

LAWS OF TRINIDAD AND TOBAGO

FISHERIES ACT

CHAPTER 67:51

Act
39 of 1916
Amended by
39 of 1966
23 of 1975

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
1-9	1/1980

Index
of
Subsidiary Legislation

	Page
Fisheries Regulations (G. 25.2.1926, 13.3.1930)	6
Oysters from Ortoire River Regulations (G. 5.12.1929)	8
Protection of Turtle and Turtle Eggs Regulations (G.N. 119/1975)	8

CHAPTER 67:51

FISHERIES ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Application of Act.
4. Regulations.
5. Duty of Fisheries Officer.
6. Penalty for breach of regulations.
7. Use of poison or explosives.
8. Taking fish in prohibited areas.
9. Inspection, seizure and forfeiture of nets.
10. Offences committed at sea.

An Act to regulate fishing in the waters of Trinidad and Tobago.

1950 Ed.
Ch. 25 No. 9.

[11TH DECEMBER 1916]

39 of 1916.

Commencement.

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

Short title.

2. In this Act—

Interpretation.
[39 of 1966].

“fish” includes oysters, crabs, shrimps, turtle, turtle eggs, corals and any species of other marine fauna;

“Fisheries Officer” means the person for the time being holding the office of Fisheries Officer and includes any officer of the Fisheries Division of the Ministry of Agriculture;

“prohibited area” means an area declared by the regulations made under section 4 to be a prohibited area.

3. This Act shall extend to all rivers, whether tidal or otherwise, and to the Territorial Sea of Trinidad and Tobago as defined by the Territorial Sea Act.

Application of Act.
[39 of 1966
23 of 1975].
Ch. 1:51.

4. The Minister may make regulations—

Regulations.
[39 of 1966
23 of 1975].

(a) for prescribing the size of mesh, form, and dimensions of nets or appliances for fishing, and for the manner of using the same;

- (b) for restricting the size of fish, crabs, shrimps and turtles that may be taken, and prohibiting the sale or exposing for sale of such as are under such size as may be prescribed by the regulations;
- (c) declaring any area to be a prohibited area;
- (d) prohibiting the killing, harpooning, taking, removing, catching or any other means of taking possession of fish or any variety thereof either absolutely or at such times and within such areas as may be prescribed;
- (e) prohibiting the sale, offering or exposing for sale or the purchase of fish or any variety thereof either absolutely or at such times and within such areas as may be prescribed.

Duty of Fisheries Officer.
[39 of 1966
23 of 1975].

5. It is the duty of the Fisheries Officer and any person authorised in writing by him so to do, subject to any general or special directions given by the Minister, to carry out the provisions of this Act.

Penalty for breach of regulations.
[39 of 1966
23 of 1975].

6. (1) A person who contravenes any regulation made under this Act is liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

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

Use of poison or explosives.

7. Any person who uses poison of any description or any explosive with intent to stupefy, poison, take or kill fish is liable on summary conviction to a fine of one thousand dollars or to imprisonment for three months.

Taking fish in prohibited areas.
[39 of 1966
23 of 1975].

8. (1) Except with the written permission of the Minister, no person shall take any fish in a prohibited area.

(2) Any person who contravenes subsection (1) is liable on summary conviction to a fine of two thousand dollars and to imprisonment for six months.

Inspection, seizure and forfeiture of nets.
[39 of 1966
23 of 1975].

9. (1) The Fisheries Officer and any person authorised in writing by him may inspect and measure any fishing net which he may see in any part of Trinidad and Tobago, whether or not the same has been seen in actual use, and may, without warrant, enter into or upon any premises between the hours of seven o'clock in the

morning and five o'clock in the afternoon in or upon which there shall be any fishing net visible for the purpose of inspecting and measuring the same.

(2) If the Fisheries Officer or any person authorised in writing by him is satisfied that the construction of such fishing net contravenes the provisions of the law for the time being set forth in any regulation made under this Act, he may cause such net to be conveyed to the nearest convenient place where the same may be measured.

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

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

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

10. Any offence against this Act committed at sea is deemed to have been committed on the coast adjoining the sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

Offences
committed at
sea.

SUBSIDIARY LEGISLATION

FISHERIES REGULATIONS

made under section 4

G. 25.2.1926.
[13.3.1930].

Citation.

1. These Regulations may be cited as the Fisheries Regulations.

Nets.

2. (1) The nets to be employed in the territorial waters of Trinidad and Tobago shall be the following and no others:

- (a) *Drift or Fillet Nets for catching Mackerel, King Fish and other large fishes.*—Length of net not to exceed nine hundred feet. Width at centre not to exceed fifteen feet. Mesh not to be less than one and three-quarter inches square.
- (b) *Fillet Nets for catching Mulletts.*—Length not to exceed nine hundred feet. Width at centre not to exceed twelve feet. Mesh not to be less than one and one-quarter inches square.
- (c) *Pocket Seines for catching mixed white fish.*—Length not to exceed nine hundred feet. Width of pocket not to exceed fifteen feet, tapering to two feet. Mesh in the pocket not less than three-quarter inch square at end of pocket.
- (d) *Pocket Seines for catching Prawns.*—Length not to exceed one hundred and twenty feet. Width not to exceed twelve feet. Mesh not to be less than half an inch square.
- (e) *Seines for catching Bait.*—Length not to exceed one hundred and twenty feet. Width not to exceed nine feet. Mesh not to be less than half an inch square.
- (f) *Cast Nets for catching Bait.*—Length not to exceed six feet. Mesh not to be less than half an inch square.
- (g) *Gar Seines for catching fish other than Cavalli or Jack fish.*—Length not to exceed five hundred and forty feet. Width not to exceed twelve feet at centre. Mesh not to be less than half an inch square.

- (h) *Seines for catching Cavalli*.—Length not to exceed seven hundred and fifty feet. Width not to exceed thirty-six feet in centre. Mesh not to be less than one and seven-eighth inches square.
- (i) *Seines for catching Jack fish*.—Length not to exceed six hundred feet. Width not to exceed twenty-four feet at centre. Mesh to be not less than half an inch square.
- (j) *Seines known as Italian Seines*.—Length not to exceed nine hundred feet. Mesh to be not less than half an inch square.

(2) The use of any such net for a purpose other than that specified in subregulation (1) shall be unlawful.

(3) The onus of proving that a net in which are found fish which it is unlawful to take in any such net has not been unlawfully used shall be on the person using the same.

3. No fish less than twelve inches in length of the following kinds: Fish less than twelve inches.

King fish, Spanish mackerel, Grouper, Codfish, Sorb, Pargue and Zeblan,

shall be taken or sold or exposed for sale.

4. No fish less than eight inches in length of the following kinds: Fish less than eight inches.

Cola, Red fish (Vivanot, Walliacke, Tete-ronde and Pomfano), and Salmon,

shall be taken or sold or exposed for sale.

5. No Sardine shall be sold except to a *bona fide* fisherman for the purpose of bait. Sardine.

6. (1) No fish, Shell-fish, Crabs or Shrimps shall be taken within the area lying between a line drawn from the mouth of the Caroni River to a buoy fixed one thousand feet seaward from the sewerage outfall and thence to the mouth of the Diego Martin River, and the shore. Prohibition.

(2) No fish or Shell-fish (including Oysters, Crabs and Shrimps) shall be taken anywhere between Claxton's Bay and the mouth of the Cipero River or from the sea between the said places for a distance of one half of a mile seawards from low water-mark.

Dragging a net
or seine.

7. Every person dragging a net or seine other than those specified in regulation 2(1)(d) and (e) shall remove all fish from such net or seine in water not less than three feet in depth.

G. 5.12.1929.

OYSTERS FROM ORTOIRE RIVER REGULATIONS

made under section 4

Citation.

1. These Regulations may be cited as the Oysters from Ortoire River Regulations.

Prohibition.

2. No person shall take oysters from the Ortoire River between the Mafeking Road public ferry and the sea from 1st July to 31st December in each year.

119/1975.

PROTECTION OF TURTLE AND TURTLE EGGS REGULATIONS

made under section 4

Citation.

1. These Regulations may be cited as the Protection of Turtle and Turtle Eggs Regulations.

Prohibition
against taking
possession of
female turtle or
taking,
removing or
selling turtle
eggs.

2. No person shall—

- (a) kill, harpoon, catch or otherwise take possession of any female turtle which is in the sea within any reef or within one thousand yards from the high water mark of the foreshore where there is no reef;
- (b) take or remove or cause to be taken or removed any turtle eggs after they have been laid and buried by a female turtle or after they have been buried by any person;
- (c) purchase, sell, offer or expose for sale or cause to be sold or offered or exposed for sale or be in possession of any turtle eggs.

*Protection of Turtle and Turtle Eggs
Regulations*

[Subsidiary]

3. No person shall, between 1st March and 30th September, kill, harpoon, catch or otherwise take possession of or purchase, sell, offer or expose for sale or cause to be sold or offered or exposed for sale any turtle or turtle meat.

Restriction on killing, harpooning and selling turtle.