

THE REPEALED FISHING INDUSTRY ACT OF 1976

Prior to June 2018, the Jamaican fishing industry was governed and regulated by **The Fishing Industry Act of 1976** which was amended in 2015 and its attendant Regulations. This Act was created for only two purposes:

1. regulate and control the fishermen for conservation purposes; and
2. regulate and control equipment engaged in the Fishing Industry¹.

The Management of fisheries (that is: coastal and offshore pelagic, reef fish, conch, lobster and shrimp) contemplated based on local needs and industry knowledge at that time, the following:

- ✓ the implementation of conservation measures
- ✓ socio-economic measures and other management options such as prohibition of sale and harvesting during closed seasons
- ✓ the use of particular fishing methods and equipment
- ✓ prohibition of fishing in sanctuaries and regulating the use of traps and mesh size
- ✓ catch effort reduction and gear restrictions
- ✓ protection of juvenile species and berried lobsters and designation of fish sanctuaries (i.e. no-take fish zones) (CFRAMP, 2000).²

This Act was to allow for:

- ✓ The ability to identify fishers and vessels especially for rescue operations;
- ✓ To identify our local vessels;
- ✓ To control pot stealing
- ✓ To license fishermen in foreign territorial waters
- ✓ Conservation of resources
- ✓ Power of Resident Magistrates to try extra-territorial offences (try cases regardless of where it was committed)
- ✓ Fishing on Cays
- ✓ Solve the issue of defining fish
- ✓ Control Fishing Practices
- ✓ Declaration of Fishery Inspectors for enforcement purposes³

Thus, the promulgation of The Fishing Industry Act of 1976. This Act together with its 2015 amendment had 31 sections and one schedule. This legislation was divided into five parts. I will examine each part separately.

¹ Jamaica Hansard, House of Representatives of Jamaica Deb. 1974-5 Vol. 1 No. 2 Pgs. 217-27

² K. Blackman and P. McConney "Information for the Negril Marine Park Fisheries Management Plan" CERMES, UWI 2008.

³ Jamaica Hansard, House of Representatives of Jamaica Deb. 1974-5 Vol. 1 No. 2 Pgs. 217-27

Part 1- Preliminary

This section of the Act dealt with the Short Title and the Interpretation Section.

The Interpretation section captured a total of 8 definitions. These definitions included:

- a. Conveyance
- b. Equipment
- c. Fish
- d. Fishery Inspector
- e. Fishing
- f. Fishing boat
- g. Kraal
- h. Licensing Authority
- i. Licensed Fishermen
- j. Minister

Part 2 Fishing License

Like any regulatory body, a framework for the registration and licensing of its stakeholders must be in place. As such sections 3 to 7 of the Fishing Industry Act of 1976 dealt with Licenses.

This section spoke to the use of particular methods of fishing that required a license; which included the use of:

- a. Traps or pots;
- b. Nets;
- c. Spear guns
- d. Lines from a boat;
- e. Diving with breathing apparatus (scuba)
- f. Hawaiian sling.

This part also included the designation of the Licensing Authority which was originally one person who was responsible for the regulation of Fisheries. Additionally, it included the requirement for licenses to be granted on application and on the payment of fees.

Part 3 Registration of Boats

Sections 8 to 17 dealt with the procedure for the registration of fishing vessels, the need to keep registers, change of ownership by death or otherwise, and appeals to the Minister of Fisheries where a license has been refused, cancelled or suspended. It also spoke to the procedure for loss of license.

Note that the regulatory framework in this act contemplated only fishing using a particular method and the registration of boats.

Part 4 Fishery Protection

This part spans sections 18 to 23. This section spoke to two declarations by order that the Minister could make; that is the declaration of sanctuaries and close seasons. As well as created penalties for breaching these orders.

Section 20 spoke to enforcement by fishery Inspectors. Section 21 of this Act was amended in 2015; and stated what a Fishery Inspector may seize which included Fish or boat or equipment to include gears net and tackle.

Sections 22 and 23 created the offences of unlawfully removing or taking boat, fish pot, nets gears etc. and knowingly landing fish in contravention of the Act or Regulations.

Part 5 General Provisions

This part of the Act spanned sections 23A to 31. It speaks to:

- a. Conditions for fishing License under Exclusive Economic Zones Act;
- b. Defines Carrier vessels and state the conditions related to the use of said vessel;
- c. The Powers of the Minister to make regulations;
- d. Powers for to forfeiture; and
- e. The Ministers Power to amend schedule⁴.

⁴ Fishing Industry Act, 1976 (repealed)

How the Fisheries Act of 2018 was developed (challenges within the sector regionally and internationally)

The Caribbean Natural Resources Institute report, in 2020 stated that there were around 40,000 Jamaican fishers that make their living from the sea⁵; with a 2019 report from Ministry of Agriculture and Fisheries showing that Fisheries contributed US\$79million to the country's gross domestic product. That is over 9 billion Jamaican Dollars⁶.

However, despite this sector being quite lucrative and attractive for more than one reason; it was prior to 2018 poorly regulated⁷. This impacted the production of Fisheries. Total fish production in Jamaica has shown a significant decline from a peak of 15,832.75 Metric tons in 2017 to 12,874.67metric tones in 2020. According to the National Fisheries Authority (NFA) Capture Fisheries production shows also a decline from its peak in 2017 of 14747.75 metric tons to 11,962.92 metric tons in 2020. The statistics for aquaculture production level has also declined from 1,100 metric tons in 2011 to 911.75 metric tons in 2020. In 2020 Jamaica imported some US \$112,042,790.29 million worth of fish and fishery products while fish exports amounted to just US \$14,071,293 million worth of mainly high value species.

The Government of Jamaica was cognizant of the heightened need to establish a suitable link between the legal and technical framework of fisheries management as vital in the development of the Strategic Plan for its fisheries sector. The Government of Jamaica also assigned a high priority to the modernization of its national fisheries management practices in order to mitigate the current decline in marine capture fisheries - to improve national food security and also to be positioned for International fisheries co-operation efforts.⁸

The Jamaican fisheries sector is more than just methods of fishing and boat as was contemplated in the 1976 Act, it includes:

- Marine capture fisheries (including brackish water, lagoons);
- Inland (fresh water) capture fisheries (considered to be rather insignificant);
- Aquaculture, including the culture of tilapia, shrimp and ornamental fish;
- A fish-marketing structure for fresh (marine and culture) and imported products (salted, frozen);
- An industrial processing sector based on fresh products mainly for export or sale to hotel chains (landings or culture) and imported products (frozen and salted);

⁵ <https://canari.org/coastal-marine-governance-and-livelihoods-publications>

⁶ <https://moa.gov.jm/content/fisheries-sector-important-jamaica%E2%80%99s-economy>

⁷ Aiken, K. 2005. Lessons learnt from Jamaican Reef Fishery. University of the West Indies Mona Campus.

⁸ Kong, G.A. 2004. Jamaica Case Study: The Consideration of Socio-Economic and Demographic Concerns in Fisheries and Coastal Area Management and Planning in Jamaica.

- Suppliers and producers of fishing vessels and engines, fishing gear, diving gear, other equipment and feed, etc. for aquaculture;
- Monitoring, Control and Surveillance services as provided by the Coast Guard, the Marine Police, the National Fisheries Authority and the Veterinary Division of the Ministry of Agriculture, various game wardens and customs officers;
- Other services, including research and Environmental Impact Assessments, such as those provided by the National Fisheries Authority, the University of the West Indies, organisations of fishermen and fish farmers, marine parks, consultant companies and a variety of organisations dealing with environmental issues, including many NGOs.⁹

Consequently, it was also recognized that the changes needed for Fisheries were not just for the bolstering of our conservation and development measures; but that there were issues of National Security that were presented because of the inadequacies in these laws¹⁰.

Chief amongst these issues is Illegal Unreported and Unregulated (IUU) Fishing¹¹:

According to the Food and Agriculture Organization, IUU Fishing is a broad term that captures a wide variety of fishing activity. IUU fishing is found in all types and dimensions of fisheries; it occurs both on the high seas and in areas within national jurisdiction. It concerns all aspects and stages of the capture and utilization of fish, and it may sometimes be associated with organized crime¹².

IUU presents multiple negative economic effects, which includes the loss of tax revenue for the Jamaican government (and CARICOM states), loss of revenue for locally licensed commercial fishermen, loss of protected species & endangered wildlife, general over-fishing and significant levels of maritime pollution¹³.

It is estimated that IUU fishing collectively cost Caribbean an upwards of US\$2.3 billion in economic losses annually, through a combination of disrupted income streams for licensed fishers and for tax revenue losses.¹⁴ It has also been estimated that 20% of all catch in Latin America is linked to IUU fishing.

Labour exploitation onboard foreign vessels operating in the Jamaican EEZ is also among the growing concerns for national security as forced labor and human trafficking issues now surround IUU fishing.

⁹ Kong, G.A. 2004. Jamaica Case Study: The Consideration of Socio-Economic and Demographic Concerns in Fisheries and Coastal Area Management and Planning in Jamaica.

¹⁰ *ibid*

¹¹ Ministry of National Security Reports from Law Enforcement

¹² <https://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>

¹³ *ibid*

¹⁴ <https://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>

The main perpetrators of IUU fishing in the Jamaican EEZ are Honduran, Nicaraguan, Dominican Republic and Jamaican fishers:

- These fishers employ all available techniques to increase fish harvest such as using small-mesh nets that scrape the ocean floor. This results in undersized fish being indiscriminately harvested, and are typically thrown away.
- Hondurans are also noted for deep sea diving and harvesting of seafood on the sea floor in the Jamaican EEZ, particularly in the Pedro Banks.
- Local fishers also poach in fish sanctuaries which adds to the problem and has concerns environmental for endangered species

The main targeted fish species from foreign IUU fishers is sea cucumber, conch and lobsters¹⁵.

IUU fishing imperils national security, sovereignty, food security; and diminishes protected species and delicate ecosystems in the Jamaican Exclusive Economic Zone (EEZ), and in protected fish sanctuaries.

Other crimes of National Security significance that are linked to IUU fishing are:

- a. money laundering;
- b. transnational criminal activities, such as illegal migration, drug & weapons trafficking, and human smuggling.
- c. The avenue through which Jamaica is used as transit hub for drugs and weapons traveling to and from South America, North America, and the eastern Caribbean;
- d. The drugs for guns trade is a primary example of this exploitation of our geographic location with fishing canoes identified as vectors of this trade, where marijuana is exchanged for firearms and ammunition primarily with Haiti¹⁶

With the challenges recognized being more than a regional issue, Multilateral international treaties and regional agreements and arrangements have been identified as the primary strategy to foster international collaboration and diplomatic recourse to combat the challenges faced by the Fisheries Sector and especially against IUU fishing.

From as early as 1982 many international and regional changes have occurred which required significant changes to our legislative landscape. All these changes highlighted the fact that proper management of the marine fisheries of Jamaica must focus on the sustainable use of fisheries resources for the benefit of the people of Jamaica. Additionally, that optimal and sustainable fisheries management must ensure fish stocks and the integrity of the marine ecosystem are maintained to reap economic and social benefits of the fishing industry¹⁷.

¹⁵Ministry of National Security Reports from Law Enforcement

¹⁶ Ibid

¹⁷ Aiken, K. 2005. Lessons learnt from Jamaican Reef Fishery. University of the West Indies Mona Campus.

Worldwide, fisheries management is currently guided by the Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries (1995), whereby principles and standards are set out for responsible fishing, to ensure effective conservation, management and development of living aquatic resources, with respect for the ecosystem and biodiversity. The Code was formulated in such a way as to be consistent with the 1982 United Nations Convention on the Law of the Sea (UNCLOS), taking into account the 1992 Declaration of Cancún, the 1992 Rio Declaration and the provisions of Agenda 21 of United Nations Conference on Environmental Development. The conclusions and recommendations of the 1992 FAO Technical Consultation on High Seas Fishing, the Strategy endorsed by the 1984 FAO World Conference on Fisheries Management and Development, and other relevant instruments including the outcome of the then ongoing United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which, in August 1995, adopted an Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Concerning Straddling Fish Stocks and Highly Migratory Fish Stocks.¹⁸

Noteworthy though is the fact that all these international and regional changes occurred after the enactment of the **1976 Fishing Industry Act**, and therefore that piece would not have captured the best practices, principles and standards that were being promoted.

Many shortcomings were identified in the Jamaican fisheries management which needed to be addressed. These included¹⁹:

- a. Poor and ineffective Enforcement; as money to adequately support personnel was lacking. Under the **Fishing Industry Act, 1975**, fishing is prohibited without a licence. However, there are many active fishermen operating without a licence.
- b. Fishermen are not regularly monitored and inspected for licenses. Furthermore, the fines and penalties are too small and do not keep up with the increase in people breaching laws.
- c. Closed seasons have been imposed for spiny lobster and conch to allow the species to reproduce, but often these seasons are ignored. Fishers still openly sell lobsters on the beaches, and restaurants still have it on their menus. Undersized lobsters have been protected to allow them to at least reproduce once before being caught. However, some fishers are continually harvesting and landing undersized and berried female lobsters. In many cases, fishers were attempting to illegally remove the eggs by washing them off the female lobster²⁰.

¹⁸ K. Blackman and P. McConney "Information for the Negril Marine Park Fisheries Management Plan" CERMES, UWI 2008.

¹⁹ Aiken, K. 2005. Lessons learnt from Jamaican Reef Fishery. University of the West Indies Mona Campus.

²⁰ Kong, G.A. 2004. Jamaica Case Study: The Consideration of Socio-Economic and Demographic Concerns in Fisheries and Coastal Area Management and Planning in Jamaica

Moreover, the laws of Jamaica which address fisheries management are deficient, as the major issues affecting fisheries were not addressed in any of them; these include:

- i. Overfishing.
- ii. Poisoning of rivers and ponds to catch shrimp et al.
- iii. Ocean Acidification.
- iv. Ghost Fishing.
- v. Commercial Whaling.
- vi. Plastic Pollution
- vii. Irresponsible Fish Farming.
- viii. Fish Habitat Destruction.

The Fisheries Act of 2018 was created to address the multiple needs of our Jamaican Society as it relates to Fisheries and in response to our many international obligations which include:

1. United Nations Convention on the Law of the Sea (UNCLOS) (1982);
2. The Rome Consensus on World Fisheries (1995)
3. Copenhagen Declaration / Blue Justice Initiative
4. Code of Conduct for Responsible Fisheries – 1995
5. International Plan of Action for the Management of Fishing Capacity
6. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
7. International Plan of Action for the Conservation and Management of Sharks
8. International Plan of Action for Reducing Incidental Catch of Seabirds in Long line Fisheries
9. Convention on International Trade in Endangered Species of Wild Fauna and Flora

In recognition of the former inadequacies in the Fishing Industry Act of 1976, it was recommended that a new Act was developed that would establish an authority and support the creation of marine conservation zones, the creation of various types of licenses (with eligibility criteria specified), the ability to limit the number of licenses and the activities of the license holders (fishing locations; number, dimensions and types of gears; etc.), the involvement of the fishing communities in the co-management of the fishery, the collection of fisheries statistics, and the charging of fees²¹.

²¹ Ministry of Agriculture and Fisheries

JUSTICE CAROL LAWRENCE BESWICK PRESENTATION BEGINS HERE

The Regulations

The Fishing Industry Regulations 1976-2021 (Regs and amendments)- As was highlighted in the overview of the Act, are all the former regulations of the Fishing Industry Act 1976 which have been saved by section 111 of the **Fisheries Act of 2018**.

Therefore, all the Fishery Inspectors continue to use the four regulations made under the repealed Act as a part of its conservation efforts, these regulations are:

- a. Fishing Industry (Spiny Lobster) Regulations 2009 (with amendments in 2014, 2020,2021)
- b. Fishing Industry (Conservation Of Conch(Genus Strombus) Regulations 2000
- c. Fishing Industry Regulations 1976 (with 2013 Amendment)
- d. Fishing Industry (Special Fishery Conservation Area) Regulations 2012, (with amendments in 2016 And 2017)

Fishing Industry (Spiny Lobster) Regulations 2009 (with amendments in 2014, 2020, 2021) (Spiny Lobster)

The Spiny Lobster Regulations was created pursuant to section 25 K of the Fishing Industry Act of 1976. It was created to respond to the need for specialized conservation measures for the Jamaican Spiny Lobster Fishery.

The Interpretation Section includes the following Definitions:

- ❖ Approved storage facilities
- ❖ Authorized storage Facilities

Note these two new definitions were included pursuant to the 2014 amendment.

- ❖ Commercial cold storage establishment
- ❖ Eating Establishments

- ❖ Middleman
- ❖ Possess; and
- ❖ Spiny Lobster

Close Season- Note that the Close season for Lobster is set from April 1 to June 30 of each year, and this is pursuant to the **Fisheries (Declaration of Close Season) (Lobster) Order 2022**. This Order applies to all Lobster and not just Spiny Lobster. This Order applies every year.

Section 4 of the Regulations speaks to the requirement to declare in order to sell, export or process spiny lobster during close season. This requirement is for the following persons:

- a. Licensed fisherman;
- b. Middleman;
- c. Owner or operator of a commercial cold storage establishment, hotel or eating establishment or similar entity which offers spiny lobster meat to its patrons; or
- d. any other person

The Requirement is that the declaration allows for the use of the lobster with 21 days of the commencement of the Close season. That is from April 1 to April 21 of each year.

Section 4 A that was included by virtue of the 2014 Amendment speaks to request for storage by the following persons:

- a. Licensed fisherman;
- b. Middleman;
- c. Owner or operator of a commercial cold storage establishment, hotel or eating establishment or similar entity which offers spiny lobster meat to its patrons; or
- d. any other person.

This applies to lobster that was fished before the commencement of the Close season. This application is to be made no later than 15 of April of each year. This section 4A was last amended in 2021. In 2020, the list of persons to whom the section applies was amended.

In that year the following persons were included:

- a. Middleman;
- b. Owner or operator of a commercial cold storage establishment, hotel or eating establishment or similar entity which offers spiny lobster meat to its patrons; or
- c. any other person

To mirror the list in section 4 of the Regulations.

In 2021 this section was amended to remove the word “process and processing”. This means the purpose for the request for storage can be made is for sale and export only.

Therefore the applicable version of regulation 4A is as found in the 2020 amendment with the removal of word “process” and “processes”

All other sections read as is stated in the 2014 amendment with the applicable change being wherever the word Minister appears in regulations 5, 6, 7, 7A, 7B and 7C; it should be replaced with Authority.

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

This Regulation is specific to the Queen Conch Specie or family.

However, please note that the Close Season Orders which are issued each year applies to all Conch in the Strombidae Queen and Milk et al. Noting, that our conservation efforts are focused on the Queen Conch Specie as it is listed as protected under the schedule of the Convention of International Trade in Endangered Species (CITES) to which Jamaica is a party²².

Unlike, Lobster, the close season for Conch could vary in any given year. Currently, pursuant to the **Fisheries (Declaration of Close Season) (Conch, Genus Strombus) Order, 2022**, the close season is in effect and it is from August 1, 2022 to February 2023.

The Conch Regulation was passed in March of 2000. It defines some technical terms that are associated with the Conch Industry to Include: 50% Cleaned Conch; Commercial Storage facility, Conch Meat, Eating Establishment, Fishery Management Area, Immature Conch, Individual Conch Quota; National Total Allowable Catch.

It regulates the total amount of catch that may be landed in any season, as well as the need to declare total quantity in one’s possession and level of processing at least 7 days prior to the commencement of the Close Season, by persons in charge of a commercial cold storage facility, hotel or eating establishment. (Regulation 5 (1) and (2))

However, the information required by the Authority for further declaration must be given within the first 7 days of the Close Season. This includes Name and address of person for whom conch meat is stored and the quantity.

This Regulation at 7, gives Fishery Inspectors the power to enter and inspect premises and processing plants, cold storage facilities, hotels and eating establishments as well as any other place where conch is believed to be stored,

The prohibition to sell or offer for sale immature conch is stated at regulation 10.

This regulation has a total of 14 sections and Three Schedules.

²² <https://cites.org/eng/disc/parties/chronolo.php>

Fishing Industry Regulations 1976 (with 2013 Amendment)

This 1976 Regulation is the first of all the regulations that were developed under the Fishing Industry Act. Therefore, it covers generally many conservation and general regulatory issues including: License, Identification of Ports or Fishing Beaches, Identification of Boats, Berried Lobsters, Night Fishing. The Schedule similarly states the form of license to fish as well as boat license, the form of the register of license, the form of the Fisher's ID Card, the application for license, the fishery Inspectors Report, the Boat Register and the 185 Fishing Ports and the Parishes that they are located in as well as the Port Marks that would be used on vessels.

The Regulation defines some key term; such as Fishing Equipment and Port

Note that regulation 3, speaks to the distance applicable for license. However, this section would currently not be applicable based on the definition of Fisheries Waters in section 2; purpose of licensing as stated in section 25 (1) and our Jurisdiction pursuant to section 104 of the Fisheries Act 2018. The Licensing Framework now covers all inland waters (rivers and ponds), internal waters, archipelagic waters, territorial sea, the exclusive economic zone and any other water prescribed.

Sections 10 to 12 of these Regulations speaks to the registration, marking, of boats, decked and non-decked canoes and their equipment.

Section 14 speaks to the prohibition on catching and bringing ashore, and or destroying berried lobsters; catching or bringing ashore or destroying lobsters 3 inches or less; using fry nets or shove nets exceeding 12 feet and the conditions under which seine nets can be used.

The amendment to section 14 in 2013 speaks to the prohibition of using impaling devices during the hours 6pm to 5am to fish. These impaling devices include: Hawaiian Sling, Spear gun and any other impaling device.

Fishing Industry (Special Fishery Conservation Area) Regulations 2012, (with amendments in 2016 and 2017)

This regulation speaks to our conservation areas, more popularly known as Sanctuaries. It declares and delineates these areas. There are over 18 Sanctuaries with the last being declared in the 2017 amendment.

The regulation provides the definition of key terms such as: Alien Species, Alien Invasive Species, and Special Fishery Conservation Area.

Regulation 3 declares the Special Fishery Areas, whilst section 4 prohibits the fishing in these areas with only exemptions for persons issued with a license by the Authority and or directives of the Minister under regulation 5.

Regulation 5 states the considerations of the Minister in giving directives re Fishery Areas and the conditions that should accompany such directives.

Regulation 7 prohibits the introduction of alien species in Special Conservation Areas as well as rearing, breeding receiving or purchasing of species from these areas.

This regulation has 7 sections.

The Schedules gives the boundary description or geographical location of each sanctuary.

The 2016 amendment added the following Conservation Areas:

- a. East Portland;
- b. Boscobel East; and
- c. Boscobel West.

This amendment also updated the fines for each penalty as follows:

- a. Section 4, 4A, 4B, and 6 (2) from 1000 to 1 million and six months;

This regulation also introduced the concept of a rotating Special Fishery Conservation Area. This was specific to the Boscobel East and Boscobel West and was from January 2016 to December 2018.

The 2017 amendment included the White River Fishery Conservation Area and its coordinates.

OFFENCES UNDER REGULATIONS

FISHING INDUSTRY (SPINY LOBSTER) REGULATIONS (2009, 2014, 2020, 2021)

2009

Section 3 -Sale Possession or import or export during close season;
Section 8- General penalty clause for sections 4, 5, 6, 7 of the Regulation.

AMENDMENTS

2014

This introduces storage during close season;

2020

This introduces Storage, selling overseas (export), during close season.

2021

This removes the ability to process during close season (that is after 21 days)

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

- Section 6, No person shall sell, process, import during close season- fine \$1000 Jmd/ 3months
- Section 8 (2), offence of assaulting or obstructing a Fishery Inspector-fine \$1000 Jmd/ 3months
- Section 10, No person shall fish, collect, offer for sale or sell immature conch-fine \$1000 Jmd/ 3months
- Section 13, declaration of catch conducted and completing landing log sheet-fine \$1000 Jmd/ 3months

FISHING INDUSTRY REGULATIONS 1976 with 2013 amendment

- Section 14, No person shall catch and bring ashore or destroy , lobster less than 3 inches- fine \$500 /6 mnths
- Section 14, Catch and bring berried lobster-fine \$500 /6 mnths
- Section 14, use fry net, or shove net or nay length of net exceeding 12 feet-fine \$500/6 mnths
- Section 14, Seine net-fine \$500 /6 mnths
- Section 14, Night Fishing with impaling device fine \$500 /6 mnths

FISHING INDUSTRY (SPECIAL FISHERY CONSERVATION AREA) REGULATIONS 2012, 2016 AND 2017

2012

- Section 4 fishing in a special conservation area without a license, or directives of Minister; fine \$1 million Jmd / 6 months
- Section 6 Knowingly introduce species in conservation area or transport, purchase, receive, keep, rear, breed or propagate specimens of fish from said area; fine \$1 Million JMD/ 6 months

2016

- Upgrades fines from \$1000 to 1 million JMD
- Introduces fishing periods for Boscobel East and Boscobel West.
- Introduces new Special Conservation areas: Boscobel East and West, East Portland and Sandals Boscobel.

2017

- Includes White River Special Conservation Area

ENFORCEMENT OF THE FISHERIES ACT

“fishery inspector” means a person who is—

- (a) a game warden approved as such under the *Wild Life Protection Act*;
- (b) a marine officer under the *Exclusive Economic Zone Act* or the *Maritime Areas Act*;
- (c) an officer of the Natural Resources Conservation Authority duly authorized under section 20 of the *Natural Resources Conservation Authority Act*;
- (d) an authorized officer under the *Aquaculture Inland and Marine Products and By-Products (Inspection and Licensing) Act*;
- (e) a District Constable;
- (f) a member of the Jamaica Constabulary Force;
- (g) a member of the Jamaica Defence Force; and
- (h) any person designated as a fishery inspector pursuant to Part XIII;

Enforcement of this Act is now carried out by quite a few players as implied in the definition of Fishery Inspector and their powers listed under section 71 of the Act.

The operations that are carried out by the officers designated by the Minister within the National Fisheries Authority and the Ministry of Agriculture and Fisheries are done in collaboration with members of the JCF and JDF as our officers do not have powers of a constable.

The cases that are brought before the court are more often than not brought by the Jamaica Constabulary Force Officers.

Our enforcement activities are heightened during our close seasons, that is during April 1 to June 30 for Lobster; August 1 2022 to February 2023 for Conch and we also have a close season in place for Sea Cucumber Fishery.

The Close Season for Sea Cucumber is by Ministerial Order and is from March 1 to August 31 of each year. Whilst fishing on the island shelf (which is within territorial waters is from 2021 to 22.