

Fisheries (Amendment) Act 1984

REPUBLIC OF KIRIBATI

FISHERIES (AMENDMENT) ACT (No. 9 of 1984)

I assent,

Beretitenti,
8 /12/1984.

AN ACT TO AMEND THE FISHERIES ORDINANCE (Cap 33)

Commencement: 10 December 1984.

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Fisheries Act 1984.

Amendment of section 2

2. Section 2 of the Fisheries Ordinance (Cap 33) as amended which is referred to in this Act as the principal Ordinance is amended by -

(a) repealing the definition of "fish" and substituting the following:

""fish" means any aquatic animal, whether piscine or not and includes any mollusc, crustacean, coral, sponge, seaweed, holothurium (beche-de-mer), sea urchins and turtle and their young and eggs"; and

(b) by repealing the definition of "fishing" and substituting the following:

""fishing" means the actual or attempted fishing, catching, taking, killing or harvesting of fish, and includes any other activity which may reasonably be expected to result in the fishing or attempted fishing or catching, taking, killing or harvesting of fish, or any operations in support of or in preparation for any of the foregoing activity"; and

(c) (i) inserting in the definition of "fishing processing establishment" after the word "sale" and before the word "outside" the words "within or" and

(ii) repealing in the definition of "fish processing establishment" after the words ", but does not include any vessel on which fish caught off such vessel are gutted, salted, iced or frozen for the sole purpose of preserving such fish"; and

(d) inserting in the definition of "fishing vessel" after the word "commercially" and before the word "but" in the second line the following words:-

"and includes support vessels and craft, an helicopter and light aircraft used in fishing operations"; and

(e) repealing in the definition of "territorial sea" the words "3 geographical miles" and substituting the following:
"12 nautical miles".

Amendment of section 4

3. Section 4 of the principal Ordinance is amended in subsection (4) by -

- (a) repealing the word "\$200" and substituting the word "\$1000"; and
- (b) repealing the words "6 months and substituting the words "3 years".

Amendment of section 5

4. Section 5 of the principal Ordinance is amended in-

- (a) subsections (4), (5), (6), (7), (8), (9) and (10) by repealing all these subsections; and
- (b) Subsection (13) by repealing the words "as may be prescribed" and substituting the following:

"as not to be readily accessible for fishing"; and

(c) subsection (14) by -

(i) repealing the word "contravenes" in the first line and substituting the following words:
"is used in contravention of"; and

(ii) repealing the words "\$100,000" in paragraph (a) and substituting the word:
"\$250,000"; and

(iii) repealing the words "\$25,000" in paragraph (b) and substituting the word:
"\$50,000"; and

(d) subsection (15) by -

(i) repealing the words "contravenes" in the first line and substituting the words "is used in contravention of"; and

(ii) repealing the words "\$25,000" and substituting the words "\$50,000".

Amendment of section 9

5. Section 9 of the principal Ordinance is amended in subsection (1)(b)(ii) by inserting in the bracket after the word "cargo" in the bracket and before the word "which" the word "bunker".

Amendment of section 13

6. Section 13 of the principal Ordinance is amended by -

- (a) repealing the words "\$400" and substituting the words "\$1000"; and
- (b) repealing the words "1 year" and substituting the words "5 years".

Amendment of 20

7. Section 20 of the principal Ordinance is amended by inserting after subsection (1) and before subsection (2) the following subsection:

"(1A) For the purposes of giving effect to any agreement or arrangement under subsection (1) the Minister may by order authorise:

(a) any

(i) person; or

(ii) government; or

(iii) agency or government; or

(iv) international agency,

to issue fishing permits under section 5 of the principal Ordinance subject to such conditions as he may specify in the order;

(b) the doing of any other matter which may be required to be done under such agreement or arrangement".

Amendment of section 22

8. Section 22 of the principal Ordinance is amended by -

(a) inserting after paragraph "(k)" and before paragraph "(1)" the following paragraph:

"(ka) regulating the importation of fish or fish products, and"

(b) inserting after paragraph "(t)" and before paragraph "(u)" the following paragraphs:

"(ta) the implementation of any agreement or arrangement entered into under section 20;

and

(tb) regulating the taking of coral and seaweed; and",

Repeal of Fisheries (Amendment) Act No. 8 of 1983

9. The Fisheries (Amendment) Act 1983 (No. 8 of 1983) is amended in section 4 by repealing the section.

THE FISHERIES (AMENDMENT) ACT 1984

EXPLANATORY MEMORANDUM

This act amends the Fisheries Ordinance (Cap 33). Although that Ordinance is basically sound since 1977 when it was enacted, there have been significant developments in the Kiribati fishing industry particularly on the international side. The international Law of the sea is constantly changing and such developments and the activities of the South Pacific Forum Fisheries Agency have instigated a reappraisal of legislation.

With increasing access by foreign fishing vessels and their modern methods of fishing and our own involvement in the Nauru Agreement amendments to our fishing laws are required. The Act has been so drafted and includes heavier penalties.

Michael Neua Takabwebwe
The Attorney General