that the permit shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the holder of the permit submits written reasons to the satisfaction of the Director as to why the permit should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the authorisation, licence or permit, he shall, as soon as is practicable, notify the holder of the permit in writing.

Division 3

Landing, Bunkering and Provisioning

Requirements for landing, bunkering or provisioning

130. (1) No person shall cause or allow fish to be landed in Trinidad and Tobago, unless—

(a) there is a valid landing permit in relation to it; and

(b) the landing of the fish is carried out at a port identified or landing site designated under section 121 and specified in the permit.

(2) No operator of a fishing vessel shall engage in the bunkering of the fishing vessel without a valid bunkering permit.

(3) No operator of a fishing vessel shall engage in the provisioning of personnel, fuel, gear, equipment or other supplies for the fishing vessel without a valid provisioning permit.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(5) An application for a landing permit, a bunkering permit or a provisioning permit shall be made by an operator of the fishing vessel to the Director in an approved form and be accompanied by the prescribed fee.

(6) The Director may, on the receipt of an application made under subsection (5) and accompanied by the prescribed fee, issue a landing permit, a bunkering permit or a provisioning permit, as the case may be.

(7) General terms and conditions for the grounds for the refusal of, validity of, suspension and revocation of, surrender and cancellation of, permits issued under this section are to be prescribed.

(8) A person who breaches a term or condition attached to a permit issued under this section commits an offence and is liable on summary conviction to payment of a fine set out in the Schedule.

Appointment of an authorised local representative as agent of the owner of a foreign fishing vessel permitted to land, transship or transit fish and fish products, or bunker or provision a fishing vessel

131. (1) The owner of a foreign fishing vessel, permitted to land, transship or transit fish, import, export, re-export, package or process fish or bunker or provision a fishing vessel, shall appoint an authorised local representative resident in Trinidad and Tobago who shall act as the agent of the owner of the foreign fishing vessel.

(2) The owner of a foreign fishing vessel shall notify the Director, on the approved form, of the name, address and other particulars of the local representative resident in Trinidad and Tobago appointed by him under subsection (1).

(3) Any notices or documents required to be served on an operator of a foreign fishing vessel may be served on the local representative appointed by him under subsection (1).

(4) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Division 4

Trade

Scope and institutional arrangements

132. This division provides for the regulation of trade in fish, fishing vessels, engines, gear, bait or any other items used for fishing and fishing related activities.

Competent Authority and its functions

133. The Director shall, for the purposes of fisheries management—

(a) verify the operation of licensed fish processing establishments and any authorised, licensed or permitted fishing vessels where required by law;

(b) monitor, regulate and control all imports, exports and re-exports of fish, including live, fresh, chilled or frozen fish, to ensure compliance with this Act;

(c) oversee the certification of fish discharged from Trinidad and Tobago vessels into foreign ports where required by overseas controlling authorities;

(d) liaise with fish processors, other government agencies and importing country authorities with regard to seafood safety and market access requirements;

(e) monitor, regulate and control fish being imported or exported for personal use or research purposes; and

(f) perform such other functions as may be required for the implementation of this Act or any other written law.

Requirements for import, export or re-export of fish

134. (1) In addition to any other requirement under any other written law, no person shall import, export or re-export fish except with a permit, Release Certificate and such other approvals as may be required under this Act.

(2) An application for a permit to import, export or re-export fish shall be made to the Director on the approved form and be accompanied by the prescribed fees.

(3) A person intending to import, export or re-export fish shall comply with all requirements and terms and conditions endorsed on a permit, including, but not limited to, the provision of information on the—

(a) area where the fish was or is intended to be caught;

(b) details of the person who caught or is intending to catch the fish, including name, address and other contact information;

(c) details of the fishing vessel, including the name, unique vessel identifier, flag of registration, licence or fishing authorisation or any other approvals to engage in fishing or fishing related activity, quota or allocation of fish, fishing method and gear used;

(d) details of the operator of the fishing vessel and authorised local representative resident in Trinidad and Tobago, if applicable, including name, address and other contact information;

(e) description of the fish, including the species' scientific name and quantity;

(f) details of any consignee or supplier of the

fish, as appropriate, including name, address and other contact information; and

(g) any other information as may be prescribed.

(4) The Director may refuse to issue an import, export or re-export permit on the grounds that the—

(a) applicant has breached a term or condition of a permit previously issued to him and the nature and gravity of the breach;

(b) fish to be imported, exported or re-exported have been caught in contravention of this Act, the laws of another State, or an international conservation and management measure; or

(c) documents and information provided do not satisfy the import, export or re-export requirements of Trinidad and Tobago or an importing, exporting or re-exporting country;

(d) items to be imported, exported or re-exported are not in accordance with the Act;

(e) applicant has committed, or if the vessel has been used in the commission of an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade;

(f) fishing vessel is an IUU listed vessel; or

(g) denial is in accordance with additional criteria as may be prescribed.

(5) The Minister may, by Notice, declare standards applicable to the marketing, distribution, import, export and re-export.

(6) Any person who—

(a) imports, exports or re-exports fish without a permit;

(b) fails to comply with the terms and conditions of a permit;

(c) fails to comply with the standards declared under subsection (5);

(d) fails to provide true, complete or correct information; or

(e) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the penalty set out in the Schedule.

Requirement for a Reease Certificate

135. (1) The holder of an import, export or re-export permit shall apply to the Director for a Release Certificate for each shipment, on the approved form and pay the prescribed fee.

(2) The aspplication for a Release Certificate shall be submitted prior to the arrival or departure of the shipment as required by the Director.

(3) The permit holder shall provide the following in an approved form:

(a) the permit number corresponding to the Release Certificate applied for;

(b) area where the fish was caught;

(c) details of the person who caught the fish, including name, address and other contact information;

(d) the fishing vessel is an IUU listed vessel;

(e) details of the operator and local representative, if applicable, including name, address and other contact information;

(f) description of the fish, including the species' scientific name and quantity;

(g) details of any consignee or supplier of the fish, as appropriate, including name, address and other contact information;

(h) purchase or sale price of the fish; and

(i) any other information as may be prescribed.

(4) The Director, upon receiving an application under this section, may issue the applicant with a Release Certificate for each shipment.

(5) The Director may attach to a Release Certificate such terms and conditions as he thinks fit.

(6) Before issuing a Release Certificate, the Director may require that the shipment be inspected.

(7) The Director may refuse to issue a Release Certificate on any of the following grounds:

(a) the issue of the permit or Release Certificate was based on false or erroneous information;

(b) any term or condition of the permit has been breached;

(c) the permit holder has committed, or the vessel has been used in the commission of an offence under any law of Trinidad and Tobago, including any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade; and

(d) the fishing vessel is an IUU listed vessel.

(8) Any person who—

(a) imports, exports or re-exports fish without a Release Certificate;

(b) fails to provide true, complete or correct information;

(c) breaches a term or condition of a Release Certificate; or

(d) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirements for a Trinidad and Tobago Catch Certificate

136. (1) A Release Certificate to export fish in respect of prescribed species of fish shall not be issued except with a Trinidad and Tobago Catch Certificate issued by the Director.

(2) An application for a Trinidad and Tobago Catch Certificate shall be—

(a) made in the approved form;

(b) accompanied by the prescribed fees; and

(c) accompanied by any other information required by the Director.

(2) Before issuing a Trinidad and Tobago Catch Certificate, the Director shall require that the fish be inspected and all information contained in the application is accurate and verified.

(4) The Director shall issue a Trinidad and Tobago Catch Certificate in the manner and format to be prescribed.

(5) The Director may attach to a Trinidad and Tobago Catch Certificate such terms and conditions as he thinks fit.

(6) A Trinidad and Tobago Catch Certificate may be cancelled by the Director if—

(a) the issue of the Trinidad and Tobago Catch Certificate was based on false information; or

(b) there has been a contravention of this Act or any other written law.

(7) Any person who—

(a) exports fish without a Trinidad and Tobago Catch Certificate;

(b) fails to provide true, complete or correct information;

(c) breaches a term or condition of a Trinidad and Tobago Catch Certificate; or

(d) otherwise contravenes or fails to comply with this section,

commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirements for the import, export or re-export of a fishing vessel, fishing gear, and vessel, engine and gear intended to be used for fishing

137. (1) No person shall import, export or re-export a fishing vessel, fishing gear, and vessel, engine and gear intended to be used for fishing and fishing related activities except with a valid permit issued by the Director in the manner prescribed.

(2) No person shall contravene any term or condition of a permit issued for the import, export or re-export of a fishing vessel, fishing gear and vessel, engine and gear used for fishing and fishing related activities.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Marking of fish

138. (1) No person shall import, export, re-export or transport any container or package containing any fish, unless the container or package has previously been plainly marked, labelled, or tagged in accordance with the prescribed requirements for marking.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

139. (1) No person shall make or submit any false record, account, or label for, or any false identification of, any fish which has been, or is intended to be imported, exported, re-exported, transported, sold, purchased, or received from any country. Prohibition of seafood fraud

(2) No person shall engage in any practice, including the application of any substance upon fish, to improve the appearance and quality of such fish than it actually is.

(3) No person shall intermix fish, or otherwise, in the supply chain as part of any fishing related activities.

(4) Any person who contravenes this section commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

PART XV

Fisheries Scientific Research and Fish Bioprospecting

140. (1) The Director may cause to be routinely collected and updated fisheries data in sufficient detail, to allow sound statistical analysis in accordance with international standards and guidelines. Collection and verification of data

(2) The data collected under subsection (1) may include catch and fishing effort data and biological, ecological, oceanographic, social, economic and any other data needed to support stock assessment and the ecosystem approach to fisheries management.

(3) The data collected under subsection (1) may be verified by the use of systems appropriate to each fishery, which may include—

(a) position verification through vessel monitoring systems;

(b) scientific observer programmes to monitor catch, including target and non-target

species, effort, and other details of fishing operations; and

(c) sampling at designated fish landing sites or ports.

Research collaboration and data sharing

141. (1) In respect of fish stocks that are shared with neighbouring states, or at a regional level, the Director shall develop technical and research programmes, as far as is practicable, to improve understanding of the biology, environment and status of the fisheries.

(2) In respect of fish stocks that are covered by a sub-regional, regional or international fisheries management organisation or arrangement, the Director shall collaborate in the development of research programmes and compile in any internationally agreed format such fishery-related and other supporting scientific data as required and provide the data in a timely manner to the organisation or arrangement.

Requirement for a fisheries scientific research permit

142. (1) No person shall engage in fisheries scientific research in the fishery waters, unless he is a holder of a fisheries scientific research permit issued under this Part.

(2) Any person who engages in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit or breaches any term or condition of such permit commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Application for a fisheries scientific research permit

143. (1) An application for a fisheries scientific research permit shall be made, by any person who intends to undertake fisheries scientific research relating to fisheries or fishery-related resources in the fishery waters, to the Director on the approved form and be accompanied by the prescribed fee.

(2) Pursuant to subsection (1), an applicant for a fisheries scientific research permit shall prepare and submit a scientific research proposal to the Director.

(3) A fisheries scientific research proposal shall, where applicable contain a full description of—

(a) the rationale, background, scope, objectives and duration of the project;

(b) the methodologies and scientific equipment to be used in the project;

(c) the specifications of research vessels and fishing gears to be used in the project;

(d) the precise geographical area of the fishery waters in which the project is to be conducted;

(e) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as the case may be;

(f) the name and programme of the sponsoring institution, its head and the person in charge of the project; and

(g) the extent to which it is considered that Trinidad and Tobago should be able to participate or to be represented in the project.

(4) Without prejudice to the requirements of sub-sections (2) and (3), the Director may require an applicant under this section to furnish him with such further information as he may request.

Issue or refusal of fisheries scientific research permit

144. (1) The Director shall establish a Committee to review applications for fisheries scientific research permits and fish bioprospecting permits.

(2) The Director, upon receiving an application and a fisheries scientific research proposal under this section and upon payment of the prescribed fee, may issue a fisheries scientific research permit to the applicant.

(3) The Director may refuse to issue a fisheries scientific research permit on any of the following grounds, that:

(a) it is necessary to do so in order to give effect to any management measure specified in a relevant management plan, fisheries strategy, plan or programme;

(b) the applicant has breached a condition of a fisheries scientific research permit previously issued to him and the nature and gravity of the breach;

(c) the research activity undermines the effectiveness of conservation and management measures adopted by a regional or sub-regional fisheries management organisation to which Trinidad and Tobago is a member;

(d) the research activity is in contravention of a treaty to which Trinidad and Tobago is party;

(e) the research activity is deemed to be in contravention of this Act; or

(f) the applicant has committed, or if the vessel that caught the fish has been used in the commission of, an offence under any law of Trinidad and Tobago, including any law related to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling, health or trade.

(4) Where the Director refuses to issue a fisheries scientific research permit, he shall provide the applicant with written notice of his decision and provide reasons.

(5) The permit holder shall notify the Director of any change in the information set out in the application form for the permit as soon as is reasonably practicable, and in any case, not later than seven days after the change.

(6) The permit holder shall notify the Director, in writing, of any proposed change to the research proposal and request the approval of the Director.

(7) A permit holder who contravenes subsection (5) or (6) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Terms and conditions attached to a fisheries scientific research permit

145. (1) The Director may attach to a fisheries scientific research permit issued under this Part such terms and conditions as he thinks fit, including the duty of the permit holder to—

(a) ensure the right of the Government of Trinidad and Tobago, if it so desires, to participate or be represented in the fisheries scientific research project;

(b) provide the Director, at his request, with preliminary reports, as soon as practicable;

(c) provide the Director with the final report, including results, conclusions and recommendations, within an agreed time frame after the completion of the research;

(d) undertake to provide access for the Director, at his request, to all data and samples derived from the fisheries scientific research project and likewise to furnish him with data which may be copies and samples which may be divided without detriment to their scientific value;

(e) transfer technology and fisheries research techniques and methodology to facilitate human resource development and capacity-building;

(f) provide the Director, at his request, with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation; and

(g) remove, unless otherwise agreed, the scientific research equipment upon the completion of the research.

(2) The Director may, for reason to be stated by him in writing, exempt any person from any condition attached to that person's permit.

(3) Where the holder of a fisheries scientific research permit is a foreign entity, it is required to appoint an authorised local representative resident in Trinidad and Tobago.

Validity of fisheries scientific research permit

146. (1) A fisheries scientific research permit shall be valid for the duration of the fishery research project as stated in the research proposal required under section 143(2), unless suspended, revoked, cancelled or surrendered under section 148 or section 149, respectively.

(2) The Director may grant an extension to the fisheries scientific research permit, on the application of the permit holder, as he thinks fit.

Fish bioprospecting

147. (1) Unless prescribed otherwise, no person shall engage in fish bioprospecting except with a permit issued by the Director.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

(3) An application for a fish bioprospecting permit shall be made to the Director on the approved form and be accompanied by the prescribed fee.

(4) The Director, upon receiving an application under subsection (3), may issue the applicant with a fish bioprospecting permit.

(5) The Director may refuse to issue a fish bioprospecting permit on such grounds as may be prescribed.

(6) Where the Director refuses to issue a fish bioprospecting permit, he shall provide the applicant with written notice of his decision and provide reasons.

(7) The Director may attach to a fish bioprospecting permit issued under this Part such terms and conditions as he thinks fit.

(8) A fish bioprospecting permit shall be valid for the duration of the bioprospecting activity, unless suspended or revoked under section 112(1).

(9) The Director may grant an extension to the bioprospecting permit, on the application of the permit holder, as he thinks fit.

(10) A person who breaches a term or condition of a fish bioprospecting permit commits an offence and is liable to the fine set out in the Schedule.

Suspension or revocation of a fisheries scientific research permit or fish bioprospecting permit

148. (1) The Director may suspend or revoke the fisheries scientific research permit issued under section 144, or a fish bioprospecting permit issued under section 147, if:

(a) he considers that the fisheries scientific research to which the permit relates is not being conducted in accordance with the information provided in the research proposal on the basis of which the permit was issued;

(b) he considers that a person issued a fish bioprospecting permit is not conducting fish bioprospecting;

(c) the permit-holder fails to comply with or breaches any condition of the permit;

(d) the issue of the permit was based on false information; or

(e) in accordance with additional criteria as may be prescribed.

(2) The Director shall, before suspending a fisheries scientific research permit issued under section 144, or a fish bioprospecting permit issued under section 147, give the permit-holder written notification, of not less than fourteen days, of his intentions and the reasons thereof and shall afford the permit-holder an opportunity to make representations to him.

Surrender and cancellation of fisheries scientific research permit or fish bioprospecting permit

149. (1) A person who no longer conducts fisheries scientific research or engages in fish bioprospecting shall surrender the fisheries scientific research permit or the fish bioprospecting permit, as the case may be, to the Director as soon as practicable.

(2) The Director may cancel the permit where—

(a) the issue of the permit was based on erroneous information;

(b) the holder of the permit no longer conducts fisheries scientific research or engages in fish bioprospecting; or

(c) it is necessary to do so in order to provide for the proper management and development of any particular fishery, in accordance with the terms of any fisheries management plan or fisheries strategy, plan or programme prepared under Part V.

(3) Where the Director determines that the permit should be cancelled in accordance with sub-section (2), the Director shall give written notice of the cancellation and provide reasons to the holder of the permit that the permit shall be cancelled upon the expiration of fourteen days, or such other period as the Director may determine, from the date of the notice, unless within that period the holder of the permit submits written reasons to the satisfaction of the Director as to why the permit should not be cancelled.

(4) Where the Director is in receipt of written reasons under subsection (2), the Director shall consider those reasons and make a determination within twenty-one days from the date of receipt of those reasons.

(5) Where the Director decides not to cancel the permit, he shall, as soon as is practicable, notify the holder of the permit in writing.

PART XVI

MONITORING, CONTROL, SURVEILLANCE AND ENFORCEMENT

Division 1

Reporting and Vessel Monitoring Systems

Reporting and record keeping

150. (1) The master of a Trinidad and Tobago fishing vessel shall cause to be prepared, at such times as the Director may require, a written report in English setting out information on the fishing operations.

(2) A report under subsection (1) shall be made in such form and for such period as the Director may require, and shall be delivered to the Director within fifteen days following the close of the period to which the report applies.

(3) The master of the vessel shall maintain a fishing logbook on a daily basis, in a form specified by the Director for the purpose of recording the fishing operations of the vessel, including, but not limited to, maintaining a record of catches.

(4) The master of the vessel shall, upon request by the Director—

(a) provide the original logbook for inspection;

(b) transmit a copy of the log book within forty-eight hours of the receipt of the request; and

(c) provide any other specified documents relating to catches or to the composition of those catches made by the vessel,

to the Director.

(5) The log book maintained under subsection (4) shall be retained by the master of the vessel for a period of at least twelve months following the end of the voyage to which the log book pertains.

(6) The Director may require that the master of the vessel cause radio reports to be made—

(a) immediately upon entry of the vessel into the High Seas;

(b) on such day as specified by the Director during the period that the vessel is in the High Seas; and

(c) at any other times as the Director may specify.

(7) A report made under subsection (6) shall contain details of—

(a) the vessel's international radio call sign or the registration number assigned to the vessel;

(b) the position of the vessel at the time of reporting;

(c) the total catch, by species, on board the vessel at the time of reporting; and

(d) such other matters relating to fishing operations as the Director may require.

(8) A master of a vessel who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirements for vessel monitoring systems

151. (1) The operator of a fishing vessel issued with an authorisation, licence or permit pursuant to this Act shall, unless exempted by the Minister by Order subject

to negative resolution of Parliament, be required, as a term or condition of its authorisation, licence or permit, to install, maintain and operate, a mobile transceiver unit (MTU), approved by the Director or other electronic device at all times while in the fishery waters and in areas beyond national jurisdiction or such other areas as may be agreed or designated in accordance with—

(a) the manufacturer's specifications and operating instructions; and

(b) such other requirements approved by the Director.

(2) The operator of a vessel referred to in subsection (1) shall comply with the standard technical specifications as prescribed.

(3) The operator of a vessel referred to in subsection (1) shall ensure that—

(a) no person tampers or interferes with the MTU or other electronic device and that the MTU or other electronic device is not altered, damaged, disabled or otherwise interfered with;

(b) the MTU or other electronic device is not moved from the required or agreed installed position or removed without the prior written permission of the Director;

(c) the MTU or other electronic device is switched on and is operational at all times when the vessel is within the fishery waters and beyond the fishery waters or in such other areas as may be agreed or designated; and

(d) the MTU or another electronic device is registered as the Director may direct or as may be prescribed, at the operator's expense.

(4) Where the MTU or other electronic device of a vessel referred to in subsection (1) fails to transmit in the case of technical failure or non-functioning of the MTU, the operator or his agent authorised by him for the purposes of this section, shall ensure that reports containing the information on the vessel are communicated to the Director as prescribed.

(5) If it is not possible to make any one or more of the required under subsection (4) or when the Director so directs, the operator of the vessel shall immediately stow the fishing gear and take the vessel directly to a port identified by the Director, and as soon as possible, report to the Director that the vessel is being, or has been, taken to port with gear stowed and comply with all requirements of the Director.

(6) Only persons authorised by the Director shall have access to the information from vessel monitoring systems.

(7) The collation, storage and management of information from vessel monitoring systems shall be undertaken in accordance with section 205 of the Act.

(8) The operator of a fishing vessel who contravenes this section commits an offence and is liable on conviction to the fine and term of imprisonment set out in the Schedule.

Division 2

Authorised Officers and Observers

Authorisation of officers

152. (1) For the purposes of this Act, the following persons are authorised officers:

(a) the Director;

(b) the Director-Tobago;

(c) any fisheries officer;

(d) any member of the Trinidad and Tobago Coast Guard;

(e) any member of the Police Service;

(f) any Officer as defined by the Customs Act;

(g) any Game Warden;

(h) the Director of Maritime Services;

(i) any officer of the agency with responsibility for maritime services;

(j) any officer of the agency with responsibility for immigration;

(k) any Public Health Inspector;

(l) an inspector, as defined in the Food and Drugs Act; and

(m) such other person as the Minister may, on the recommendation of the Director, authorise in writing.

(2) For the purposes of law enforcement, an authorised officer, other than a person under subsection (1) (d), (e) or (f), shall be precepted by the Commissioner of Police.

(3) An authorised officer shall carry on his person an identity card with his photograph issued by the Minister which shall include the following information:

(a) the name of the agency that he represents;

(b) his full name;

(c) the date of the photograph;

(d) the signature of the holder; and

(e) a statement that the holder is authorised to carry out functions and duties in accordance with this Act.

(4) An authorised officer, in exercising any powers or performing any duty under this Act, shall

on demand, produce his identity card issued under subsection (3).

(5) Subsections (3) and (4) shall not apply to persons referred to in subsection (1) *(d)*, *(e)* or *(f)*.

(6) The Minister may promote the continuous training and capacity building of authorised officers taking into account the prevailing practice in the countries of the region and within the relevant regional fisheries management organisation (RFMO) and in accordance with the guidelines to be prescribed.

General powers of authorised officers

153. (1) The powers of an authorised officer under this Act or any other written law are exercisable-

(a) within Trinidad and Tobago;

(b) in the fishery waters; and

(c) in areas beyond national jurisdiction,

in relation to any conduct, whether or not that conduct occurred in the fishery waters and in accordance with any international conservation and management measure, or any applicable bilateral or multilateral treaty, or other arrangement, to which Trinidad and Tobago is a party.

(2) Subsection (1)*(c)* does not allow an authorised officer to exercise any power under this Act in respect to any foreign vessel or any person aboard any foreign vessel unless the authorised officer-

(a) believes on reasonable grounds, that any person on board the vessel has committed an offence in the fishery waters;

(b) is in hot pursuit of or has recently pursued the vessel; and

(c) commenced that pursuit in the fishery waters.

(3) An authorised officer may exercise any of his

powers under this Act or any other written law in areas beyond national jurisdiction in respect to any foreign vessel or person aboard any foreign vessel where the exercise of that power is authorised by a bilateral or multilateral treaty or other arrangement to which Trinidad and Tobago is party.

(4) For the purpose of the enforcement of this Act, an authorised officer is justified in using such force as may be reasonably necessary to enable the exercise of his powers under this Act.

Power of entry and search

154. (1) For the purpose of this Act, an authorised officer may, at any time in Trinidad and Tobago or in the fishery waters, without warrant—

(a) stop, enter, board or examine any craft, or enter and examine any premises or place, except premises used exclusively as a dwelling house, or examine any record, document, article, container, gear, apparatus, device, or thing;

(b) enter and pass through a port or any other area under customs control;

(c) stop any person and examine any record, document, article, container, gear, apparatus, device, or thing; and

(d) pass across any land.

(2) If an authorised officer believes, on reasonable grounds, that an offence is being or has been committed against this Act and that—

(a) any fish taken or thing used or intended to be used in contravention of this Act;

(b) any record or information required by or under this Act to be kept, completed, or provided; or

(c) any article, record, document or thing for which there is reasonable ground to believe

will be evidence as to the commission of an offence against this Act,

may be concealed or located or held in any craft, premises, place, parcel, package, record, or thing, then, that authorised officer may, without warrant, at any reasonable time, enter or pass across any land in order to enter, examine, and search any such premises or place, or any such vessel vehicle, or conveyance of any kind, and may examine and search, by stopping or opening where necessary any such parcel, package, record, or thing.

(3) An authorised officer may detain any person, craft, parcel, package, record, document, article, gear, apparatus, device, container, or thing for such period as is reasonably necessary to enable the authorised officer to carry out an examination or search under this section.

Power to seize

155. (1) An authorised officer may seize without warrant—

(a) any vessel, vehicle or other conveyance, fishing gear, implement, appliance, material, container, goods, equipment, or thing which the authorised officer believes, on reasonable grounds, is being or has been used in the commission of an offence against this Act;

(b) any fish which the authorised officer believes, on reasonable grounds, are being or have been taken, killed, transported, bought, sold or found in possession of any person in contravention of this Act;

(c) any fish with which fish taken under subsection *(b)* have been intermixed; or

(d) any article, record, document, or thing which the authorised officer believes, on

reasonable grounds, is evidence of the commission of an offence against this Act.

(2) The authorised officer shall provide a written receipt in respect of anything seized under subsection (1) to the person from whom the items were seized.

(3) A receipt issued under subsection (2), and a duplicate or copy thereof, shall be signed by the authorised officer and the person from whom the items were seized.

Power to question persons and require production of documents

156. (1) For the purpose of the enforcement of this Act, if an authorised officer believes, on reasonable grounds, that a person—

(a) is or has been engaged in the taking or selling of fish;

(b) has purchased, is or has been in possession of fish; or

(c) is committing or has committed an offence under this Act,

the authorised officer may, at any reasonable time, question that person or any other person, and—

(i) require the person being questioned to provide an answer, including any explanation or information concerning any vessel, or any place or thing, or any fish or fishing method, gear, apparatus, record, document, article, device, or thing relating to the taking, sale, purchase, or possession of any fish; and

(ii) require that person or any other person to produce any permit, authority, approval, permission, licence, or certificate issued in respect of any vessel or person.

(2) Nothing in subsection (1) shall be construed

so as to require any person to answer any question tending to incriminate him.

Power to take copies

157. In exercising powers under this Act, an authorised officer may—

(a) make or take copies of any record or document, and for this purpose take possession of and remove from the place where they are kept any such record or document, for a period of time as is reasonable in the circumstances; and

(b) if necessary, require a person to produce, or assist the authorised officer to produce in a useable form, information recorded or stored in a document.

Power to give directions to master

158. (1) For the purpose of the enforcement of this Act, an authorised officer may, if he believes that a vessel is being or has been used in contravention of the provisions of this Act or of the terms and conditions of any permit, permission, licence, authorisation, registration, or certificate issued under this Act, require the master to take the vessel, as soon as practicable, to the nearest available port, wharf, pier or jetty in Trinidad and Tobago, or such other place agreed between the master and the authorised officer.

(2) If an authorised officer has given a direction under subsection (1), he or may also give to the master or any person on board the vessel any reasonable directions in respect of any activity, method, procedure, item, gear, document, fish, property, or thing while the vessel is proceeding to a port, wharf, pier or jetty.

Power of arrest

159. For the purpose of the enforcement of this Act, an authorised officer may, if he believes on reasonable grounds that any person has committed an offence or is likely to commit an offence in contravention of this Act, exercise the power of arrest without a warrant.

160. (1) Subject to immunity from suit in accordance with section 168, an authorised officer, in the performance of his duties, is required to— Code of Conduct of an authorised officer

(a) identify himself and always carry the identity card in the exercise of his functions;

(b) respect the hierarchy and general rules of behaviour which apply to all fishing vessel personnel provided that such rules do not interfere with his powers and duties under this Act;

(c) perform his powers and duties in a manner that does not unduly interfere with the lawful operations of the fishing vessel or premises, carry out his duties giving due consideration to the operational requirements of the fishing vessel or premises, or any other vessel craft, and communicate regularly with the master of the vessel;

(d) maintain independence and impartiality at all times while on duty; and

(e) treat as confidential all the information with respect to the fishing and fishing related activities operations and transhipping of fish, the fishing vessel, or any other crafts and its personnel.

(2) An authorised officer shall not—

(a) demand or receive any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit; or

(b) have a direct or indirect interest in the fishing companies or vessels nor in their

fishing and fishing related activities without declaring his interest with the Director and comply as required by the Director.

(3) An authorised officer who contravenes subsection (2) commits an offence and is liable on conviction to the fine and term of imprisonment set out in the Schedule.

Duties to an authorised officer

161. (1) A person, including an operator and each member of the crew of a vessel, driver of a vehicle, the pilot and crew of an aircraft or any other craft and an occupier of premises, shall—

(a) comply with an instruction or direction given by an authorised officer in the performance of his duties and exercise of his powers under this Act;

(b) ensure the safety of an authorised officer, as appropriate, while he is inspecting or performing other duties in relation to the vessel, vehicle, aircraft, any other craft or premises;

(c) facilitate the safe—

(i) boarding or disembarking of the vessel or aircraft; and

(ii) entry into or exit from premises and inspection of the vessel, vehicle or aircraft or any other craft and any fishing gear, equipment, records and fish,

by an authorised officer;

(d) grant full access to any part of the vessel, vehicle, aircraft or any other craft and use of facilities, equipment and gear that are necessary in the performance of his duties;

(e) allow and assist an authorised officer to

verify and record any aspect of the fishing and fishing related activities, of the holds of the fishing vessels and of the processing facilities and to take any samples that may be required in the performance of his duties;

(f) allow and assist an authorised officer to capture still or moving images of the fishing operations, including fish, fishing gear, equipment, charts and records, and remove from the fishing vessel, or any other craft, any record of such images as he may have captured on board the fishing vessel or any other craft;

(g) allow and assist an authorised officer to send or receive messages by means of the vessel's communications equipment; and

(h) allow and assist an authorised officer in the performance of his duties in any other way as required by the Director.

(2) A person who contravenes subsection (1) commits an offence and is liable on—

(a) summary conviction, to the fine and term of imprisonment set out in the Schedule; or

(b) conviction on indictment, to the fine and term of imprisonment set out in the Schedule.

Offence against an authorised officer

162. No person shall—

(a) assault, bribe, obstruct, resist, delay, refuse boarding to, intimidates or otherwise interfere with an authorised officer in the performance of his duties;

(b) incite or encourage any other person to assault, resist, or obstructs any authorised officer in the performance of his duties;

(c) use threatening language or behave in a threatening or insulting manner or use abusive language or insulting gestures towards any authorised officer in the performance of his duties;

(d) fail to comply with an instruction or direction of an authorised officer in the performance of his duties;

(e) furnish to an authorised officer any particulars which are false or misleading in any material respect; or

(f) impersonate or falsely represent himself to be an authorised officer.

(2) A person who contravenes subsection (1) commits an offence and is liable on—

(a) summary conviction, to the fine and term of imprisonment set out in the Schedule; or

(b) conviction on indictment, to the fine and term of imprisonment set out in the Schedule.

Observer programme

163. (1) There is established a programme to be known as "the Trinidad and Tobago Observer Programme".

(2) The Director shall be responsible for the administration of the Trinidad and Tobago Observer Programme.

(3) The Trinidad and Tobago Observer Programme shall consist of the collection of, recording and reporting of reliable and accurate information for scientific, management, and compliance purposes, including information related to−

(a) the species, quantity, size, age, and condition of fish taken;

(b) the methods used and areas and depths at which fish are taken;

(c) the effects of fishing methods on fish and the environment;

(d) all aspects of the operation of any vessel;

(e) the processing, transportation, transshipment, storage, or disposal of any fish;

(f) the implementation of management measures and applicable international conservation and management measures; or

(g) any other matter that may assist the Director in obtaining, analysing, or verifying information regarding fisheries for scientific, management, and compliance purposes.

Designation of observers

164. (1) For the purposes of the Trinidad and Tobago Observer Programme, the Minister may, by instrument in writing, designate persons, including citizens and nationals of foreign States, to be observers on fishing vessels issued with valid authorisations, licences or permits pursuant to this Act.

(2) Persons designated in accordance with subsection (1), including citizens and nationals of foreign States, shall be subject to the provisions of this Act while carrying out their duties and functions.

(3) The Minister may promote the continuous training and capacity building of observers taking into account the prevailing practice in the countries of the region and within the relevant regional fisheries management organisation (RFMO) and in accordance with the guidelines to be prescribed.

Duties of observers

165. (1) For the purposes of this Act, an observer shall—

(a) board and disembark the fishing vessel, or any other craft, at such time and place as may be determined by the Director or in accordance with an access agreement;

(b) remain on the fishing vessel, or any other craft, for the purpose of carrying out his duties;

(c) gather data or information relating to fishing and/or fishing related activities in the fishery waters or any other areas as may be required by the Director;

(d) take and remove from the fishing vessel, or any other craft, reasonable samples for the purposes of scientific investigation and other relevant information;

(e) prepare and submit every week on board the fishing vessel a report of the relevant information on fishing operations and transshipping of fish;

(f) prepare and submit a written report to the Director with detailed information of the activities carried out during the voyage, including data and forms, at any time and in the manner required by the Director.

(2) An observer who performs duties in areas beyond national jurisdiction in accordance with this Act, any international agreement, fisheries management agreement or international conservation and management measures, shall, unless the contrary is provided, continue to be subject to all provisions of this Act, and all responsibilities and duties of the operator, members of the crew and other relevant persons to an observer, under this Act shall continue to be applicable.

Code of conduct of observers

166. (1) Subject to immunity from suit in accordance with section 168, an Observer, in the performance of his duties, is required to—

(a) identify himself and always carry the identity card in the exercise of his functions;

(b) comply with the laws and regulations applicable to the fishing vessel to which the Observer is assigned;

(c) respect the hierarchy and general rules of behaviour which apply to all fishing vessels personnel provided that such rules do not interfere with his powers and duties under this Act;

(d) perform his duties in a manner that does not unduly interfere with the lawful operations of the fishing vessel, carry out his duties giving due consideration to the operational requirements of the fishing vessel, or any other craft, and communicate regularly with the master of the vessel;

(e) maintain independence and impartiality at all times while on duty; and

(f) treat as confidential all the information with respect to the fishing and fishing related activities and, the fishing vessel, or any other craft, and its personnel.

(2) Observers shall not—

(a) demand or receive any recompense or contribution from the fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit; and

(b) have a direct or indirect interest in the fishing companies or vessels nor in their fishing and fishing related activities.

(3) An observer who contravenes subsection (2) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Duties to an observer by an operator and crew

167. (1) An operator and each member of the crew of a fishing vessel, or any other craft, issued with an authorisation, licence or permit pursuant to this Act, shall allow and assist an observer to—

(a) board and disembark the fishing vessel, or any other craft, at such time and place as may be determined by the Director or in accordance with an access agreement;

(b) carry out his duties safely;

(c) have full access to and the use of facilities and equipment on board the fishing vessel, or any other craft, which the observer may consider necessary to carry out his duties;

(d) have full access to the fishing vessel, or any other craft, including the bridge, fish on board and areas which may be used to hold, process, weigh and store fish;

(e) have full access to the vessel's or other craft's records, including its log and other documentation, for the purpose of inspecting and copying those records;

(f) have full access to fishing gear on board;

(g) have full access to navigation equipment, communication equipment, vessel monitoring system and any other electronic devices;

(h) have full access to any place within Trinidad and Tobago or elsewhere where fish is loaded onto, or loaded from, the vessel or any other craft;

(i) gather any data or information relating to fishing and fishing related activities in the fishery waters or any other areas;

(j) verify and record any aspect of the fishing and fishing related activities, of the holds and of the processing facilities and to take any samples that may be required in the exercise of their duties;

(k) take and remove from the fishing vessel, or any other craft, reasonable samples for the purposes of scientific investigation and other relevant information;

(l) capture still or moving images of the fishing operations, including fish, fishing gear, equipment, charts and records, and remove from the fishing vessel, or any other craft, any record of such images as he may have captured on board the fishing vessel or any other craft;

(m) send or receive messages by means of the vessel's communications equipment; and

(n) perform any other duty as may be required by the Director.

(2) The operator shall, at no expense to the State, provide the observer, while on board the vessel, with food, accommodation, safety equipment and medical facilities of a reasonable standard.

(3) In addition to the requirements in subsections (1) and (2), the Director may require the operator of a vessel to pay in full the following costs of an observer:

(a) travel costs to and from the vessel;

(b) such salary as may be notified by the Director; and

(c) full insurance coverage.

(4) Any person who contravenes subsection (1) or (2), or—

(a) assaults, bribes, obstructs, resists, delays, refuses boarding to, intimidates or otherwise interferes with an observer in the performance of his duties;

(b) uses abusive, threatening or insulting language or gestures, or behaves in an

abusive threatening or insulting manner, towards an observer while in the performance of his duties;

(c) fails to comply with any lawful request of an observer;

(d) furnishes to an observer any particulars which are false or misleading in any material respect;

(e) impersonates, or falsely represents himself to be, an observer; or

(f) is in breach of any other duty to an observer under this Act,

commits an offence.

(5) A person who contravenes subsection (4) is liable—

(a) on summary conviction, to the fine and term of imprisonment set out in the Schedule; or

(b) on conviction on indictment, to the fine and term of imprisonment set out in the Schedule.

(6) For the purposes of subsection (4), any person who does not allow any observer to exercise any of the duties of an observer under this Act shall be deemed to be obstructing the observer in the performance of his duties.

(7) Where an observer is lost at sea, the operator of the fishing vessel shall cease fishing or fishing related activities forthwith and immediately initiate standard search and rescue procedures and where the observer is not found, the operator of the fishing vessel shall immediately stow all fishing gear, proceed to the nearest port in Trinidad and Tobago or other port approved by the Director, and comply with the instructions of the Director.

(8) An operator of a fishing vessel that contravenes subsection (7) commits an offence and is liable on conviction on indictment to the fine and term of imprisonment set out in the Schedule.

Immunity from suit

168. (1) An authorised officer, an observer or a person assisting an authorised officer or an observer who does any act under this Act, or omits to do any act required by this Act, shall not be under any civil or criminal liability as a result of that act or omission on the ground of want of jurisdiction or mistake of law or fact, or any other ground, unless he has not acted, or omitted to act, in good faith.

(2) The State shall not be held liable in civil or criminal proceedings for the act or omission of any authorised officer, observer or person, unless the authorised officer, observer or person would himself incur liability for the act or omission.

Division 3

Port Control Measures for Trinidad and Tobago Fishing Vessels

Application

169. This Division applies to Trinidad and Tobago fishing vessels intending to enter or depart the fishery waters.

Prior declaration of intent to enter in identified port

170. (1) An operator of a Trinidad and Tobago fishing vessel, or his authorised local representative resident in Trinidad and Tobago where necessary, shall notify the Director, in the form and manner prescribed, of the estimated time of entry of the vessel into any identified port in Trinidad and Tobago.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Prior declaration of intent to depart from an identified port or designated landing site

171. (1) An operator of a Trinidad and Tobago fishing vessel, or his authorised local representative resident in Trinidad and Tobago where necessary, intending to operate in areas beyond national jurisdiction shall

notify the Director, in the form and manner prescribed, of the estimated time of departure of the vessel from any identified port or designated landing site in Trinidad and Tobago.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement for written approval by Director to depart an identified port or an area specified by the Director

172. (1) No Trinidad and Tobago fishing vessel intending to operate in areas beyond national jurisdiction shall depart from an identified port or an area specified by the Director in Trinidad and Tobago unless advance notice to depart from the identified port or an area specified by the Director has been provided in the form and manner prescribed and a written approval to depart has been issued by the Director.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement for a written approval by Director to access an identified port or a designated landing site for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning.

173. (1) No Trinidad and Tobago fishing vessel operating or intending to operate in areas beyond national jurisdiction shall have access to or use an identified port or an area specified by the Director in Trinidad and Tobago for landing, transhipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning, unless advance notice to gain entry to the port or advance notice to depart from the port or an area specified by the Director has been provided in the form and manner prescribed and a written approval to access the port has been issued by the Director.

(2) The Director may deny use of a port under subsection (1) in the manner to be prescribed.

(3) The Director shall communicate his decision to deny use of the identified port, as appropriate and to the extent possible, to relevant coastal States, regional fisheries management organisations and other international organisations.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Inspection of vessels at port, in the fishery waters and in areas beyond national jurisdiction

174. The Director may, at any time and without notice, inspect any Trinidad and Tobago fishing vessel in port, at a landing site or in the fishery waters and in areas beyond national jurisdiction for the purpose of determining whether the vessel is in compliance with this Act and the terms and conditions of any authorisation, licence or permit issued pursuant to this Act.

Accessing, using or allowing or assisting a vessel to access or use an identified port or an area specified by the Director

175. A person who accesses, uses or allows or assists a vessel to access or use a port or an area specified by the Director for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Using, allowing or assisting in the use of a port not identified or an area not specified for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services

176. A person who uses, allows or assists in the use of a port not identified or an area not specified for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Division 4

Port State Control Measures for Foreign Fishing Vessels

Prior declaration of intent to enter an identified port

177. (1) An operator of a foreign fishing vessel or his authorised local representative resident in Trinidad and Tobago, where necessary, intending to enter any identified port in Trinidad and Tobago, shall notify the Director, in the form and manner prescribed, of the estimated time of entry of the vessel.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Prior declaration of intent to depart from an identified port or an area specified by the Director

178. (1) An operator of a foreign fishing vessel, or his authorised local representative resident in Trinidad and Tobago, where necessary, intending to depart an identified port or an area specified by the Director in Trinidad and Tobago, shall notify the Director, in the form and manner prescribed, of the estimated time of departure of the vessel.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement for written approval by Director to enter an identified port or an area specified by the Director

179. (1) No foreign fishing vessel shall enter and have access to an identified port in Trinidad and Tobago unless advance notice to enter an identified port has been provided in the form and manner prescribed and a written approval to enter an identified port has been issued by the Director.

(2) The Director may deny entry and access to an identified port under subsection (1) in the manner to be prescribed.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement for approval by Director to depart an identified port or an area specified by the Director

180. (1) No foreign fishing vessel shall depart from an identified port or an area specified by the Director in Trinidad and Tobago unless advance notice to depart from the identified port or an area specified by the Director has been provided in the form and manner prescribed and a written approval to depart has been issued by the Director.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Requirement for a written approval by Director to access an identified port or an area specified by the Director, for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services

181. (1) No foreign fishing vessel shall use an identified port or an area specified by the Director in Trinidad and Tobago for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning unless advance notice to gain access to the port has been provided in the form and manner prescribed and a written approval to enter and use the port or an area specified by the Director has been issued by the Director.

(2) The Director may deny use of port by a foreign fishing vessel that has entered a port in Trinidad and Tobago in the manner to be prescribed.

(3) The Director may deny use of a port under subsection (2) in the manner to be prescribed.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Inspection of vessel at port and in the fishery waters

182. The Director may, at any time and without notice, inspect any foreign fishing vessel on port, landing site or in the fishery waters for the purpose of determining whether the vessel is in compliance with this Act and the terms and conditions of any authorisation, licence or permit.

Accessing port sevices without a written approval by Director

183. A person who accesses, uses or allows or assists a foreign fishing vessel to access or use a port or an area for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Entering a port not identified, or an area not specified, for the for the purposes of landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services

184. A person who enters or allows or assists a foreign fishing vessel in the entry of a port not identified or an area not specified for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director commits an offence and is liable on summary conviction to the fine set out in the Schedule.

Using a port not identified, or an area not specified, for the for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services

185. A person who uses, allows or assists in the use of a port not identified or an area not specified for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning commits an offence and is liable on summary conviction to the fine set out in the Schedule.

PART XVII

FIXED PENALTIES

Fixed penalty notice

186. (1) Where an authorised officer has reason to believe that a person is committing or has committed a fixed penalty offence, the authorised officer may issue a fixed penalty notice, that offers the person the opportunity to pay the fixed penalty within the time specified in the fixed penalty notice and discharge of any liability for the offence or to file a notice to contest where the person is desirous of contesting the fixed penalty notice issued to him.

(2) A fixed penalty notice shall be served by an authorised officer.

(3) A fixed penalty notice shall be served in person or where a person cannot be found in order to be served with a fixed penalty notice-

(a) within forty-eight hours of its issue; and

(b) after reasonable attempts have been made to locate him,

the fixed penalty notice shall be served by posting it up in a conspicuous place such as on the fishing vessel owned by him, locker issued to him, official noticeboard at the designated landing site, identified port or public facilities provided for the fishing industry or the fishing vessel from which he operates.

(4) An authorised officer who serves a fixed penalty notice under this section shall cause a copy of the fixed penalty notice to be sent to the-

(a) Director; and

(b) Clerk of the Peace in the district in which the offence is alleged to have been committed,

within seven working days from the date of issue of the fixed penalty notice.

Particulars to be specified in fixed penalty notice

187. (1) A fixed penalty notice shall—

(a) bear the name, office and signature of the person who issues it;

(b) be directed to the person whom the authorised officer has reason to believe has committed an offence;

(c) specify the section of the written law creating the offence;

(d) specify the particulars of the offence;

(e) specify the amount of the fixed penalty;

(f) specify the time within which the fixed penalty may be paid;

(g) identify the payee to whom, and the address at which the fixed penalty may be paid or remitted;

(h) specify that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 193;

(i) specify the date, time and address of the Court at which the person is required to appear in the event of filing a notice to contest in accordance with section 193; and

(j) specify the date, time and place of its service.

(2) A fixed penalty notice and a notice to contest under this section shall be in the form approved by the Minister, by Order.

Methods and payees for payment of a fixed penalty

188. The Minister, may by Order, subject to negative resolution of Parliament, prescribe the methods and payees for payment of a fixed penalty.

Payment of fixed penalties

189. (1) Where a fixed penalty notice has been served under section 186, the person on whom it is served may, unless he files a notice to contest, pay the fixed penalty within sixty days from the date of service.

(2) Payment of a fixed penalty shall be made to the payee as prescribed by the Minister under section 188 and shall be accompanied by the fixed penalty notice issued under section 186.

(3) Where a fixed penalty is duly paid in accordance with a fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the notice was given.

Notice to contest

190. (1) Where a person is desirous of contesting a fixed penalty notice, he shall file a notice to contest with the payee within fifteen days from the date that the fixed penalty notice was issued.

(2) Notwithstanding subsection (1), a person may, at any time within the period specified in the fixed penalty notice for the payment of the fixed penalty, pay the fixed penalty in accordance with section 186 and the matter shall be removed from the list of hearing at the Court.

Transmission of documents to Court

191. Where a notice to contest has been filed, the authorised officer shall immediately transmit to the

Clerk of the Peace, in the district in which the offence is alleged to have been committed, a copy of the notice to contest.

Listings of proceedings in respect of fixed penalty notice

192. Proceedings in respect of an offence for which a fixed penalty notice was issued shall not be listed for trial in Court unless—

(a) a notice to contest has been filed in accordance with section 190 within fifteen days from the date that the fixed penalty notice was served; and

(b) a period of two months has elapsed from the last day on which the fixed penalty is payable and there is no record that the fixed penalty was paid in accordance with section 189.

Appearance of parties in proceedings where notice to contest was filed

193. (1) Where a notice to contest is filed within the period specified in the fixed penalty notice, the authorised officer who issued the fixed penalty notice shall be notified and shall be required to attend Court on the date, time and address of the Court as specified in the fixed penalty notice.

(2) Notwithstanding section 44 of the Summary Courts Act, where a person files a notice to contest and does not appear before the Court on the date and time specified in the fixed penalty notice, the Magistrate shall not issue a warrant for the arrest of the person but may proceed *ex parte* to hear the matter and adjudicate thereon as fully and effectually as if the person had personally appeared before the Court.

Non-payment of fixed penalty and failure to file notice to contest

194. Where a fixed penalty notice was issued and the person does not pay the fixed penalty and does not file a notice to contest, in accordance with this Act, the fixed penalty notice shall be deemed to be a summons issued in accordance with section 42 and served in accordance with section 43, respectively, of the Summary Courts Act.

PART XVIII

JURISDICTION, EVIDENCE AND PRESUMPTIONS

Jurisdiction

195. (1) Any act or omission in contravention of any of the provisions of this Act, which is committed in any place or by any person to which this Act applies in accordance with section 4, shall be liable to be dealt with, and judicial proceedings may be taken in relation thereto, as if the act or omission had taken place in Trinidad and Tobago.

(2) Where an authorised officer or observer is exercising any functions or powers conferred on him outside the fishery waters in accordance with this Act, any act or omission of any person in contravention of any of the provisions of this Act committed in relation to the authorised officer or observer in the performance of his functions or powers, shall be deemed to have been committed within the fishery waters.

Certificate evidence

196. The Director, or any person designated in writing by him, may give a certificate stating that—

(a) a specified vessel or person was or was not on a specified date the holder of any specified authorisation, licence, permit, certificate or other document granted or issued under this Act;

(b) a specified vessel or person was or was not on a specified date on the Record of Trinidad and Tobago Fishing Vessels or any other record or register under this Act;

(c) an appended document is a true copy of the authorisation, licence, permit, certificate or other document granted or issued under this Act and that specified terms and conditions were attached to such document;

(d) a particular location or area of water was on a specified date within or beyond the

fishery waters, or within a closed, limited, restricted or controlled area within or beyond the fishery waters, an area within or beyond the fishery waters delineated for any specified purpose or an area of the fishery waters subject to specified terms and conditions;

(e) an appended chart shows the boundaries on a specified date of the fishery waters, or within a closed, limited, restricted or controlled area within or beyond the fishery waters or an area within or beyond the fishery waters delineated for any specified purpose;

(f) an appended position report was given in respect of a specified vessel;

(g) a particular item or piece of equipment is fishing gear;

(h) an appended document is a true copy of an access agreement, fisheries management agreement or other bilateral or multilateral legal instrument to which Trinidad and Tobago is a party;

(i) a call sign, name or other identification allotted under any system of naming or numbering of vessels is that of a particular vessel;

(j) an appended catch report or other record was given in respect of a specified vessel;

(k) a specified vessel, mobile transceiver unit, electronic device or other item complies or does not comply with any reporting, recording or registration requirements under this Act, an applicable access agreement or international conservation and management measures;

(l) an appended document is a true certificate of a specified measuring device;

(m) an offence was committed against the laws of another State, as declared in an appended copy of a statement signed by a competent authority of that State;

(n) international conservation and management measures are in force as declared in or evidenced by, an appended document;

(o) a statement as to the species, quantity, size, age or condition of fish was made and signed by an authorised officer or observer;

(p) a photograph or image is a true and accurate representation of what it is meant to represent;

(q) a photograph or image was taken or captured by a specified person;

(r) any specified return, log, record or information required to be kept or furnished under this Act was or was not kept or furnished; or

(s) any specified interest in any specified fishing right was or was not held by a person named in the certificate.

Validity and procedures for certificates

197. (1) Unless the contrary is proved, a document purporting to be a certificate given under section 196 shall be deemed to be such a certificate and to have been duly given.

(2) A certificate given under section 196 shall, unless the contrary is proved, be *prima facie* evidence of all the facts averred in it.

(3) Any omission from or a mistake made in any certificate given under section 196, shall not render it invalid, unless the Court directs otherwise in the interest of justice.

(4) Where, in any proceedings, a certificate made under section 196 is produced to the Court, the certificate shall be received in evidence upon its mere production without further proof.

Certificate as to location of the vessel

198. (1) Where, in any proceedings under this Act, the place or area in which a fishing vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged then a place or area stated in a certificate given by the Director shall be evidence, unless the contrary is proved, of the place or area in which the fishing vessel was at the date and time or during the period of time stated.

(2) An authorised officer shall, in any statement made and signed under subsection (1) and certified by the Director, state—

(a) his name, address, official position, country of appointment and the provision under which they were appointed;

(b) the name and, if known, any other identity mark including the call sign of the fishing vessel concerned;

(c) the place or area in which it is alleged the fishing vessel was located;

(d) the date and time or period of time the fishing vessel was in the place or area it is alleged the fishing vessel was located;

(e) the position fixing instrument used to fix the place or area stated in paragraph *(c)* and its accuracy within specified limits;

(f) a declaration that the authorised officer or observer checked the position fixing instrument a reasonable time before or after it was used to fix the position and whether it appeared to be working correctly; and

(g) if a position fixing instrument which is not judicially recognised as accurate is used, a declaration that he checked the instrument as soon as possible after the time concerned against another position fixing instrument.

Photographic evidence

199. (1) Where a photograph is taken or an image is captured of any fishing or fishing related activity and simultaneously the date, time and position from which the photograph is taken or an image is captured are superimposed upon the photograph then it shall be presumed unless the contrary is proved that the photograph was taken on the date at the time and in the position so appearing.

(2) The presumption set out in subsection (1) above shall only arise if—

(a) the camera taking the photograph or the device capturing the image is connected directly to the instruments which provide the date, time and position concerned; and

(b) the photograph or image was taken or captured by an authorised officer or observer or under his direction.

(3) An authorised officer or observer who takes a photograph or captures an image of the kind described in subsection (1) may give statement appending the photograph or image stating—

(a) his name, address, official position, country of appointment, and provision under which he is appointed;

(b) the name, and if known, the call sign or other identity mark, of any fishing vessel appearing in the photograph or image;

(c) the particulars of the camera, watch or clock or other instrument supplying the date and time, and position fixing instrument and a declaration that he

checked those instruments within a reasonable time before or after the taking of the photograph or the capturing of the image and whether they all appeared to be working correctly;

(d) the matters set out in subsection (2); and

(e) the accuracy of the fixing instrument used within specified limits.

(4) This section applies to photographic or imagery evidence that may be produced or generated by any camera or device, whether manual or electronic, and regardless of whether such camera is affixed to a vessel, premises or to a remotely controlled vehicle or aircraft or handheld.

Electronic evidence

200. (1) All information or data obtained or ascertained by the use of an electronic device including a mobile transceiver unit shall be presumed, unless the contrary is proved, to—

(a) come from the vessel, place or location so identified;

(b) be accurately relayed or transferred;

(c) be given by—

(i) in the case of a vessel, the operator of the vessel; and

(ii) in the case of a place or location, the owner or operator of such place or location.

(2) Evidence may be given of information and data so obtained or ascertained under subsection (1) whether from a printout or visual display unit.

(3) The presumption in subsection (1) shall apply whether or not the information was stored before or after any transmission or transfer.

(4) An electronic device installed and operated in accordance with this Act shall be deemed to be accurate.

(5) An authorised officer, observer or other person authorised in writing by the Director may give a statement, to be certified by the Director, stating—

(a) his name, address and official position;

(b) that he is competent to read the printout or visual display unit of any machine capable of obtaining or ascertaining information from an electronic device;

(c) the date and time the information was obtained or ascertained from the electronic device and the details thereof;

(d) the name and call sign or other identity mark of the vessel on which the electronic device is or was located as known to him, or as ascertained from any official register, record or other document; and

(e) a declaration that there appeared to be no malfunction in the electronic device, its transmissions, or other machines used in obtaining or ascertaining the information.

Interfering with evidence

201. (1) A person on board any fishing vessel being pursued, about to be boarded or notified that it will be boarded by an authorised officer, whether in the fishery waters or beyond such waters, who throws overboard or destroys any fish, equipment, document, explosive, noxious substance or other thing with intent to avoid its seizure or the detection of any offence under this Act commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(2) A person who removes from custody any vessel, fish, data, document, equipment or other item held in custody under this Act, or does any act or omission by which a vessel, fish, data, document equipment or other item held in custody under this Act may be removed from custody, commits an offence and

is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(3) A person who destroys, damages, renders inoperative or otherwise interferes with data, document, equipment or other item including any premises or facilities in which evidence, vessel, fish, data, document, equipment or other items are kept commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(4) A person who, whether in Trinidad and Tobago, in the fishery waters or beyond the fishery waters, destroys, damages, renders inoperative or otherwise interferes with any part of a vessel monitoring system or any other electronic monitoring system, aboard a vessel, or who intentionally feeds or inputs into that system information or data which is not officially required or is meaningless, commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(5) A person who divulges information or data obtained from a vessel monitoring system or a system of reporting or recording required under this Act, other than in the course of duty, commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

(6) A person who allows unauthorised access to premises or facilities where a vessel monitoring system or any other electronic monitoring system is operated or allows unauthorised access to information or data from a vessel monitoring system or any other electronic monitoring system, commits an offence and is liable on summary conviction to the fine and a term of imprisonment set out in the Schedule.

Disposal of fish and other perishables

202. (1) Where, in the opinion of the Director, any fish or other article seized may rot, spoil, deteriorate or otherwise perish, the Director may authorise its sale in

such manner and for such price as the market may determine.

(2) Where the ownership of any property cannot at the time of seizure be ascertained, the property seized shall be disposed of as directed by the Court after ninety days from the date of seizure if, within that time, it has not been possible to establish the ownership of the property.

(3) A purchaser for valuable consideration of any fish, article or property sold under this section shall derive good and unencumbered title in respect of that fish, article or property as the case may be.

(4) The State shall not be liable to any person for any spoilage or deterioration in the quality of any fish or other perishable articles seized.

Forfeiture

203. (1) Where a person is convicted of an offence under this Act, the Court may, in addition to any other penalty it may impose, order that the following be forfeited to the State:

(a) fish caught;

(b) fishing vessel;

(c) fishing gear and equipment; and

(d) vehicle used for transporting fish.

(2) Any fishing gear or instrument, or vessel or vehicle which is not ordered to be forfeited under subsection (1) shall be returned to the owner promptly.

Imposition of bond or other security

204. (1) A person from whom any item was seized pursuant to this Act or the owner or person entitled to possession of such item may, within sixty days after the seizure, apply to the Court for the release of the item.

(2) Upon receipt of an application under subsection (l) relating to the seizure of an item, the Court shall order—

(a) that the owner or operator of the vessel pay into Court a bond, surety or other security having regard to—

(i) the fair market value of the vessel and any items, including fish, on board;

(ii) the maximum fine or fines that apply for the offences or alleged offences that led to the seizure of the foreign fishing vessel; and

(iii) the costs likely to be recovered by the prosecution if a conviction is entered; and

(b) that the vessel or item to be released upon receipt of the bond, surety or other security, subject to such terms and conditions as the Court sees fit, unless the vessel is reasonably required as evidence in court proceedings or for any further investigation of offences under this Act.

(3) In the event of an appeal from an order of forfeiture, the Court may, pending the final disposition of the appeal and of any retrial or rehearing on remand—

(a) continue any bond, surety or other security deposited in accordance with subsection (2); or

(b) require an additional bond, surety or other security to be deposited with it.

(4) The release of any bond, surety or other security deposited in accordance with subsection (2), or (3) is conditional upon—

(a) the return of the released item to the Court without any impairment of its value; or

(b) final disposition of or discontinuation of

proceedings under this Act and payment of any fines, penalties and other determination imposed by the Court.

(5) An item seized under this Act, or a bond, surety or other security paid under subsection (2) or (3) shall be held until any proceedings under this Act have been disposed of or discontinued and any fines, penalties and other determinations imposed have been paid.

(6) Where a bond, surety or other security has been paid under subsection (2) or (3) and the item has been released—

(a) the sum paid in respect of the value of the vessel or property shall be forfeited from the bond, surety or other security;

(b) any fine or penalty ordered upon the conviction of any person who committed an offence which led to the seizure of the item shall be paid from the bond, surety or other security; and

(c) any order for costs against a person accused of committing an offence against this Act which led to the seizure of the item shall be applied against the bond, surety or other security.

Failure to comply with terms and condition of bond or other security

205. Where a person to whom an item is released under section 202(2) or (3) fails to comply with the terms and conditions of the bond or security posted for release of that item—

(a) the Director may direct the item to be reseized at any time; or

(b) the bond or security shall be automatically forfeited.

General presumptions

206. (1) Fish found on board any fishing vessel which has been used in the commission of any offence under

this Act shall be presumed to have been caught in the commission of that offence, unless the contrary is proved.

(2) Where, in any legal proceedings under this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place shall be presumed to be the place in which the event took place, unless the contrary is proved.

(3) *Prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft may be given by the production of a written copy or extract of the entry certified by an authorised officer as a true copy or accurate extract.

(4) For the purposes of any proceedings under this Act, the operator of any fishing vessel, shall be responsible for any act or omission in fishing activity, related to that fishing vessel.

(5) Any entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel is considered to be that of the operator of the vessel.

(6) Where, in any legal proceedings for an offence under this Act —

(a) an authorised officer or observer gives evidence that he had reasonable grounds to believe that any fish to which the charge relates were taken by the use of prohibited gear; and

(b) the Court considers that, having regard to the evidence, the grounds are reasonable,

the fish shall be presumed to have been so taken, unless the contrary is proved.

(7) Where, in any legal proceedings for an offence under this Act—

(a) an authorised officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken in a specified area of the fishery waters; and

(b) the Court considers that, having regard to the evidence the grounds are reasonable,

the fish shall be presumed to have been so taken, unless the contrary is proved.

(8) In any proceeding for an offence under this Act, an allegation made by the informant in any information or charge relating to whether or not any person was the operator of any vessel shall be presumed to be true in the absence of proof to the contrary.

(9) A document or other information purporting to be made, kept or furnished by or on behalf of any person shall, for the purposes of this Act, be considered to have been made, kept or furnished by that person or by that person's authority unless the contrary is proved.

PART XIX

APPEALS COMMITTEE

Establishment and jurisdiction

207. (1) The Minister shall appoint a committee to be known as the Appeals Committee to hear and determine all decisions made in respect of records, registers, authorisations, licences and permits under this Act.

(2) An appeal under subsection (1) shall lie to the Appeals Committee at the instance of the person in respect of whom the decision is made.

Right of appeal

208. A person who is aggrieved by a decision taken in respect of an application made by him in respect of records, registers, authorisations, licences and permits may appeal to the Appeals Committee within twenty-one days of the receipt of the written notification of the decision.

Composition

209. (1) The Appeals Committee shall comprise five members, including an Attorney-at-law with ten years' experience who shall be the chairman of the Committee.

(2) The other members of the Committee may include persons with—

(a) training and experience in fisheries management;

(b) training and experience in maritime affairs;

(c) experience in the fishing industry but with no commercial interest in the industry; and

(d) any other person who, in the opinion of the Minister, is capable of fulfilling the functions of the Committee.

(3) The Committee shall not include the Director, Director-Tobago and any member of the Board.

Quorum

210. (1) The Appeals Committee shall hear and determine matters sitting in a quorum of either three or five members, one of whom shall be the chairman.

(2) Any question before the Appeals Committee shall be determined by the opinion of the majority of the members of the Committee.

Rules

211. The Appeals Committee may make rules to regulate its own procedure and the procedure for conducting appeals and any other proceedings before it.

Powers

212. In the determination of an appeal, the Appeals Committee shall either—

(a) dismiss the appeal; or

(b) allow the appeal and make any such order for the just and expedient disposition of the appeal as it thinks fit.

Hiring of staff for Appeals Committee

213. Officers and other staff may be assigned to assist the Appeals Committee in the performance of its functions.

Resignation from Appeals Committee

214. (1) A member of the Appeals Committee, other than the Chairman, may at any time resign from his office by notice, in writing, addressed to the Minister through the Chairman.

(2) Where the Chairman is in receipt of a notice of resignation, he shall, without delay, cause it to be forwarded to the Minister and such resignation shall take effect on the date of receipt of the written notice by the Chairman.

(3) The Chairman may at any time resign from his office by notice, in writing, addressed to the Minister and the resignation shall take effect on the date of receipt of the written notice by the Minister.

Terminiation of appointment

215. The Minister may terminate the appointment of a member of the Appeals Committee if—

(a) he has been adjudged or otherwise declared bankrupt under any law enforced in any country and has not been discharged;

(b) he is, by reason of mental or physical incapacity, unable to perform his duties as a member of the Committee;

(c) he is absent, except on leave granted by the Committee, from three consecutive meetings of the Committee;

(d) he is guilty of misconduct in relation to his duties; or

(e) he is convicted in a court of law for any offence under any law relating to fisheries, the environment, wildlife, customs, immigration, trafficking, smuggling or trade.

PART XX

General Provisions

Directors to maintain records, registers and repository

216. (1) The Director shall—

(a) establish and maintain records and registers; and

(b) establish and maintain a repository of scientific proposals and reports along with associated data and research output,

necessary for the effective implementation of this Act.

(2) The Director shall maintain records of—

(a) authorisations, licences, permits and certificates issued under this Act; and

(b) history of compliance with terms and conditions of authorisations, licences, permits and certificates.

(3) The Director shall, consistent with Trinidad and Tobago's obligations under relevant Conventions and Agreements, make available information contained in Records, Registers and Repository maintained under subsection (1).

Collaboration among agences

217. The Director shall collaborate closely with other government agencies including, but not limited to, the agencies responsible for trade, health, customs, finance, national security, maritime services, foreign affairs and environment in the implementation of this Act.

Use of, and operations at, public facilities provided for the fishing industry

218. (1) The Director shall, by Order, establish rules and guidelines for the use of, and operations at, public facilities provided for the fishing industry, including the setting of fees.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty set out in the Schedule.

Use of a fishing vessel for purposes other than fishing or fishing related activities

219. (1) Except for activities essential for the safety of life at sea, the safety or health of the crew, the safety of the vessel, or other prescribed activities, no person shall use a fishing vessel for purposes other than fishing or fishing related activities.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Interfering with or disturbing fishing

220. (1) No person shall—

(a) remove, haul, take away, empty or cast adrift any fishing gear, tackle, fish-aggregating device or other fishing equipment belonging to some other person without the consent of that other person;

(b) destroy, damage, displace or alter the position of any fishing gear, tackle, fish-aggregating device or other fishing equipment, or any buoy, float or other marker connected to it; and

(c) remove fish from the fishing gear, tackle, fish-aggregating device or other fishing equipment belonging to another person without the consent of that other person.

(2) A person who contravenes subsection (1) commits an offence and is liable to the penalty set out in the Schedule.

(3) Any fish in a fishing gear shall be considered the property of the owner of the fishing gear.

Documents to be submitted in English

221. A document from a foreign entity shall be submitted in English, including vessel arrival and departure declarations, applications for authorisations, licences and permits, labelling and any other documents from foreign fishing vessels or entities.

Provision of false information

222. A person who provides information required under this Act, which is false, commits an offence and is liable to the penalty set out in the Schedule.

Declaration of Marine Protected Areas

223. The Minister may, by Order, declare any portion of the fishery waters as a protected area.

Activities contrary to the laws of another State

224. (1) Notwithstanding subsection (5), this section applies to all persons, vessels, fishing, fishing related activities and other activities to which this Act has application.

(2) Subject to subsection (1), no person shall, within Trinidad and Tobago or in the fishery waters, on their own account or any other capacity—

(a) cause or permit a person acting on his or her behalf; or

(b) use or permit a vessel to engage in fishing or related activity,

to take or to import, export, re-export, land, transport, sell, receive, acquire, buy any fish taken, possessed, transported or sold in violation of any law or regulation of another State or of international conservation and management measures.

(3) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to payment of the fine or term of imprisonment set out in the Schedule.

(4) Where an international agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State upon conviction or other process pursuant to subsection (2), such remittance shall be made after all costs and expenses incurred by the State have been deducted.

(5) This section does not apply to fish taken on the High Seas contrary to the law of another State

where Trinidad and Tobago does not recognise the jurisdiction of that State over those fish.

Prevention of marine pollution

225. (1) The operator of a fishing vessel shall take the necessary measures to prevent pollution of the marine environment in accordance with international conservation and management measures or as may be prescribed.

(2) Without limiting the generality of subsection (1), the operator of a fishing vessel shall ensure the following:

(a) retrieval of all fishing gear and associated items deployed at sea; and

(b) compliance with the Shipping Act or any other written law.

(3) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Costs incurred by the State

226. (1) Upon application by the State, the Court may, on conviction for an offence under this Act, order the owner and, as applicable, the charterer of a vessel, body corporate or other entity involved in the offence, jointly and severally, to bear the cost or expenditure incurred by the State, in connection with—

(a) the seizure of a foreign vessel for an offence against this Act;

(b) the prosecution for an offence against this Act; and

(c) the repatriation of the master or crew of any vessel seized under this Act.

(2) The amount of any costs or expenditure ordered by the Court under subsection (1) may be recovered in the same manner as a fine.

(3) Nothing in subsection (1) shall be deemed to allow for the recovery of any cost or expenditure that

has already been recovered pursuant to any other order made under this Act.

General offences and penalties

227. (1) A person who acts in contravention of or fails to comply with any provision under this Act, commits an offence.

(2) Every person who commits an offence against this Act for which no other penalty is prescribed shall be liable on conviction to a fine of one hundred and forty thousand dollars and, if the offence is a continuing one, to a further fine of three thousand five hundred dollars for every day after the first day on which the offence has continued.

(3) Nothing in subsection (1) shall apply to a person carrying out any duties or responsibilities imposed or required under this Act while acting in the capacity of an employee, agent or representative of the State.

Limitation of time for prosecution of a summary offence

228. All summary offences under this Act may be prosecuted, at any time, within two years after the commission of any offence.

Imprisonment of non-nationals

229. Where an offence under this Act has been committed in the Exclusive Economic Zone by a person who is a national of another State, that person may not be sentenced to a term of imprisonment in the absence of any agreement to the contrary between Trinidad and Tobago and the State of which that person is a national.

Banning Order

230. (1) Where any person who is convicted of an offence against this Act or any statutory instrument made under this Act and within seven years from the date of that conviction is convicted on another occasion of the same or any other offence against this Act or any statutory instrument made under this Act, the Court may, in addition to any other fine or penalty provided under this Act, make an order prohibiting that person from engaging in—

(a) fishing;

(b) fishing related activities; and

(c) any other activity as may be provided for under this Act.

(2) A person who contravenes an order made under subsection (1) or the operator of a fishing vessel who has aboard a person he knows is banned under subsection (1) commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Duty of Confidentiality

231. (1) A person carrying out duties or responsibilities under this Act shall not, unless authorised in accordance with this Act, reveal information or other data of a confidential nature acquired by virtue of his authority, duties and responsibilities.

(2) For the purposes of this section, the following information shall be confidential:

(a) any information or data of a commercial nature provided in records, returns, or other documents required under this Act;

(b) any information or other data supplied by a vessel tracking system, in accordance with this Act; and

(c) such other information or data as may be prescribed.

(3) Notwithstanding subsection (1), confidential information may be disclosed to the extent—

(a) that the disclosure is authorised or required under this Act or any other law or pursuant to an order of the Court;

(b) that the person providing the information authorised its disclosure;

(c) necessary to fulfill Trinidad and Tobago's obligations under any treaty, convention or other international agreement relating to fishing or fishing related activities;

(d) necessary for the purposes of monitoring,

control, surveillance, enforcement, or search and rescue or any other emergency;

(e) necessary for the purposes of national security, law enforcement or Court proceedings; or

(f) necessary to enable advice to be given to the Minister.

(4) Any person who contravenes this section commits an offence and is liable on summary conviction to the fine and term of imprisonment set out in the Schedule.

Regulations

232. (1) The Minister may make Regulations—

(a) to give effect to the provisions of this Act; and

(b) as considered necessary or expedient for the purpose of giving effect to—

(i) international conservation and management measures adopted by regional fisheries management organisations to which Trinidad and Tobago is a member; or

(ii) treaties or arrangements to which Trinidad and Tobago is a party.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations in respect of—

(a) the application for, issuance, suspension, revocation or cancellation of authorisations, certificates, licences, permits and identity cards;

(b) any fees payable in respect of an application made under this Act;

(c) the management of a fishery;

(d) the recording and reporting of vessel position, catch of target, non-target species,

discards, fishing effort and other fisheries data;

(e) the capture, sale, transport and use of bait in the fisheries sub-sector;

(f) regulating recreational fishing in the fishery waters and beyond the fishery waters;

(g) the designation of fish landing sites and identification of designated ports for the landing, transit, transshipment, transport or movement of fish and other fishing related activities;

(h) the use of, and operations at, public facilities provided for the fishing industry;

(i) the rearing of fish in the fishery waters;

(j) the transit of foreign fishing vessels through the fishery waters, including the manner in which fishing gear is to be stowed;

(k) measures for the conservation of fish habitats, protection of marine mammals and any threatened or endangered species, including sea birds, turtles, lobsters and conch;

(l) measures for the approval, use and management of fishing gear, fish aggregating devices and introduction of fishing technologies;

(m) a fishing area, local fisheries management area, or protected areas declared as such under this Act, and prescribing any activities which may be taken in such areas;

(n) the establishment of a mechanism for stakeholder participation in the decision-making process for the conservation and

management of fisheries;

(o) the information required of fishing vessels, including criteria for fitness of vessels for the purpose of fishing, catch and effort statistics and vessel position reports;

(p) chartered fishing vessels;

(q) fish bioprospecting; and

(r) port state control measures, including the measures adopted by sub-regional, regional and international organisations, treaties or arrangements.

(3) The Minister may provide for the establishment of a regime of statutory fishing rights and, in doing so, may make Regulations on the following matters:

(a) the method of applying for a right of access or quota share;

(b) the identification of criteria for determining those eligible to apply for a statutory fishing right;

(c) the nature of a statutory fishing right;

(d) the duration of a statutory fishing right;

(e) the criteria for adjusting the fishing rights allocated from one period to another due to fluctuations in the availability of the stocks to which the rights relate;

(f) determining whether the statutory fishing right shall be inheritable, leasable, saleable, or divisible;

(g) the number of rights or quota any person or company may hold at any one time;

(h) the method of calculation of any quota which may be expressed as part of the total allowable effort, total allowable catch or

the total allowable catch for a particular species; and

(i) the circumstances under which a statutory fishing right may lapse, be reduced, suspended, reallocated or cancelled.

(4) Regulations made under this section may provide that the contravention of any regulation constitutes an offence and may prescribe penalties for any offence not exceeding a fine of two hundred and fifty thousand dollars and a term of imprisonment of two years.

Repeal of Chapter 67:51 and Chapter 67:52

233. (1) Subject to subsection (2), the following are hereby repealed:

(a) Fisheries Act; and

(b) Control of Importation of Live Fish Act.

(2) All Regulations made under the Fisheries Act and the Control of Importation of Live Fish Act shall remain in force until such time as they are revoked.

(3) Subject to subsection (4), all authorisations, licences or permits issued or appointments made under the repealed provisions, valid and in force immediately before the coming into operation of this Act, shall continue, on such coming into operation, to have full force and effect for the term for which they were issued or made or until they expire or are revoked according to law as if the provisions under which they were issued or made had not been repealed.

(4) Where the Director is of the opinion that any term or condition of any authorisation, licence or permit issued or appointment made under the repealed provisions is at variance with the provisions of this Act to an extent which makes it unacceptable, he shall, by written notice—

(a) advise the holder of the authorisation, licence or permit the operator of the vessel

in respect of which an authorisation, licence or permit is issued, or the person appointed, as the case may be, of the terms or conditions that is unacceptable;

(b) specify the variation in any term or condition required to ensure compliance with this Act; and

(c) advise that the variation shall apply in respect of the authorisation, licence or permit, or appointment, as the case may be, with effect from a date specified in the notice, unless he receives notification from the holder of the authorisation, licence or permit, the operator of the vessel in respect of which the authorisation, licence or permit is issued or the person appointed, as the case may be, that such variation is unacceptable, in which case the authorisation, licence or permit or appointment, as the case may be, shall cease to have effect from the date specified.

234. The Tobago House of Assembly Act is amended in— Chap. 25:03 amended

(a) section 3, by inserting the definition of "Tobago Fishery Waters" as follows:

> ""Tobago Fishery Waters" means the fishery waters within eleven nautical miles from the low water mark of Tobago, and the internal and inland waters of Tobago, designated for the purpose of fisheries conservation and management;"; and

(b) section 4*(b)*, by inserting after the words "island of Tobago", the words ", Tobago Fishery Waters".

Chap. 30:01 amended

235. The Fish and Fishery Products Regulations, 1998 is amended in section 2, by deleting the definition of "fish" and substituting the following definition:

""fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusk, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development;".

Chap. 35:05 amended

236. (1) The Environmentally Sensitive Species Rules, 2001 is amended by deleting subrule 2*(d)* of Schedule III and inserting the following:

"*(d)* a fish that is identified under the Fisheries Management Act".

(2) The Environmentally Sensitive Areas Rules, 2001 is amended by deleting the words "section 2 of the Fisheries Act" and substituting the words "the Fisheries Management Act".

Chap. 37:02 amended

237. (1) The Marine Areas (Preservation and Enhancement) Act is amended in sections 3(1), 5 and 6(1) by deleting the word "The" and substituting the words "Subject to the Fisheries Management Act and in collaboration with the Minister responsible for fisheries, the".

(2) The Marine Areas (Preservation and Enhancement) Regulations is amended in regulation 2 by deleting the words "includes corals, crabs, lobsters, shrimps, turtles, turtle eggs and any species of marine fauna" and substituting the words "includes any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development".

Chap. 50:10 amended

238. The Shipping Act is amended—

(a) in section 2—

(i) by inserting the following definitions

in the appropriate alphabetical sequence:

""Illegal, Unreported and Unregulated fishing", means fishing activities that are contrary to the international or national conservation and management measures applicable in the fishing area concerned, including but not limited to the following:

(a) fishing without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;

(b) a person or an operator of a fishing vessel has not fulfilled the obligations to record and report on fishing activities including catch or catch-related data or has misreported the data or information;

(c) fishing in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth;

(d) falsification of documents in relation to the fishing vessel;

(e) fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

(f) fishing with the use of prohibited or non-compliant fishing gear;

(g) in relation to a fishing vessel, falsification or concealment of its markings, identity or registration;

(h) concealment, tampering with or disposal of evidence relating to an investigation concerning fishing or fishing related activities;

(i) obstruction or interference with the work of officials in the exercise of duties in inspecting a fishing vessel for compliance with the applicable laws or conservation and management measures;

(j) possession, trans-

shipment, transit or landing of fish in contravention of the Fisheries Management Act;

(k) fishing or fishing related activities in contravention of the terms and conditions of an authorisation, licence, permit or certificate;

(l) engaging in trans-shipment with fishing vessels identified as having engaged in activities that may be characterised as Illegal, Unreported and Unregulated fishing;

(m) fishing or fishing related activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation and management measures of that organisation and is flagged to a State not party to that organisation, or not cooperating with that organisation as

established by that organisation;

(n) the use of a fishing vessel that has no nationality for fishing or fishing related activities;

(o) engaging in fishing or fishing related activity with an IUU listed vessel;

(p) conduct of business directly connected with Illegal, Unreported and Unregulated fishing, including trading in fish;

(q) the use of a fishing vessel for any activity in contravention of national law; or

(r) fishing or fishing related activities in contravention of a management plan or measure;

"IUU listed vessel" means a vessel that is included in a list of vessels, adopted by a regional fisheries management organization, that have engaged in Illegal, Unreported and Unregulated fishing or

is on a regionally or internationally recognised list of vessels presumed to have carried out illegal, unreported or unregulated fishing;";

(ii) by deleting the definition of "fishing vessel" and substituting it with the following definition:

""fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities;";

(b) in section 4, by deleting paragraph *(e)* and substituting the following:

"*(e)* such other persons as the Minister may by Order determine, subject to affirmative resolution of Parliament,

who have authorised local representatives resident in Trinidad and Tobago.";

(c) in section 5—

(i) in subsection(1)*(c)*, insert the words ", unless it is a fishing vessel" after the words "Trinidad and Tobago"; and

(ii) in subsection (2), insert the words ", unless it is a fishing vessel" after the words "outside the waters of Trinidad and Tobago";

(d) in section 11, by inserting after paragraph *(b),* the following new paragraph:

"*(ba)* used in the commission of an offence under any law of Trinidad and Tobago or that of another State or is an IUU listed vessel; and";

(e) by inserting after section 18, the following new section:

"Restriction on registration of fishing vessels

18A. The Registrar may not register afishing vessel if the applicant has committed an offence under any law of Trinidad and Tobago or that of another State or if the vessel was used in the commission of an offence under any lawof Trinidad and Tobago or that of another State or is an IUU listed vessel."; and

(f) in sections 226 and 277, by deleting the definition of "fishing vessel" and substituting it with the following definition:

""fishing vessel" means any vessel, ship, aircraft or other craft which is used, equipped to be used, or of a type that is normally used for fishing or fishing related activities;".

Chap. 51:06 amended

239. The Archipelagic Waters and Exclusive Economic Zone Act is amended—

(a) in section 2—

(i) by deleting the definitions of "allowable catch", "fishing craft", "foreign fishing craft" and "foreign ship";

(ii) by deleting the definition of "fish" and substituting the following:

""fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development;"; and

(iii) by inserting the following definitions in the appropriate alphabetical sequence:

""craft" means a vessel, aircraft, hovercraft, refrigerated container, carrier vessel or other conveyance of whatever size and however propelled;

"suspect craft" means any craft used for commercial or private purposes in respect of which there are reasonable grounds to believe that it is engaged in any activity contrary to the laws of Trinidad and Tobago, and includes a craft without nationality and a craft assimilated to another craft without nationality;"

(b) by repealing sections 21, 23, 25, 26, 27, 29, 30(1), 31, 32*(f)* to *(p)*; and

(c) by repealing section 28 and substituting the following:

"28. (1) The persons referred to in subsection (3) are empowered to conduct monitoring and surveillance activities in relation to the living and non-living resources and to any related structures, installations or equipment in the Exclusive Economic Zone, the Territorial Sea and the Archipelagic Waters.

(2) Without prejudice to the generality of subsection (1), the persons identified in subsection (3) may—

(a) stop and board, seize and detain any suspect craft;

(b) seize any illicit cargo or equipment found on board the suspect craft;

(c) arrest the master and crew of any suspect craft; and

(d) carry out any other activities directly or indirectly related to the exploration, exploitation, conservation and management of the living and non-living resources in the Exclusive Economic Zone, the Territorial Sea

and the Archipelagic Waters and may institute such criminal proceedings against the master and crew as may be necessary to ensure compliance with the laws of Trinidad and Tobago.

(3) The persons to whom subsection (1) apply are—

(a) members of the Trinidad and Tobago Coast Guard;

(b) members of the Police Service;

(c) fisheries officers of the Ministry responsible for fisheries;

(d) Customs Officers;

(e) the Director of the agency with responsibility for Maritime Services; and

(f) any other person authorised in writing by the Minister."

(d) by repealing section 31 and substituting the following:

"31. A suspect craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the bond or other surety determined in accordance with the Fisheries Management Act.".

Chap. 67:01 amended

240. The Conservation of Wild Life Act is amended in section 2—

(a) in the definition of "animal", by inserting the words "fish or" after the words "does not include"; and

(b) by inserting the following definition:

""fish" means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, marine mammal or marine algae at any stage of their development;".

Chap. 78:01 amended

241. The Customs Act is amended—

(a) by deleting all references to "Chief Fisheries Officer" and substituting them with "Director of Fisheries"; and

(b) in section 279, by inserting after paragraph *(a)*, the following new paragraph:

"*(aa)* with the Director of Fisheries referred to under the Fisheries Management Act, for the management of fisheries.".

G.N. 444 of 1941 amended

242. The Imports and Exports Control Regulations, 1941 is amended in regulation 3 by inserting the following new subregulation:

"(4) A person intending to apply for a licence to import, export or re-export fish, a fishing vessel, fishing gear, and vessel, engine and gear intended to be used for fishing, shall have a permit issued in accordance with the Fisheries Management Act.".

SCHEDULE

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fisheries management agreements	46	Committing an act in contravention of a fisheries management agreement or treaty in contravention of section 41(1),(2)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fisheries management agreements	46	Causing or permitting another person to commit an act in contravention of a fisheries management agreement or treaty in contravention of section 41(1),(2)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management	Contravention of Orders under Division 2 / Selection of fisheries	46	Committing an act in contravention of an Order adopting fisheries	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Agreements and Measures	management measures		management measures as outlined in a fisheries management plan in contravention of section 42(1)					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Selection of fisheries management measures	46	Causing or permitting another person to commit an act in contravention of an Order adopting fisheries management measures as outlined in a fisheries management plan in contravention of section 42(1)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order adopting measures consistent with the management plans to ensure that the level of fishing effort and catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources in contravention of section 43(1)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order adopting measures consistent with the management plans to ensure that the level of fishing effort and catching capacity of a fishing fleet are commensurate with the sustainable use of the fisheries resources in contravention of section 43(1)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Management Agreements and Measures			numbers of fishing vessels to be allowed in contravention of section 43(2)*(a)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the numbers of fishing vessels to be allowed in contravention of section 43(2)*(a)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the maximum permitted engine horsepower in contravention of section 43(2)*(b)*	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the maximum permitted engine horsepower in contravention of section 43(2)*(b)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the maximum permitted size of fishing vessels in contravention of section 43(2)*(c)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Agreements and Measures			an Order controlling the maximum permitted size of fishing vessels in contravention of section 43(2)*(c)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the types of fishing gear and the number of fishing gear units to be allowed by each fisher or vessel in contravention of section 43(2)*(d)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				types of fishing gear and the number of fishing gear units to be allowed by each fisher or vessel in contravention of section 43(2)*(d)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the number of fishing days in contravention of section 43(2)*(e)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the number of fishing days in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 43(2)*(e)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling/reducing capacity in contravention of section 43(3)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling/ reducing capacity in contravention of section 43(3)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the level of fish catch over a specified period including the total catch in the fishery in contravention of section 43(4)(a)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the level of fish catch over a specified period including the total catch in the fishery in contravention of section 43(4)(a)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quota for a fleet or fleet segment in contravention of section 43(4)(b)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quota for a fleet or fleet segment in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 43(4)(b)					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Committing an act in contravention of an Order controlling the level of fish catch over a specified period including the catch quotas for individual vessels in contravention of section 43(4)(c)	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Fishing effort and catch controls	46	Causing or permitting another person to commit an act in contravention of an Order controlling the	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				level of fish catch over a specified period including the catch quotas for individual vessels in contravention of section 43(4)*(c)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Committing an act in contravention of an Order restricting the species of fish that may be caught in contravention of section 44(1)*(a)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order restricting the species of fish that may be caught in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 44(1)*(a)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Committing an act in contravention of an Order controlling the size or age limits on fish species that may be caught in contravention of section 44(1)*(b)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order controlling the size or age limits on fish species that may be caught in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 44(1)*(b)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Committing an act in contravention of an Order prescribing closed seasons in contravention of section 44(1)*(c)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing closed seasons in contravention of section 44(1)*(c)*	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Committing an act in contravention of an Order prescribing closed areas in contravention of section 44(1)*(d)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing closed areas in contravention of section 44(1)*(d)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Committing an act in contravention of an Order prescribing zones reserved for selected fisheries, particularly artisanal fisheries in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 44(1)*(e)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing zones reserved for selected fisheries, particularly artisanal fisheries in contravention of section 44(1)*(e)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Committing an act in contravention of an Order prescribing fishing gear restrictions, including	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				diagonal stretched mesh sizes of different fishing gear in contravention of section 44(1)*(f)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order prescribing fishing gear restrictions, including diagonal stretched mesh sizes of different fishing gear in contravention of section 44(1)*(f)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management	Additional measures	46	Committing an act in contravention of an Order limiting the period of fishing gear	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Agreements and Measures			deployment in contravention of section 44(1)*(g)*					
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Additional measures	46	Causing or permitting another person to commit an act in contravention of an Order limiting the period of fishing gear deployment in contravention of section 44(1)*(g)*	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Local fisheries management areas	46	Committing an act in contravention of an Order designating an area of the fishery waters as a local fisheries management area in contravention of section 45	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Local fisheries management areas	46	Causing or permitting another person to commit an act in contravention of an Order designating an area of the fishery waters as a local fisheries management area in contravention of section 45	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Local fisheries management areas	46	Committing an act in contravention of an Order prescribing measures for the management of a designated local fisheries management area in contravention of section 45	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Local fisheries management areas	46	Causing or permitting another person to commit an act in contravention of an Order prescribing measures for the management of a designated local fisheries management area in contravention of section 45	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries Management Agreements and Measures	Contravention of Orders under Division 2	46	Contravention of an Order under Part V Division 2	Serious Offence		700,000		1 year
V / Division 2	Fisheries Management and Development / Fisheries	Contravention of Orders under Division 2	46	Causing or permitting another person to commit an act in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Management Agreements and Measures			contravention of an Order under Part V Division 2					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Contravention of Orders under Division 3	47	Contravention of an Order under Part V Division 3	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Contravention of Orders under Division 3	47	Causing or permitting another person to commit an act in contravention of an Order under Part V Division 3	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any specified area of	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			the fishery waters, of fish or fish included in a specified class of fish in contravention of section 48(1)*(a)*(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, of fish or fish included in a specified class of fish in contravention of section 48(1)*(a)*(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, of fish or fish included in a specified class of fish in contravention of section 48(1)*(a)*(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, in the case of a specified class of crustaceans, females having eggs or spawn attached to	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				them, and the possessing of such fish on a vessel in the specified area in contravention of section 48(1)*(a)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, in the case of a specified class of crustaceans, females having eggs or spawn attached to them, and the possessing of	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				such fish on a vessel in the specified area in contravention of section 48(1)*(a)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any specified area of the fishery waters, in the case of a specified class of crustaceans, females having eggs or spawn attached to them, and the possessing of such fish on a vessel in the	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				specified area in contravention of section 48(1)*(a)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that are smaller or larger than a specified size in contravention of section 48(1)*(b)*(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that are smaller or larger than a specified size in contravention of section 48(1)*(b)*(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that are smaller or	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				larger than a specified size in contravention of section 48(1)*(b)*(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that have a dimension smaller or larger than a specified dimension in contravention of section 48(1)*(b)*(ii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that have a dimension smaller or larger than a specified dimension in contravention of section 48(1)*(b)*(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				class of fish that have a dimension smaller or larger than a specified dimension in contravention of section 48(1)(b)(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that have a part which has a dimension smaller or larger than a specified dimension in relation to that part in contravention of section 48(1)(b)(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that have a part which has a dimension smaller or larger than a specified dimension in relation to that part in contravention of section 48(1)(b)(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish that have a part which has a dimension smaller or larger than a specified dimension in relation to that part in contravention of section 48(1)(b)(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				class of fish by a specified method or fishing gear in contravention of section 48(1)(c)(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by a specified method or fishing gear in contravention of section 48(1)(c)(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by a specified method or fishing gear in contravention of section 48(1)(c)(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by persons other than those included in a specified class of	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				persons in contravention of section 48(1)(c)(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by persons other than those included in a specified class of persons in contravention of section 48(1)(c)(ii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by persons other than those included in a specified class of persons in contravention of section 48(1)(c)(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by vessels other than those	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				included in a specified class of vessels in contravention of section 48(1)(c)(iii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by vessels other than those included in a specified class of vessels in contravention of section 48(1)(c)(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking, from any fisheries waters, of fish included in a specified class of fish by vessels other than those included in a specified class of vessels in contravention of section 48(1)(c)(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the buying, selling, landing, sale, receiving, possession, transportation or export or import of fish, or	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of fish included in a specified class of fish in contravention of section 48(1)(d)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the buying, selling, landing, sale, receiving, possession, transportation or export or import of fish, or of fish included in a specified class of fish in contravention of section 48(1)(d)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the buying, selling, landing, sale, receiving, possession, transportation or export or import of fish, or of fish included in a specified class of fish in contravention of section 48(1)(d)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting a person from having in his possession or in his charge in a vessel, in any area of waters, fishing gear of a specified kind	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				for taking fish in contravention of section 48(1)(e)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting a person from having in his possession or in his charge in a vessel, in any area of waters, fishing gear of a specified kind for taking fish in contravention of section 48(1)(e)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting a person from having in his possession or in his charge in a vessel, in any area of waters, fishing gear of a specified kind for taking fish in contravention of section 48(1)(e)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in a vessel, in any fishery waters, a quantity of equipment of a	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				specified kind for taking fish that is in excess of a quantity specified in, or ascertainable as provided in, the Order in contravention of section 48(1)(f)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in a vessel, in any fishery waters, a quantity of equipment of a specified kind for taking fish that is in excess	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of a quantity specified in, or ascertainable as provided in, the Order in contravention of section 48(1)(f)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in a vessel, in any fishery waters, a quantity of equipment of a specified kind for taking fish that is in excess of a quantity specified in, or	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				ascertainable as provided in, the Order in contravention of section 48(1)(f)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in or on a vessel or class of vessels, in any part of the fishery waters to which an Order under subsection (2) applies, equipment of a	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				kind to which the Order applies, unless there is an exemption in respect of the equipment in contravention of section 48(1)(g)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in or on a vessel or class of vessels, in any part of the fishery waters to	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				which an Order under subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment in contravention of section 48(1)(g)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting a person from using, or having in his possession or in his charge in or on a vessel or class of vessels, in any part of the fishery waters to which an Order under	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				subsection (2) applies, equipment of a kind to which the Order applies, unless there is an exemption in respect of the equipment in contravention of section 48(1)(g)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity absolutely in contravention of section 48(1)(h)(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity absolutely in contravention of section 48(1)(h)(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity absolutely in contravention of section 48(1)(h)(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity by persons other than a specified class of persons in contravention of section 48(1)(h)(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity by persons other than a specified class of persons	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity by persons other than a specified class of persons in contravention of section 48(1)(h)(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity in a specified manner in contravention of section 48(1)(h)(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity in a specified manner in contravention of section 48(1)(h)(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the conduct of a specified type of fishing related activity in a specified manner in contravention of	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 48(1)(h)(iii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting such activities as the Minister thinks fit in contravention of section 48(1)(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting such activities as the Minister thinks fit in contravention of section 48(1)(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting such activities as the Minister thinks fit in contravention of section 48(1)(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order prohibiting the taking of protected or endangered species of fish in accordance with written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 48(2)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to commit an act in contravention of an Order prohibiting the taking of protected or endangered species of fish in accordance with written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				party in contravention of section 48(2)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Using a vessel to do an act in contravention of an Order prohibiting the taking of protected or endangered species of fish in accordance with written law or any treaty, convention, or other international agreement to which Trinidad and Tobago is a party in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 48(2)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order in force under Part V section 48(1) or Part V section 48(2) on one's own account, or as the partner, agent or employee of another person, except in accordance with an exemption granted under Part V section 48 (3) - in contravention of section 48(4)*(a)*	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting a person acting on one's behalf to commit an act in contravention of an Order in force under Part V section 48(1) or Part V section 48(2), except in accordance with an exemption granted under Part V section 48 (3) - in contravention of section 48(4)*(b)*	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Committing an act in contravention of an Order in force under Part V section 48(1) or Part V section 48 (2) using a vessel, except in accordance with an exemption granted under	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				Part V section 48 (3)–in contravention of section 48(4)*(c)*					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Having, in the fishery waters, any fish in one's possession or under one's control in a vessel at a time when the taking of such fish in that area is prohibited by an Order under Part V section 48(1) or Part V section 48(2) - in contravention of section 48(5)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to have, in the fishery waters, any fish in his possession or under his control in a vessel at a time when the taking of such fish in that area is prohibited by an Order under Part V section 48(1) or Part V section 48(2) - in contravention of section 48(5)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Landing, selling, transporting, receiving or having in one's possession any fish or parts thereof taken in contravention of Part V section 48(4) - in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 48(6)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Prohibited fishing methods and fishing related activities	48	Causing or permitting another person to land, sell, transport, receive or have in his possession any fish or parts thereof taken in contravention of Part V section 48(4) - in contravention of section 48(6)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Using any chemical, poison or noxious substance or material whether of manufactured or natural origin for the purpose of killing, taking,	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)*(a)*(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to use any chemical, poison or noxious substance or material whether of manufactured or natural origin for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 49(1)*(a)*(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Attempting to use any chemical, poison or noxious substance or material whether of manufactured or natural origin for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 48(1)(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Using any dynamite or explosive substance or device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)*(a)*(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to use any dynamite or explosive substance or device for the purpose of killing, taking, stunning, stupefying or disabling fish or	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				in any way rendering fish more easily caught in contravention of section 49(1)*(a)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Attempting to use any dynamite or explosive substance or device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)*(a)*(ii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Using any electrical device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)*(a)*(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to use any electrical device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 49(1)*(a)*(iii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Attempting to use any electrical device for the purpose of killing, taking, stunning, stupefying or disabling fish or in any way rendering fish more easily caught in contravention of section 49(1)*(a)*(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing	Fishing with poisons, explosives or electrical devices prohibited	49	Carrying any chemical, poison or noxious substance or material whether of manufactured or natural origin in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Related Activities			circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)*(a)*(i) in contravention of section 49(1)*(b)*(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to carry any chemical, poison or noxious substance or material whether of manufactured or natural origin in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)*(a)*(i) in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 49(1)*(b)*(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Possessing or controlling any chemical, poison or noxious substance or material whether of manufactured or natural origin in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)*(b)*(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Carrying any dynamite or explosive substance or device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)*(a)*(i) in contravention of section 49(1)*(b)*(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to carry any dynamite or explosive substance or device in circumstances which indicate the intention of its use for any of the purposes referred to	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 49(1)(a)(i) in contravention of section 49(1)*(b)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Possessing or controlling any dynamite or explosive substance or device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)(a)(i) in contravention of section 49(1)*(b)*(ii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Carrying any electrical device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)*(a)*(i) in contravention of section 49(1)*(b)*(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to carry any electrical device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)*(a)*(i) in contravention of section 49(1)*(b)*(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Possessing or controlling any electrical device in circumstances which indicate the intention of its use for any of the purposes referred to section 49(1)*(a)*(i) in contravention of section 49(1)*(b)*(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Placing in the water any chemical, poison or noxious substance or material whether of manufactured or natural origin for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)*(c)*(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to place in the water any chemical, poison or noxious substance or material whether of manufactured or natural origin for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)*(c)*(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Assisting in placing in the water any chemical, poison or noxious substance or material whether of manufactured or natural origin for any of the	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				purposes referred to section 49(1)*(a)* in contravention of section 49(1)(c)(i)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Placing in the water any dynamite or explosive substance or device for any of the purposes referred to section 49(1)*(a)* in contravention of section 49(1)*(c)*(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to place in the water any dynamite or explosive substance or device for any of the purposes referred to section 49(1)*(a)*	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				in contravention of section 49(1)*(c)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Assisting in placing in the water any dynamite or explosive substance or device for any of the purposes referred to section 49(1)*(a)* in contravention of section 49(1)*(c)*(ii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Placing in the water any electrical device for any of the purposes referred to section 49(1)*(a)* in contravention of section 49(1)*(c)*(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing or permitting another person to place in the water any electrical device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(iii)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Assisting in placing in the water any electrical device for any of the purposes referred to section 49(1)(a) in contravention of section 49(1)(c)(iii)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Landing, displaying for sale, selling, dealing in, transporting, receiving or possessing any fish taken by any means in contravention of Part V section 49, unless otherwise prescribed in contravention of section 49(2)*(a)*	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing another person to land, display for sale, sell, deal in, transport, receive or possess any fish taken by any means in contravention of Part V section 49, unless otherwise prescribed in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 49(2)*(a)*					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Failing or refusing to give, on request, to any authorised officer information regarding any activity described in Part V section 49(1) or any support of or contribution to such activity in contravention of section 49(2)*(b)*(i)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing another person to fail or refuse to give, on request, to any authorised officer information regarding any activity described in Part V section 49(1) or any support of or contribution to such activity in contravention of section 49(2)*(b)*(i)	Serious Offence		700,000		1 year
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Failing or refusing to give, on request, to any authorised officer information regarding the source of his supply of any fish referred to in Part V section 49(2)*(a)* in	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 49(2)*(b)*(ii)					
V / Division 3	Fisheries Management and Development / Prohibited Fishing Methods and Fishing Related Activities	Fishing with poisons, explosives or electrical devices prohibited	49	Causing another person to fail or refuse to give, on request, to any authorised officer information regarding the source of his supply of any fish referred to in Part V section 49(2)*(a)* in contravention of section 49(2)*(b)*(ii)	Serious Offence		700,000		1 year
VI	Subsidies and Economic Incentives	Offence for abuse of subsidies	52	Giving false or misleading information in order to qualify for a subsidy or other economic incentive for	Fixed Penalty	5,000	35,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				which one would not otherwise have qualified in contravention of section 52(1)					
VI	Subsidies and Economic Incentives	Offence for abuse of subsidies	52	Causing another person to give false or misleading information in order to qualify for a subsidy or economic incentive for which one would not otherwise have qualified in contravention of section 52(1)	Fixed Penalty	5,000	35,000		
VII	Registration Requirements	Requirement for registration as a fisher or fishworker	55	Giving false or misleading information in order to be registered as a fisher or fishworker in contravention of	Fixed Penalty	5,000	35,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 55(3) or section 55(4)					
VII	Registration Requirements	Fish and Fishworker Identity card	56(9)	Failing to produce a fisher identity card when required by an authorised officer in contravention of section 56(5)	Fixed Penalty	2,000	10,000		
VII	Registration Requirements	Fish and Fishworker Identity card	56(9)	Failing to produce a fishworker identity card when required by an authorised officer in contravention of section 56(5)	Fixed Penalty	2,000	10,000		
VII	Registration Requirements	Fish and Fishworker Identity card	56(7)	Fishing without being registered under this Act in contravention of section 56(6)	Fixed Penalty	10,000	50,000		
VII	Registration Requirements	Fish and Fishworker Identity card	56(7)	Engaging in fishing related activities	Fixed Penalty	10,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				without being registered under this Act in contravention of section 56(6)					
VII	Registration Requirements	Record of fish vendors	59(6)	Engaging in the selling of fish without being entered on the Record of Fish Vendors in contravention of section 59(3)	Fixed Penalty	2,000	10,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Application to be entered on the Record of Trinidad and Tobago Fishing Vessels	61(2)	Using a Trinidad and Tobago fishing vessel, in the fishery waters or in areas beyond national jurisdiction, that is not entered on the Record of Trinidad and Tobago Fishing Vessels in contravention of section 61(1)	Serious Offence		2,000,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
VIII	Record of Trinidad and Tobago Fishing Vessels	Application to be entered on the Record of Trinidad and Tobago Fishing Vessels	61	Causing another person to use a Trinidad and Tobago fishing vessel, in the fishery waters or in areas beyond national jurisdiction, that is not entered on the Record of Trinidad and Tobago Fishing Vessels in contravention of section 61(1)	Serious Offence		2,000,000		2 years
VIII	Record of Trinidad and Tobago Fishing Vessels	Marking and identification of fishing vessels	63(2)	Using a Trinidad and Tobago fishing vessel that is not marked and identified in accordance with the Shipping Act and any other written law governing the marking and identification of a vessel in	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 63(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Marking and identification of fishing vessels	63	Causing another person to use a Trinidad and Tobago fishing vessel that is not marked and identified in accordance with the Shipping Act and any other written law governing the marking and identification of a vessel in contravention of section 63(1)	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
VIII	Record of Trinidad and Tobago Fishing Vessels	Changes to the Record of Trinidad and Tobago Fishing Vessels	64(2)	Failing to notify the Director of every change in the particulars required under section 60(2) within seven days of such change in contravention of section 64(1)	Fixed Penalty	2,000	10,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Registration of fishing gear and an engine	69(2)	Using fishing gear or an engine, for the purpose of fishing or fishing related activity, which is not registered in contravention of section 69(1)	Fixed Penalty	5,000	50,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Registration of fishing gear and an engine	69(2)	Causing another person to use fishing gear or an engine, for the purpose of fishing or fishing related activity, which is not registered in	Fixed Penalty	5,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 69(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Identification and marking of fishing gear and an engine	70(2)	Using fishing gear or an engine, for the purpose of fishing or fishing related activity, that is not permanently marked or identified in contravention of section 70(1)	Fixed Penalty	5,000	50,000		
VIII	Record of Trinidad and Tobago Fishing Vessels	Identification and marking of fishing gear and an engine	70(2)	Causing another person to use fishing gear or an engine, for the purpose of fishing or fishing related activity, that is not permanently marked or identified in	Fixed Penalty	5,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 70(1)					
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine	71*(a)*	Tampering with a Certificate of Record issued by the Director under section 61(4)	Serious Offence		700,000		1 year
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine		Causing another person to tamper with a Certificate of Record issued by the Director under section 61(4)	Serious Offence		700,000		1 year
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine	71*(b)*	Tampering with an identity mark placed on any vessel, fishing gear or an engine after it has been entered on a	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				record or register					
VIII	Record of Trinidad and Tobago Fishing Vessels	Tampering with Certificate of Record or mark on a fishing vessel, fishing gear and an engine		Causing another person to tamper with an identity mark placed on any vessel, fishing gear or an engine after it has been entered on a record or register	Serious Offence		700,000		1 year
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Requirement for a commercial fishing vessel licence	72(2)	Using a Trinidad and Tobago fishing vessel for commercial fishing in the fishery waters without a valid commercial fishing vessel licence in contravention of section 72(1) and without the	Serious Offence		1,750,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				vessel being entered on the Record of Trinidad and Tobago Fishing Vessels					
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Requirement for a commercial fishing vessel licence	72(2)	Authorising the use of a Trinidad and Tobago fishing vessel for fishing in the fishery waters without a valid commercial fishing vessel licence in contravention of section72(1) and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels	Serious Offence		1,750,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Application for a commercial fishing vessel licence	73(7)	Failing to notify the Director of a change in particulars in the application for a commercial fishing vessel licence or failing to notify of a change in information pursuant to the application for a commercial fishing vessel licence in contravention of section 73(6)	Fixed Penalty	2,000	10,000		
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Failure to carry on board the commercial fishing vessel licence	74(2)	Failing to carry the commercial fishing vessel licence on board the vessel at all times while the vessel is engaged in commercial fishing in the fishery waters in	Fixed Penalty	2,000	10,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 74(1)					
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	General terms and conditions attached to commercial fishing vessel licences	75(2)	Breach of any general term or condition attached to a commercial fishing vessel licence in contravention of section 75(1)	Fixed Penalty	25,000	700,000		
IX	Commercial Fishing with a Fishing Vessel within the Fishery Waters	Specific terms and conditions attached to commercial fishing vessel licences	76(3)	Breach of any specific term or condition attached to a commercial fishing vessel licence in contravention of section 76(1)	Fixed Penalty	25,000	700,000		
X	Commercial Fishing without a Fishing Vessel	Requirement for a licence for commercial fishing without a vessel	81(2)	Conduct of non-vessel commercial fishing without a valid licence for	Fixed Penalty	10,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				commercial fishing without a vessel in contravention of section 81(1)					
X	Commercial Fishing without a Fishing Vessel	Failure to present a non-vessel commercial fishing licence	83(2)	Failing to present a non-vessel commercial fishing licence to an authorised officer in contravention of section 83(1)	Fixed Penalty	2,000	10,000		
X	Commercial Fishing without a Fishing Vessel	General terms and conditions attached to non-vessel commercial fishing licences	84(3)	Breach of any general term or condition attached to a non-vessel commercial fishing licence in contravention of section 84(1)	Fixed Penalty	5,000	20,000		
X	Commercial Fishing without a Fishing Vessel	Specific terms and conditions attached to non-vessel commercial fishing licences	85(3)	Breach of any specific term or condition attached to a non-vessel commercial fishing licence	Fixed Penalty	5,000	20,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				in contravention of section 85(1)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing authorisation in areas beyond national jurisdiction	90(3)	Using a Trinidad and Tobago fishing vessel for commercial fishing or fishing related activities in areas beyond national jurisdiction without a valid authorisation and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels in contravention of section 90(1),(2)	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing authorisation in areas beyond national jurisdiction	90(3)	Authorising the use of a Trinidad and Tobago fishing vessel for commercial fishing or fishing related activities in areas beyond national jurisdiction without a valid authorisation and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels in contravention of section 90(1),(2)	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing authorisation in areas beyond national jurisdiction	90(3)	Using a Trinidad and Tobago fishing vessel for commercial fishing or fishing related activities in the waters under the jurisdiction of another State without a valid authorisation from the Competent Authority of that State, without a valid authorisation from the Competent Authority in Trinidad and Tobago and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels in	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 90(2)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Requirement for a commercial fishing authorisation in areas beyond national jurisdiction	90(3)	Authorising the use of a Trinidad and Tobago fishing vessel for commercial fishing or fishing related activities in the waters under the jurisdiction of another State without a valid authorisation from the Competent Authority of that	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				State, without a valid authorisation from the Competent Authority in Trinidad and Tobago and without the vessel being entered on the Record of Trinidad and Tobago Fishing Vessels in contravention of section 90(2)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Application for, and issue of, a commercial fishing authorisation	91(8)	Failing to notify the Minister of a change in particulars provided in the application for an authorisation for commercial fishing or fishing related activities in areas beyond national jurisdiction	Fixed Penalty	5,000	20,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				within the specified time period in contravention of section 91(7)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Failure to carry on board a commercial fishing authorisation	92(2)	Failing to carry on board a fishing vessel, at all times while the vessel is engaged in commercial fishing or fishing related activities in areas beyond national jurisdiction, an authorisation to conduct commercial fishing or fishing related activities in areas beyond national jurisdiction in	Fixed Penalty	5,000	20,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 92(1)					
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Terms and conditions attached to a commercial fishing authorisation	93(3)	Using a Trinidad and Tobago fishing vessel for fishing or fishing related activities in areas beyond national jurisdiction in breach of any term or condition of an authorisation to fish or to conduct fishing related activities in areas beyond national jurisdiction in contravention of section 93(2)	Serious Offence		1,750,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XI	Commercial Fishing and Fishing Related Activities in Areas Beyond National Jurisdiction	Terms and conditions attached to a commercial fishing authorisation	93(4)	Authorising the use of a Trinidad and Tobago fishing vessel for fishing or fishing related activities in areas beyond national jurisdiction in contravention of any term or condition of an authorisation to fish or to conduct fishing related activities in areas beyond national jurisdiction in contravention of section 93(2)	Serious Offence		1,750,000		2 years
XII	Recreational Fishing	Requirement for a recreational fishing licence	99(2)	Use of a vessel, or authorising the use of a vessel, for recreational fishing in the fishery waters without a valid recreational	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing licence in contravention of section 99(1)					
XII	Recreational Fishing	Requirement for a recreational fishing licence	99(7)	Breach of a term or condition of a recreational fishing licence in contravention of section 99 (4)	Fixed Penalty	10,000	50,000		
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(4)	Failure of the master of a recreational fishing vessel to ensure that persons on board engaging in recreational fishing in the fishery waters have a valid recreational fishing permit in contravention of Section 100(3)	Fixed Penalty	20,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(6)	Failure upon request of an authorized officer to produce a valid recreational fishing permit in contravention of Section100(5)	Fixed Penalty	2,000	10,000		
XII	Recreational Fishing	Requirement for a recreational fishing permit	100(7)	Recreational fishing on board a fishing vessel in the fishery waters without a valid recreational fishing permit in contravention of section 100(1)	Fixed Penalty	2,000	10,000		
		Requirement for a recreational fishing permit	100(7)	Breach of any term or condition of a recreational fishing permit in contravention of section 100 (2)	Fixed Penalty	5,000	20,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for a non-vessel recreational fishing permit	101(7)	Engaging in any prescribed type of recreational fishing in the fishery waters without a vessel without a valid non-vessel recreational fishing permit in contravention of section 101(7)	Fixed Penalty	10,000	50,000		
XII	Recreational Fishing	Requirement for a non-vessel recreational fishing permit	101(7)	Engaging in any prescribed type of recreational fishing in the fishery waters without a vessel in breach of any term or condition of a non-vessel recreational fishing permit in contravention of section 101(3)	Fixed Penalty	10,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XII	Recreational Fishing	Requirement for recreational foreign fishing vessel licence for recreational fishing in the fishery waters	102(5)	Using a foreign fishing vessel for recreational fishing in the fishery waters without a valid recreational foreign fishing vessel licence in contravention of section 102(1)	Fixed Penalty	100,000	1,000,000		
XII	Recreational Fishing	Requirement for recreational foreign fishing vessel licence for recreational fishing in the fishery waters	102(5)	Breach of any term or condition of a recreational foreign fishing vessel licence in contravention of section 102(4)	Fixed Penalty	10,000	100,000		
XII	Recreational Fishing	Requirement for recreational fishing authorization for recreational fishing in areas beyond national jurisdiction	103(5)	Using a Trinidad and Tobago vessel for recreational fishing in areas beyond national jurisdiction without a valid recreational fishing authorisation in	Serious Offence		250,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 103 (1)(b)					
XII	Recreational Fishing	Requirement for recreational fishing authorization for recreational fishing in areas beyond national jurisdiction	103(5)	Using a Trinidad and Tobago vessel for recreational fishing in areas beyond national jurisdiction (in the waters of another State) without a valid recreational fishing authorisation and without the vessel having a valid recreational fishing licence from the Competent Authority of that State in contravention of	Serious Offence		350,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				section 103 (1)(c)					
XII	Recreational Fishing	Requirement for recreational fishing authorization for recreational fishing in areas beyond national jurisdiction	103(5)	Breach of any term or condition of a recreational fishing authorisation in contravention of section 103(4)	Fixed Penalty	20,000	100,000		
XII	Recreational Fishing	Notification of Change	106(2)	Failure to notify of any change in information provided in the application for a recreational fishing licence or recreational fishing authorisation, or prescribed non-vessel recreational	Fixed Penalty	2,000	10,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing permit, or pursuant thereto, not later than seven days after the change in contravention of section 106(1)					
XII	Recreational Fishing	Failure to produce/carry on board a valid recreational fishing authorization, licence or permit	107(3)	Failure of the master of a vessel to carry on board, a valid recreational fishing licence or valid recreational foreign fishing vessel licence while fishing in the fishery waters in contravention of section 107(1)	Fixed Penalty	2,000	10,000		
XII	Recreational Fishing	Failure to produce/carry on board a valid recreational	107(3)	Failure of the master of a vessel to carry on board, a valid	Fixed Penalty	5,000	20,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		fishing authorization, licence or permit		recreational fishing authorization while fishing in areas beyond national jurisdiction in contravention of section 107(2)					
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Use of a foreign vessel for fishing or fishing related activities or other activity authorised under this Act in the fishery waters without a valid commercial foreign fishing vessel licence or permit issued pursuant to this Act in contravention of section 111(2)(a)	Serious Offence		21,000,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Use of a foreign fishing vessel for fishing or fishing related activities or other activity authorised under this Act in the fishery waters without an applicable fisheries access agreement in contravention of section111 (2)(b)	Serious Offence		21,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	General requirements	111(4)	Use of a foreign vessel for fishing or fishing related activities or other activity in the fishery waters without the vessel owner having appointed an authorised local representative resident in Trinidad and Tobago to act as	Serious Offence		1,000,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				his agent in contravention of section 111(2)(c)					
XIII	Commercial Foreign Fishing Vessels	Reporting by foreign fishing vessels	112(5)	Failure to report foreign fishing vessel intending to navigate or navigating through the fishery waters without a valid commercial foreign fishing vessel licence in contravention of section 112(1),(2).	Fixed Penalty	100,000	700,000		
XIII	Commercial Foreign Fishing Vessels	Requirement for commercial foreign fishing vessel licence	113(2)	Using a foreign fishing vessel for fishing in the fishery waters without a valid commercial foreign fishing	Serious Offence		21,000,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				vessel licence in contravention of section 113(1)					
XIII	Commercial Foreign Fishing Vessels	Requirement for commercial foreign fishing vessel licence	113(2)	Authorising the use of a foreign fishing vessel for fishing in the fishery waters without a valid commercial foreign fishing vessel licence in contravention of section 113(1)	Serious Offence		21,000,000		5 years
XIII	Commercial Foreign Fishing Vessels	Application for and issuance of commercial foreign fishing vessel licence	114(6)	Failure to notify the Minister of any change in the information set out in the application form for a commercial foreign fishing vessel licence not later than seven days after the change, in	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 114(5)					
XIII	Commercial Foreign Fishing Vessels	Terms and conditions of foreign fishing vessel licence	116(3)	Fishing in the Exclusive Economic Zone in breach of a term or condition of a commercial foreign fishing vessel licence in contravention of section 116(1), (2)	Serious Offence		2,000,000		
XIII	Commercial Foreign Fishing Vessels	Reporting and record-keeping by foreign fishing vessels	119(8)	Failure of master to report in contravention of section 119(1) to (7)	Fixed Penalty	100,000	700,000		
XIII	Commercial Foreign Fishing Vessels	Reporting and record-keeping by foreign fishing vessels	119(10)	Failure of the vessel owner to provide information concerning the vessel, its	Fixed Penalty	100,000	700,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				operations and its crew and any other information the Director thinks fit in contravention of section 119(9)					
XIII	Commercial Foreign Fishing Vessels	Stowage of fishing gear	120(2)	Using or authorising the use of a foreign fishing vessel in contravention of section 120(1)	Serious Offence		7,000,000		5 years
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for landing of fish in contravention of section 121(4)	Fixed Penalty	10,000	50,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for transshipment in contravention of section 121(4)	Fixed Penalty	50,000	500,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for transit of fish in contravention of section 121(4)	Fixed Penalty	50,000	500,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an/ identified port or designated landing site for the sale of fish in contravention of section 121(4)	Fixed Penalty	10,000	50,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for the import of fish in contravention of section 121(4)	Fixed Penalty	50,000	500,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for	Fixed Penalty	50,000	500,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				the export of fish in contravention of section 121(4)					
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for the re-export of fish in contravention of section 121(4)	Fixed Penalty	50,000	500,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for the packaging of fish in contravention of section 121(4)	Fixed Penalty	25,000	100,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for the processing of fish in	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 121(4)					
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for the provisioning of a vessel in contravention of section 121(4)	Fixed Penalty	25,000	100,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for the bunkering of a vessel in contravention of section 121(4)	Fixed Penalty	50,000	500,000		
XIV/ Division 1	Fishing Related Activities/Ports and Landing Sites	Identification of ports and designation of landing sites	121(5)	Using a location other than an identified port or designated landing site for any other port services for	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				fishing vessels in contravention of section 121(4)					
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for a transshipment permit	123 (4)	Using a vessel to undertake transshipment in the fishery waters without a valid transshipment permit in contravention of section 123 (1)*(a)*	Serious Offence		3,500,000		4 years
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for a transshipment permit	123 (4)	Using a vessel to undertake transshipment in the fishery waters in breach of a term or condition of a transshipment permit in contravention of section 123 (1)(b)	Serious Offence		1,750,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for a transshipment permit	123 (4)	Using a vessel to undertake transshipment in areas beyond national jurisdiction without a valid transshipment permit and not in accordance with the law of the jurisdiction where the vessel is located in contravention of section 123(2)	Serious Offence		5,000,000		4 years
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for a transshipment permit	123 (4)	Failure to report transshipment in contravention of section 123(3)	Serious Offence		2,500,000		3 years
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for in transit permit	124(3)	Causing or allowing fish to be in transit without a valid in transit permit in contravention of section 124(1)	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for in transit permit	124(3)	Causing or allowing fish to be in transit in breach of a term or condition of an in transit permit in contravention of section 124(1)	Serious Offence		1,750,000		2 years
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Requirement for intransit permit	124(3)	Failing to report fish in transit in contravention of section 124(2)	Serious Offence		2,500,000		3 years
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Application and issuance of a transshipment permit and in transit permit	125(5)	Failing to notify the Director of any change to information provided on the transshipment permit application in contravention of section 125(4)	Fixed Penalty	10,000	100,000		
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Application and issuance of a transshipment permit and in transit permit	125(5)	Failing to notify the Director of any change to information provided in the in transit permit	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				application in contravention of section 125(4)					
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Terms and conditions for transshipment and in transit	127(2)	Transshipping of fish in breach of a term or condition of a transshipment permit in contravention of section 127(1)	Serious Offence		1,750,000		2 years
XIV/ Division 2	Fishing Related Activities/ Transshipment and In Transit Permits	Terms and conditions for transshipment and in transit	127(2)	In transit of fish in breach of a term or condition of an in transit permit in contravention of section 127(1)	Serious Offence		1,750,000		2 years
XIV/ Division 3	Fishing Related Activities - Division 2 Landing, Bunkering and Provisioning	Requirements for landing, bunkering and provisioning	130(4)	Landing fish in Trinidad and Tobago without a valid permit in contravention of section 130(1)(a)	Fixed Penalty	10,000	50,000		
XIV/ Division 3	Fishing Related Activities/ Landing,	Requirements for landing, bunkering and provisioning	130	Landing fish in Trinidad and Tobago in breach of a term	Fixed Penalty	5,000	35,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Bunkering and Provisioning			or condition of a landing permit in contravention of section 130(8)					
XIV/ Division 3	Fishing Related Activities / Landing, Bunkering and Provisioning	Requirements for landing, bunkering and provisioning	130(4)	Bunkering a fishing vessel in Trinidad and Tobago without a valid permit in contravention of section 130(3)	Fixed Penalty	35,000	100,000		
XIV/ Division 3	Fishing Related Activities / Landing, Bunkering and Provisioning	Requirements for landing, bunkering and provisioning	130	Bunkering a fishing vessel in the fishery waters in breach of a term or condition of a bunkering permit in contravention of section 130(8)	Fixed Penalty	15,000	50,000		
XIV/ Division 3	Fishing Related Activities / Landing, Bunkering and Provisioning	Requirements for landing, bunkering and provisioning	130(4)	Provisioning a fishing vessel in the fishery waters without a valid permit in contravention of section 130(3)	Fixed Penalty	25,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 3	Fishing Related Activities / Landing, Bunkering and Provisioning	Requirements for landing, bunkering and provisioning	130	Provisioning a fishing vessel in the fishery waters in breach of a term or condition of a provisioning permit in contravention of section 130(8)	Fixed Penalty	10,000	30,000		
XIV/ Division 3	Fishing Related Activities /Landing, Bunkering and Provisioning	Appointment of local representative	131(4)	Failing to appoint an authorised local representative resident in Trinidad and Tobago in contravention of section 131(1), (2), (3)	Serious Offence		1,000,000		1 year
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Importing fish without a valid import permit	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Exporting fish without a valid export permit	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Re-exporting fish without a valid re-export permit	Fixed Penalty	50,000	500,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Failing to comply with any term or condition of an import permit	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Failing to comply with any term or condition of an export permit	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Failing to comply with any term or condition of a re-export permit	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities - Trade	Requirements for import or export of fish	134(6)	Failing to comply with a standard for the marketing and distribution of fish	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities - Trade	Requirements for import or export of fish	134(6)	Failing to comply with a standard for the import of fish	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities - Trade	Requirements for import or export of fish	134(6)	Failing to comply with a standard for the export of fish	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Failing to comply with a standard for the re-export of fish	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for import or export of fish	134(6)	Failing to provide true, complete or correct information on the import, export and re-export of fish	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	134(6)	Failing to otherwise comply with section 134	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135(8)	Importing fish without a Release Certificate	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135(8)	Exporting fish without a Release Certificate	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135(8)	Re-exporting fish without a Release Certificate	Fixed Penalty	50,000	500,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135(8)	Failing to provide true, complete or correct information for an application of a Release Certificate for import, export or re-export of fish	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135(8)	Failing to otherwise comply with section 135	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135	Failing to comply with a term or condition of a Release Certificate for import of fish in contravention of section 135(5)	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135	Failing to comply with a term or condition of a Release Certificate for	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				export of fish in contravention of section 135(5)					
XIV/ Division 4	Fishing Related Activities /Trade	Requirement for a Release Certificate	135	Failing to comply with a term or condition of a Release Certificate for re-export of fish in contravention of section 135(5)	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for a Trinidad and Tobago Catch Certificate	136(7)	Exporting fish without a valid Trinidad and Tobago Catch Certificate	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for a Trinidad and Tobago Catch Certificate	136(7)	Failing to provide true, complete and accurate information relating to a Trinidad and Tobago Catch Certificate	Fixed Penalty	25,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for a Trinidad and Tobago Catch Certificate	136(7)	Failing to otherwise comply with section 136	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for a Trinidad and Tobago Catch Certificate	136	Failing to comply with a term or condition of a Trinidad and Tobago catch certificate in contravention of section 136(5)	Fixed Penalty	25,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Importing a fishing vessel or a vessel intended to be used for fishing without a valid permit in contravention of section 137(1)	Serious Offence		1,000,000		1 year
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear,	137(3)	Exporting a fishing vessel or a vessel intended to be used for fishing without a valid	Serious Offence		1,000,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		vessel, engine and gear intended to be used for fishing		permit in contravention of section 127(1) and (3)					
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Re-exporting a fishing vessel or a vessel intended to be used for fishing without a valid permit in contravention of section 127(1) and (3)	Serious Offence		1,000,000		1 year
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Importing fishing gear or gear intended to be used for fishing without a valid permit in contravention of section 137(1)	Fixed Penalty	50,000	500,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Exporting fishing gear or gear intended to be used for fishing without a valid permit in contravention of section 137(1)	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Re-exporting fishing gear or gear intended to be used for fishing without a valid permit in contravention of section 137(1)	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Importing an engine intended to be used for fishing in contravention of a condition of a permit in contravention of section 137(1)	Fixed Penalty	20,000	70,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Exporting an engine intended to be used for fishing without a permit in contravention of section 137(1)	Fixed Penalty	20,000	70,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Re-exporting an engine intended to be used for fishing without a permit in contravention of section 137(1)	Fixed Penalty	20,000	70,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Importing, exporting and re-exporting a fishing vessel or vessel intended to be used for fishing in breach of a term or condition of a permit in	Fixed Penalty	50,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 137(2)					
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Importing, exporting or re-exporting fishing gear or gear intended to be used for fishing in breach of a term or condition of a permit in contravention of section 137(2)	Fixed Penalty	35,000	100,000		
XIV/ Division 4	Fishing Related Activities /Trade	Requirements for the import, export or re-export of a fishing vessel, fishing gear, vessel, engine and gear intended to be used for fishing	137(3)	Importing, exporting or re-exporting an engine intended to be used for fishing in breach of a term or condition of a permit in contravention of section 137(2)	Fixed Penalty	10,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Marking of fish	138(2)	Importing, exporting, re-exporting or transporting fish in containers or packages not marked or labelled or tagged as prescribed in contravention of 138(1)	Fixed Penalty	50,000	500,000		
XIV/ Division 4	Fishing Related Activities /Trade	Prohibition of seafood fraud	139(4)	Making a false record, account, label or false identification of fish in contravention of section 139(1)	Serious Offence		1,000,000		1 year
XIV/ Division 4	Fishing Related Activities /Trade	Prohibition of seafood fraud	139(4)	Engaging in practice to improve the appearance and quality of fish than it actually is in contravention of section 139(2)	Serious Offence		1,000,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XIV/ Division 4	Fishing Related Activities /Trade	Prohibition of seafood fraud	139(4)	Intermixing fish in a supply chain in contravention of section 139(3)	Serious Offence		1,000,000		1 year
XV	Fisheries Scientific Research and Fish Bioprospecting	Requirement for a fisheries scientific research permit	142(2)	Engaging in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit in contravention of section 142(1)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Requirement for a fisheries scientific research permit	142	Causing another person to engage in fisheries scientific research on fish originating in the fishery waters without a valid fisheries scientific research permit in contravention of section 142(1)	Fixed Penalty	35,000	1,000,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XV	Fisheries Scientific Research and Fish Bioprospecting	Requirement for a fisheries scientific research permit	142(2)	Breaching any term or condition of a fisheries scientific research permit issued under Part XV in contravention of section 142(1)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Requirement for a fisheries scientific research permit	142	Causing another person to breach any term or condition of a fisheries scientific research permit issued under Part XV in contravention of section 142(1)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Failure to notify the Director of any change in the information set out in the application form for a fisheries scientific research permit	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				not later than seven days after the change in contravention of section 144(5)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144	Causing another person to fail to notify the Director of any change in the information set out in the application form for a fisheries scientific research permit not later than seven days after the change in contravention of section 144(5)	Fixed Penalty	10,000	100,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144(7)	Failure to notify the Director in writing of any proposed change to the research proposal in	Fixed Penalty	10,000	100,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 144(6)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Issue or refusal of fisheries scientific research permit	144	Causing another person to fail to notify the Director in writing of any proposed change to the research proposal in contravention of section 144(6)	Fixed Penalty	10,000	100,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147(2)	Engaging in fish bioprospecting without a permit issued by the Director in contravention of section 147(1)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147	Causing another person to engage in fish bioprospecting without a valid permit issued by the Director in	Fixed Penalty	35,000	1,000,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 147(1)					
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147	Engaging in fish bioprospecting in the fishery waters in breach of a term or condition of a permit in contravention of section 147(7)	Fixed Penalty	35,000	1,000,000		
XV	Fisheries Scientific Research and Fish Bioprospecting	Fish bioprospecting	147	Causing another person to engage in fish bioprospecting in the fishery waters in breach of a term or condition of a permit in contravention of section 147(7)	Fixed Penalty	35,000	1,000,000		
XVI/ Division 1	Monitoring, Control, Surveillance and Enforcement - Reporting and	Reporting and Record-Keeping	150(8)	Failure to keep records and report in contravention of	Fixed Penalty	100,000	700,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Vessel Monitoring Systems			subsections 150(1) to (7)					
XVI/ Division 1	Monitoring, Control, Surveillance and Enforcement - Reporting and Vessel Monitoring Systems	Requirements for vessel monitoring systems	151(8)	Failure to comply with the requirements for vessel monitoring system in contravention of subsections 151(1) to (7)	Serious Offence		3,500,000		4 years
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Code of conduct of an authorised officer	160(3)	Demanding or receiving any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material	Serious Offence		2,000,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				benefit in contravention of section 160(2)(a)					
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Code of conduct of an authorised officer	160(3)	Failing to declare a direct or indirect interest in any fishing company, or vessel or in their fishing and fishing related activities to the Director and comply as required by the Director in contravention of section 160(2)(b)	Serious Offence		1,000,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Duties to authorised officers	161(2)	Failing to comply with a duty to an authorised officer in contravention of section 161(1)	Serious Offence		5,000,000	7,000,000	5 years
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Offence against an authorised officer	161(2)	Committing an offence against an Authorised Officer in contravention of section 161(1)	Serious Offence		5,000,000	7,000,000	5 years
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Code of conduct of an observer	166(3)	Demanding or receiving any recompense or contribution from a fishing vessel operator, crew, fisher or any other person involved in the fishing or fishing related activity whether in cash, in species or any other material benefit in	Serious Offence		2,000,000		2 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 166 (2)(a)					
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Code of conduct of an observer	166(3)	Failing to declare a direct or indirect interest in any fishing company or vessel or in their fishing and fishing related activities to the Director and comply as required by the Director in contravention of section 166(2)(b)	Serious Offence		1,000,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Duties to an observer by an operator and crew	167(5)	Failing to comply with a duty to an observer in contravention of section 167(1)	Serious Offence		5,000,000	7,000,000	5 years
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Duties to an observer by an operator and crew	167(5)	Failing to provide for observer requirements in contravention of sections 167 (2),(3)	Fixed Penalty	20,000	100,000		
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Duties to an observer by an operator and crew	167(5)	Committing an offence against an observer in contravention of section 167(4)	Serious Offence		5,000,000	7,000,000	5 years
XVI/ Division 2	Monitoring, Control, Surveillance and Enforcement - Authorised Officers and Observers	Duties to an observer by an operator and crew	167(8)	Failing to comply with requirements relating to an observer lost at sea in contravention of section 167(7)	Serious Offence		7,000,000		5 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 3	Monitoring, Control, Surveillance and Enforcement - Port Control Measures for Trinidad and Tobago Fishing Vessels	Prior declaration of intent to enter an identified port	170(2)	Failing to notify the Director of the estimated time of entry of the vessel into any identified port in Trinidad and Tobago as prescribed in contravention of section 170(1)	Fixed Penalty	100,000	700,000		
XVI/ Division 3	Monitoring, Control, Surveillance and Enforcement - Port Control Measures for Trinidad and Tobago Fishing Vessels	Prior declaration of intent to depart from an identified port or designated landing site	171(2)	Failing to notify the Director of the estimated time of departure of the vessel from any identified port or designated landing site in Trinidad and Tobago as prescribed in contravention of section 171(1)	Fixed Penalty	100,000	700,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 3	Monitoring, Control, Surveillance and Enforcement - Port Control Measures for Trinidad and Tobago Fishing Vessels	Requirement for written approval to depart an identified port or an area specified by the Director	172(2)	Departing from an identified port or an area specified by the Director in Trinidad and Tobago without a written approval to depart from the Director in contravention of section 172(1)	Serious Offence		3,000,000		3 years
XVI/ Division 3	Monitoring, Control, Surveillance and Enforcement - Port Control Measures for Trinidad and Tobago Fishing Vessels	Requirement for written approval by Director to access an identified port or a designated landing site for landing, transshipping, in-transit movement, import, export, re-export, packaging or processing of fish or for	173(4)	Accessing an identified port or a designated landing site for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning	Serious Offence		3,000,000		3 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		other port services including bunkering and provisioning		without the written approval of the Director in contravention of section 173(1)					
XVI/ Division 3	Monitoring, Control, Surveillance and Enforcement - Port Control Measures for Trinidad and Tobago Fishing Vessels	Accessing, using, or allowing or assisting, a vessel to access or use an identified port or an area specified by the Director for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish and for	175	A person who accesses, uses, or allows or assists a vessel to access or use an identified port or an area specified by the Director for the purposes of landing, transshipping, in-transit movement, import, export, re-export, packaging or processing of fish or for other port services including	Serious Offence		3,000,000		3 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		other port services		bunkering and provisioning without the written approval of the Director in contravention of section 175					
XVI/ Division 3	Monitoring, Control, Surveillance and Enforcement - Port Control Measures for Trinidad and Tobago Fishing Vessels	Using, allowing or assisting in the use of, a port not identified or an area not specified by the Director for the purposes of landing, transshipping, in-transit movement, import, export, re-export, packaging or processing of fish and for	176	A person who uses, allows or assists in the use of a port not identified or an area not specified by the Director for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish and for	Serious Offence		3,000,000		3 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
		other port services		other port services including bunkering and provisioning without the written approval of the Director in contravention of section 176					
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for Foreign Fishing Vessels	Prior declaration of intent to enter an identified port	177(2)	Failing to notify the Director of the estimated time of entry of the vessel into any identified port in Trinidad and Tobago as prescribed in contravention of section 177(1)	Fixed Penalty	250,000	3,000,000		
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for	Prior declaration of intent to depart from an identified port or an area specified by the Director	178(2)	Failing to notify the Director of the estimated time of departure of the vessel from any identified port or an area	Fixed Penalty	250,000	3,000,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
	Foreign Fishing Vessels			specified by the Director in Trinidad and Tobago as prescribed in contravention of section 178(1)					
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for Foreign Fishing Vessels	Requirement for written approval to enter an identified port or an area specified by the Director	179(3)	Entering an identified port or an area specified by the Director without the written approval of the Director in contravention of section 179(1)	Serious Offence		5,000,000		4 years
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for Foreign Fishing Vessels	Requirement for written approval to depart an identified port or an area specified by the Director	180(2)	Departing an identified port or an area specified by the Director without the written approval of the Director in contravention of section 180(1)	Serious Offence		5,000,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for Foreign Fishing Vessels	Requirement for written approval by Director to access an identified port, or an area specified by the Director for landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning	181(4)	Accessing an identified port or an area specified by the Director for landing, transshipping, in transit movement, import, export and re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director in contravention of section 181(1)	Serious Offence		5,000,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for Foreign Fishing Vessels	Accessing port services without written approval from the Director	183	A person who accesses, uses, or allows or assists a vessel to access or use an identified port or an area specified by the Director for the purposes of landing, transshipping, in-transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director in contravention of section 183	Serious Offence		5,000,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 4	Monitoring, Control, Surveillance and Enforcement - Port State Control Measures for Foreign Fishing Vessels	Entering a port not identified or an area not specified by the Director for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services	184	A person who enters or allows or assists a vessel in the entry of a port not identified or an area not specified by the Director for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director in contravention of section 184	Serious Offence		5,000,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVI/ Division 4	Monitoring, control, surveillance and enforcement - Port State Control Measures for Foreign Fishing Vessels	Using a port not identified or an area not specified for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services	185	A person who uses, allows or assists in the use of a port not identified or an area not specified by the Director for the purposes of landing, transshipping, in transit movement, import, export, re-export, packaging or processing of fish or for other port services, including bunkering and provisioning without the written approval of the Director in contravention of section 185	Serious Offence		5,000,000		4 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(1)	Disposing or destroying evidence in	Serious Offence		5,000,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				contravention of section 201(1)					
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(2)	Removing or causing the removal of evidence held in custody in contravention of section 201(2)	Serious Offence		5,000,000		4 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(3)	Destroying, damaging or rendering inoperative or otherwise with data, document, equipment, or other items including any premises or facilities in which evidence, vessel, fish, data, document, equipment or other items are kept in contravention of section 201(3)	Serious Offence		5,000,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(4)	Destroying, damaging or interfering with a vessel monitoring system in contravention of section 201 (4)	Serious Offence		5,000,000		4 years
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(5)	Divulging vessel monitoring system information or data in contravention of section 201(5)	Serious Offence		1,000,000		1 year
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(6)	Allowing unauthorised access to the premises or facilities where a vessel monitoring system or any other electronic monitoring system is operated in contravention of section 201(6)	Serious Offence		700,000		1 year

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XVIII	Jurisdiction, Evidence and Presumptions	Interfering with evidence	201(6)	Allowing unauthorised access to information or data from a vessel monitoring system or any other electronic monitoring system in contravention of section 201(6)	Serious Offence		1,000,000		1 year
XX	General Provisions	Use of and operations at public facilities provided for the fishing industry	218(2)	Failing to comply with a rule or guideline for the use of and operations of public facilities for the fishing industry in contravention of section 218(1)	Fixed Penalty	5,000	50,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XX	General Provisions	Use of a fishing vessel for purposes other than fishing or fishing related activities	219(2)	Using a fishing vessel for purposes other than fishing or fishing related activities except for activities essential for the safety of life at sea, the safety or health of the crew, the safety of the vessel, or other prescribed activities in contravention of section 219(1)	Serious Offence		10,000,000		5 years
XX	General Provisions	Interfering with or disturbing fishing	220(2)	Removing fishing gear without consent in contravention of section 220(1)	Fixed Penalty	35,000	200,000		
XX	General Provisions	Interfering with or disturbing fishing	220(2)	Destroying, damaging or displacing fishing gear or any associated equipment in contravention of section 220(1)	Fixed Penalty	35,000	200,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XX	General Provisions	Interfering with or disturbing fishing	220(2)	Removing fish from fishing gear without consent in contravention of section 220(1)	Fixed Penalty	35,000	200,000		
XX	General Provisions	Provision of false information	222	Providing false information in contravention of section 222	Serious Offence		2,000,000		2 years
XX	General Provisions	Activities contrary to the laws of another State	224(3)	Taking or importing, exporting, landing, transporting, selling, receiving, acquiring, buying any fish taken, possessed, transported or sold in violation of any law or regulation of another State in contravention of section 224(2)	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XX	General Provisions	Activities contrary to the laws of another State	224(3)	Taking or importing, exporting, landing, transporting, selling, receiving, acquiring, buying any fish taken, possessed, transported or sold in violation of international conservation and management measures in contravention of section 224(2)	Serious Offence		3,500,000		4 years
XX	General Provisions	Activities contrary to the laws of another State	224(3)	Causing the taking or importing, exporting, landing, transporting, selling, receiving, acquiring, buying any fish	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				taken, possessed, transported or sold in violation of any law or regulation of another State in contravention of section 224(2)					
XX	General Provisions	Activities contrary to the laws of another State	224(3)	Causing the taking or importing, exporting, landing, transporting, selling, receiving, acquiring, buying any fish taken, possessed, transported or sold in violation of international conservation and management measures in contravention of section 224(2)	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
XX	General Provisions	Activities contrary to the laws of another State	224(3)	Using or permitting a vessel to engage in fishing or fishing related activity to take or import, export, land, transport, sell, receive, acquire, buy any fish taken, possessed, transported or sold in violation of any law or regulation of another State in contravention of section 224(2)	Serious Offence		3,500,000		4 years
XX	General Provisions	Activities contrary to the laws of another State	224(3)	Using or permitting a vessel to engage in fishing or fishing related activity to take or import, export, land, transport, sell, receive, acquire,	Serious Offence		3,500,000		4 years

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				buy any fish taken, possessed, transported or sold in violation of international conservation and management measures in contravention of section 224(2)					
XX	General Provisions	Prevention of marine pollution	225(3)	Failing to retrieve fishing gear and associated items deployed at sea in contravention of section 225(2)(a)	Fixed Penalty	25,000	200,000		
XX	General Provisions	Prevention of marine pollution	225(3)	Failing to comply with the Shipping Act or any other written law with respect to prevention of marine pollution in contravention	Fixed Penalty	50,000	500,000		

Part Number	Part Name	Section Name	Section	Offence	Penalty Type	Fixed Penalty (TTD)	Maximum Penalty (TTD) - Summary	Maximum Penalty (TTD) - Indictable	Term of Imprisonment
				of section 225(2)(b)					
XX	General Provisions	Banning Order	230(2)	Failing to comply with a banning order in contravention of section 230(1)	Serious Offence		1,750,000		2 years
XX	General Provisions	Banning Order	230(2)	Employing a person subject to a banning order in contravention of section 230(1)	Serious Offence		1,750,000		2 years
XX	General Provisions	Duty of confidentiality	231(4)	Failing to comply with the duty of confidentiality in contravention of section 231(2)	Serious Offence		2,000,000		2 years

Passed in the Senate this day of , 2020.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day of , 2020.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

No. 5 of 2020

FIRST SESSION

TWELFTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN ACT to provide for long term sustainable fisheries in Trinidad and Tobago and to regulate fishing and fishing related activities in the fishery waters and in areas beyond national jurisdiction, to repeal the Fisheries Act, Chap. 67:51 and the Control of Importation of Live Fish Act, Chap. 67:52, and to amend the Tobago House of Assembly Act, Chap. 25:03, the Environmental Management Act, Chap. 35:05, the Marine Areas (Preservation and Enhancement) Act, Chap. 37:02, the Shipping Act, Chap. 50:10, the Archipelagic Waters and Exclusive Economic Zone Act, Chap 51:06, the Conservation of Wildlife Act, Chap. 67:01, the Customs Act, Chap. 78:01, the Fish and Fishery Products Regulations, Chap. 30:01 and the Imports and Exports Control Regulations, 1941, and for related matters

Received and read the

First time .....

Second time .....

Third time .....