



Sea Fish and Conservation Act, Mount Vema 2017

2017 No. 10

Order No.10 SI/MV2017/10

Made: 29th of June 2017, in accordance with the 2006 Declaration of Sovereignty

Royal Mount Vema Seal of Approval: Granted 30th of June 2017

Comes into Operation: 1st of July 2017

The Sea Fish and Conservation legislation of Mount Vema, is an Act to provide for regulating the commercial use of, fishing for, and landing of, sea fish, and for authorizing measures for the increase or improvement of marine resources.

In exercise of the powers conferred upon The Sovereign of Vema Seamount under GOD, and of all other powers enabling Him, His Mount Vema Majesty King Peter Jon Goldishman, Ruler of the Kingdom of Mount Vema, and the territorial waters at 31 38' S 8° 20' E, under GOD hereby Grants His Royal Seal of Approval, for the following Legislation:—

In this Act—

- “land” or “landing” for sea fish, means any terminal, floating structure or other works within a harbor at which ships can obtain shelter or ship and unship goods or passengers in the Kingdom of Mount Vema national waters, including anything afloat (other than a ship) if it is anchored or attached to the sea bed or any such waters in accordance with subsections 130B.3(a) and 131.5 of the Merchant Marine and Shipping Act, Mount Vema 2017.
- “port in the Kingdom of Mount Vema” means a harbor, haven, dock or other place the waters of which are within the Kingdom of Mount Vema territorial waters under subsection 151.1 of the Merchant Marine and Shipping Act, Mount Vema 2017.

Restrictions on commercial use of under-sized, etc., sea fish

1- Size limits, etc. for fish

1.1- No person shall land in Vema Seamount – The territorial waters of the Kingdom of Mount Vema any sea fish of any description, being a fish of a smaller size than such size as may be prescribed which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description by an Order.

1.2- Subject to the provisions of this section, no person shall, in the Kingdom of Mount Vema, sell, expose or offer for sale or have in his possession for the purpose of sale, any sea fish of any description, being a fish of a smaller size than such size as may be prescribed which does not meet such requirements as to size as may be prescribed in relation to sea fish of that description by an Order.

1.3- Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an Order shall not be carried, whether within or outside relevant Mount Vema fishery limits, on a relevant Mount Vema fishing boat; and an order under this subsection may prohibit the carrying by any foreign fishing boat in waters adjacent to the Kingdom of Mount Vema and within relevant Mount Vema fishery limits of sea fish of any description prescribed by the Order which are of less than the minimum size so prescribed in relation to sea fish of that description.

Sea fish of any description which do not meet the requirements as to size prescribed in relation to sea fish of that description by an Order shall not be carried, whether within or outside relevant Mount Vema fishery limits, on a relevant Mount Vema vessel; and an order under this subsection may prohibit the carrying by a foreign vessel in the Kingdom of Mount Vema waters.

1.4- Different sizes, different requirements as to size, may be prescribed for the purposes of each of the foregoing provisions of this section; and an order under subsection (1.1) above may prescribe different sizes and different requirements as to size in relation to different areas and in relation to fish of different sexes.

1.5- Where an Order under subsection (1.1) above prescribes size requirements as to size for fish of any description (or of any description and sex), whether generally or in relation to any particular area, then, except so far as provision to the contrary is made by such an Order, a person who in any described part of the Kingdom of Mount Vema or, as the case may be, in that area lands a part of a fish of that description (or of that description and sex) shall, be deemed to contravene subsection (1.1) above if the part is of a smaller size than the one so prescribed if the part does not meet the requirements as to size so prescribed.

1.6- An Order under this section may confer exemptions from any prohibition imposed by or by virtue of this section; and any such exemption may be general or subject to conditions and may relate to all fish to which the order applies or to fish of any specified description.

1.7- Any person who contravenes subsection (1.1) or (1.2) above shall be guilty of an offence under that subsection.

1.8- If subsection (1.3) above is contravened in the case of a relevant Mount Vema fishing boat or a Mount Vema vessel the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection; and if a prohibition imposed by virtue of that subsection is contravened in the case of a foreign fishing boat, foreign vessel, the master shall be guilty of an offence under that subsection.

In this section—

“ relevant Mount Vema fishing boat ” means a fishing boat which is registered in the Kingdom of Mount Vema under the Merchant Marine and Shipping Act, Mount Vema 2017 or is owned wholly by persons qualified to own Mount Vema ships for the purposes of that Part of that Act; and

“ foreign fishing boat ” means any fishing boat other than a relevant Mount Vema fishing boat.

2- Size limits for fish for use in course of any business

2.1- Subject to any exemption granted under this section, no person shall in the Kingdom of Mount Vema have in his possession any fish to which this section applies for the purpose of processing or otherwise using it in the course of any business.

2.2- This section applies to any fish which under this Act is prohibited from being sold in the Kingdom of Mount Vema.

2.3- Where it appears to an officer authorized in that behalf by the Minister that any fish which have been caught are fish to which this section applies, the officer may grant to any person such exemption from subsection (2.1) above as the officer considers requisite to enable the fish to be disposed of.

2.4- Any person who contravenes this section shall be guilty of an offence under this section.

Regulation of fishing for sea fish

3- Regulation of nets and other fishing gear

3.1- The Minister may make an order for securing that the nets and other fishing gear carried in any relevant Mount Vema fishing boat registered in the Kingdom of Mount Vema comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section, or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

3.2- An order under this section may be made so as to extend to nets or other fishing gear carried in any waters adjacent to the Kingdom of Mount Vema and within relevant Mount Vema fishery limits by fishing boats registered in any country outside the Kingdom of Mount Vema or not registered in any country.

3.2A- An order under this section may be made so as to extend to nets or other fishing gear used by any person, otherwise than from a fishing boat, for fishing for or taking sea fish in the sea within the seaward limits of the territorial sea adjacent to Kingdom of Mount Vema.

3.3- An order under this section prescribing minimum sizes of mesh may also—

(a) prescribe the manner in which the sizes of mesh are to be measured and, in the case of any class of nets, prescribe different sizes for the nets when in different conditions;

(b) make provision for securing that the restrictions imposed by the order are not evaded by the use of any nets in such manner as practically to diminish their mesh, or by the covering of nets with canvas or any other material, or by the use of any other artifice;

(c) provide for exempting any nets from any such restrictions as aforesaid, either generally or in relation to particular fishing boats or classes of fishing boats, or particular persons or persons of a particular description, if and so long as such conditions as may be imposed by or under the order are complied with.

3.4- Without prejudice to subsection (3.3) above, an order under this section may, in relation to any fishing gear,—

(a) restrict the manner in which it may be used;

(b) prescribe the manner in which its size is to be measured;

(c) make provision for securing that the restrictions imposed by the order are not evaded;

(d) make the like provision for exemption as is mentioned in relation to nets in subsection (3.3)(c) above.

3.5- If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

3.5A- A person who contravenes an order made under this section by virtue of subsection (3.2A) above shall be guilty of an offence under this section.

3.6- Any restrictions imposed by an order under this section shall be in addition to, and not in substitution for, any restriction imposed by or under any other Act, and nothing in this section shall affect any power conferred by any Act to regulate sea fishing.

4- Licensing of fishing boats

4.1- The Minister may by order provide—

(a) that in any specified area within relevant Mount Vema fishery limits fishing by fishing boats whether relevant Mount Vema fishing boats, or foreign fishing boats is prohibited unless authorized by a licence granted by the Minister;

(b) that in any specified area outside those limits fishing by relevant Mount Vema fishing boats is prohibited unless so authorized.

4.2- Such an order may apply to fishing generally in the specified area or to fishing—

(a) for a specified description of sea fish;

(b) by a specified method;

(c) during a specified season of the year or other period; or

(d) in the case of an order under subsection (4.1)(a), by fishing boats registered in a specified country,

and whether the order is general or limited in scope it may provide for exceptions from the prohibition contained in it.

4.3- Where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.

4.4- An order under this section, if made with the consent of the Treasury of the Kingdom of Mount Vema given for the purposes of this subsection, may authorize the making of a charge for a licence under this section.

Such an order shall specify a maximum charge and may specify different maxima in relation to different classes of licence.

4.4A- The provision that may be made in an order by virtue of subsection (4.4) above includes—

(a) provision for the amount of any charge to be specified in, or determined in accordance with provision made by, the order;

(b) different provision in relation to different classes of licence;

(c) provision for no charge to be payable in such circumstances as may be specified in the order.

4.5- A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorize fishing generally or may confer limited authority by reference to, in particular,—

- (a) the area within which fishing is authorized;
- (b) the periods, times or particular voyages during which fishing is authorized;
- (c) the descriptions and quantities of fish which may be taken; or
- (d) the method of sea fishing.

4.6- A licence under this section may authorize fishing either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of sea fishing, and in particular a licence may contain conditions—

- (a) as to the landing of fish or parts of fish taken under the authority of the licence (including specifying the ports at which the catch is to be landed); or
- (b) as to the use to which the fish taken may be put:

and if a licence condition is broken the master, the owner and the charterer (if any) of the vessel named in the licence are each guilty of an offence under this subsection.

4.6A- The conditions subject to which a licence may be granted under this section include conditions imposed for the purposes of—

- (a) conserving or enhancing the natural beauty or amenity of marine or submarine areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas; or
- (b) conserving submarine flora or fauna which are dependent on, or associated with, a marine environment.

4.6A.1- The conditions subject to which a licence may be granted under this section may differ as between different vessels or between vessels of different descriptions.

4.6B- A licence containing a condition restricting the time which a vessel may spend at sea may make provision as to the circumstances in which time is, or is not, to count as time spent at sea.

4.6C- The Minister shall by order make provision as to the principles on which the time which vessels may spend at sea is to be arrived at for the purposes of any condition included in a licence by virtue of subsection (4.6)(c) above.

4.6D- Before considering what action to take under subsection (4.6C) above, the Minister shall first give due consideration to a scheme of decommissioning in order to achieve a significant reduction in the capacity of the fishing fleet.

4.7- The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence to provide him with such statistical information as he may direct, and a person who fails without reasonable excuse to comply with such a requirement is guilty of an offence under this subsection.

4.7A- Any person who—

(a) for the purpose of obtaining a licence under this section; or

(b) in purported compliance with subsection (4.7) above,

furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular shall be guilty of an offence under this subsection.

4.8- The licensing powers conferred by this section may be exercised so as to limit the number of fishing boats, or of any class of fishing boats, engaged in fishing in any area, or in fishing in any area for any description of fish, to such extent as appears to the Minister necessary or expedient for the regulation of sea fishing.

4.9- A licence under this section—

(a) may be varied from time to time; and

(b) may be revoked or suspended, if this appears to the Minister who granted the licence to be necessary or expedient for the regulation of sea fishing.

4.9A- Where an order under this section prohibits fishing in a specified area for a specified description of sea fish there shall be returned to the sea forthwith—

(a) any sea fish of that description taken on board a fishing boat in contravention of the order; and

(b) except so far as the order otherwise provides, any sea fish of that description taken on board a fishing boat in that area in the course of fishing for sea fish of a different description;

but, where the order applies only to fishing by a specified method or during a specified period or by boats of a specified description, paragraph (b) above applies only if the fish are caught by that method, during that period or by a boat of that description.

4.9B- Where subsection (4.9A) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

4.10- If a licence is varied, revoked or suspended the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.

4.11- The Minister may make arrangements for any of their licensing powers under this section but not the power to make orders under subsection (4.1) to be exercised by other persons on their behalf.

4A- A Restrictions on time spent at sea—appeals

4A.1- For the purposes of performing the functions conferred by this section there shall be a tribunal to be called the Sea Fish Licence Tribunal.

4A.2- If—

(a) a licence under section 4 of this Act contains a condition restricting the time which a vessel may spend at sea, and

(b) no licence containing such a condition has previously been granted in respect of that vessel,

the person to whom the licence is granted may make an application to the tribunal requesting it to review the time which according to the condition the vessel may spend at sea.

4A.3- The Minister shall by regulations make provision as to the manner in which and the time within which applications under subsection (4A.2) above are to be made; and the quorum and procedure of the tribunal on dealing with an application shall be such as may be determined by or in accordance with regulations made by the Minister.

4A.4- On an application under subsection (4A.2) above the tribunal, consistently with the principles set out in any order made under section (4.6C) of this Act, may—

(a) dismiss the application, or

(b) determine that the licence should be varied either by increasing or by reducing the time which the vessel may spend at sea.

4A.5- If a determination that the licence should be varied is made by, or on appeal from, the tribunal, the Minister who granted the licence shall vary the licence so as to give effect to the determination, and shall make a corresponding variation of any other licence in force in respect of the same vessel.

4A.6- The tribunal shall consist of members appointed by the Minister, and the number of members shall be such as the Minister may determine.

4A.7- The Minister shall make such provision as they think fit as to—

(a) the remuneration of the members of the tribunal, and the reimbursement of their expenses, and

(b) the staff and accommodation of the tribunal;

and any expenses reasonably incurred by the tribunal shall be defrayed by the Minister.

4A.8- As soon as possible after the end of every period of twelve months ending with 31st March during which it exercises functions under subsection (4) above, the tribunal shall send to the Minister a report on the exercise of those functions; and the Minister shall lay a copy of the report before the Congress of Mount Vema.

4A.9- Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Congress of Mount Vema.

4AA- Licensing of vessels receiving trans-shipped fish

4AA.1- The Minister may by order provide that within relevant Mount Vema fishery limits or in any specified area within those limits the receiving by any vessel whether Mount Vema or foreign of fish trans-shipped from any other vessel is prohibited unless authorized by a licence granted by the Minister.

4AA.2- Such an order may apply to the receiving of fish generally or to the receiving of—

(a) a specified description of fish; or

(b) fish caught by a specified method; or

(c) fish caught in a specified area; or

(d) fish caught or trans-shipped during a specified season of the year or other period; or

(e) fish caught or received by vessels of a specified description, including vessels registered in a specified country;

and may provide for exceptions from the prohibitions contained in it.

4AA.3- Where any vessel is used in contravention of a prohibition imposed by an order under this section, the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.

4AA.4- An order under this section, if made with the consent of the Treasury of the Kingdom of Mount Vema given for the purposes of this subsection, may authorize the making of a charge for a licence under this section, and if it does so it shall specify a maximum charge and may specify maxima in relation to different classes of licence.

4AA.5- A licence under this section shall be granted to the owner or charterer in respect of a named vessel and may authorize the receiving of fish generally or may confer limited authority by reference to, in particular—

(a) the area within which the fish was caught or is trans-shipped; or

(b) the periods, times or particular voyages during which the fish was caught or is trans-shipped; or

(c) the descriptions and quantities of fish that may be received; or

(d) the description of vessel or method by which the trans-shipped fish was caught.

4AA.6- A licence under this section may authorize the receiving of fish either unconditionally or subject to such conditions as appear to the Minister granting the licence to be necessary or expedient for the regulation of trans-shipment, including conditions as to the treatment on board the vessel of the fish received by it; and different conditions may be so imposed with respect to different vessels or vessels of different descriptions.

If such a condition is broken the master, the owner and the charterer (if any) are each guilty of an offence under this subsection.

4AA.7- The Minister granting a licence under this section may require the master, the owner and the charterer (if any) of the vessel named in the licence and any agent named in the licence to provide him with such information, in such form, as he may direct, and a person who fails without reasonable excuse to comply with such a requirement is guilty of an offence under this subsection.

4AA.8- Any person who—

(a) for the purpose of obtaining a licence under this section; or

(b) in purported compliance with subsection (4AA.7) above,

furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence under this subsection.

4AA.9- The licensing power conferred by this section may be exercised so as to limit the number of vessels, or of any description of vessel (including vessels or any description of vessel registered in a specified country) engaged in receiving fish to such an extent as appears to the Minister necessary or expedient for the regulation of trans-shipment.

4AA.10- A licence under this section—

(a) may be varied from time to time; and

(b) may be revoked or suspended, if it appears to the Minister who granted it to be necessary or expedient for the regulation of trans-shipment or to be appropriate in a case where there is a contravention of a prohibition imposed by an order under this section or a contravention of a condition of the licence.

4AA.11- If a licence is varied, revoked or suspended, the Minister who granted it may, if he considers it appropriate in all the circumstances of the case, refund the whole or part of any charge made for the licence.

4AA.12- The Minister may make arrangements for any of their licensing powers under this section but not the power to make orders under subsection (1) to be exercised by other persons on their behalf.

4B- Regulations supplementary to sections 4 and 4A

4B.1- The Minister may by regulations make provision as to—

(a) the manner in which a licence under section 4 or 4A of this Act is to be granted, or a variation, revocation or suspension effected, and

(b) the time when a licence, or a variation, suspension or revocation, shall have effect.

4B.2- Without prejudice to the generality of subsection (4B.1) above, regulations under this section may include provision—

(a) for documents to be delivered, or notices given, to the nominees of persons to whom licences are granted;

(b) for documents or notices to be treated as delivered or given if they are posted or otherwise communicated in accordance with the regulations;

(c) for notices to be given by publication in newspapers;

(d) as to the transitional effects of variations.

4B.3- Regulations under this section may make different provision for different cases.

4B.4- Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Congress of Mount Vema.

4C- Provisions supplementary to sections 4 and 4A—evidence

4C.1- Where automatic recording equipment—

(a) is used in accordance with a condition included in a licence by virtue of section (4.6) or (4A.6) of this Act, or

(b) is used to record information transmitted or derived from equipment used in accordance with such a condition,

any record produced by means of the automatic recording equipment, or partly by those and partly by other means, shall, in any proceedings for an offence under section 4 or 4A, be evidence of the matters appearing from the record.

5- Power to restrict fishing for sea fish

5.1- Subject to the provisions of this section, the Minister may by order prohibit in any area specified in the order and either for a period so specified or without limitation of time—

(a) all fishing for sea fish; or

(b) fishing for any description of sea fish specified in the order; or

(c) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,

by any fishing boat to which the prohibition applies; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

Subject to the provisions of this section, the fishing authority may make an order—

(a) prohibiting, in any area specified in the order and either for a period so specified or without limitation of time—

(i) all fishing for sea fish;

(ii) fishing for any description of sea fish specified in the order;

(iii) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified;

(b) restricting, in any area specified in the order and either for a period so specified or without limitation of time, the amount of sea fish, or sea fish of a description specified in the order, that may, in any period so specified, be taken by—

(i) any person;

(ii) any fishing boat.

A person who contravenes any prohibition or restriction imposed by an order under this section shall be guilty of an offence under this subsection.

5.1A- Where any fishing boat is used in contravention of any prohibition or restriction imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under subsection (5.1) above.

5.1B- An order under this section which prohibits in any area—

(a) fishing for sea fish, or for any description of sea fish specified in the order, or

(b) fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,

may provide that any fishing gear, or any fishing gear of a description specified in the order, of any fishing boat in that area must be stowed in accordance with provision made by the order.

5.1C- An order under this section restricting the amount of sea fish of any description that may be caught in a period specified in the order may provide that, for the purposes of paragraph (b) of subsection (5.1) above, any sea fish of that description that, after being caught in that period, is returned to the sea as soon as that amount is exceeded is not to be treated as having been caught in contravention of the restriction imposed by the order.

5.2- Orders under this section may make different provision in relation to fishing boats of different descriptions for different cases.

5.3- Any prohibition or restriction imposed by an order under this section may be made so as to have effect either at all times while the order is in force or at such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

5.4- Where an order under this section is made by virtue of paragraph (a) of subsection (1) above in respect of a description of sea fish specified in the order, and, in the course of any fishing operations conducted, fishing in an area so specified and at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or,

if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method are taken on board a fishing boat to which the order applies are caught by a person, or taken on board a fishing boat, in contravention of the prohibition, those sea fish shall, except where the order otherwise provides, be returned to the sea forthwith.

5.5- A person who does not comply with subsection (5.4) above shall be guilty of an offence under that subsection.

5.6- Where subsection (5.4) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

5.7- An order under this section relating to an area outside relevant Mount Vema fishery limits shall not apply to any fishing boat other than a relevant Mount Vema fishing boat registered in the Kingdom of Mount Vema.

5A- Powers to restrict fishing for marine environmental purposes

5A.1- Any power to make an order under section 5 above may be exercised for marine environmental purposes.

5A.2- The power to make an order under section 5 above by virtue of this section is in addition to, and not in derogation from, the power to make an order under that section otherwise than by virtue of this section.

5A.3- In this section "marine environmental purposes" means the purposes—

(a) of conserving or enhancing the natural beauty or amenity of submarine marine areas (including their geological or physiographical features) or of any features of archaeological or historic interest in such areas; or

(b) of conserving submarine flora or fauna which are dependent on, or associated with, a submarine or marine environment.

Regulation of the landing of sea fish

6- Prohibition on landing of sea fish caught in certain areas

6.1- The Minister, after consultation with the Secretary of State for Trade, may by order prohibit, in accordance with the provisions of this section, the landing of sea fish, or any particular description of sea fish, being fish caught in any such waters of the Kingdom of Mount Vema as may be specified in the order.

6.1A- The Minister, after consultation with the Secretary of State for Trade, may by order prohibit, in accordance with the provisions of this section, the transshipment within relevant Mount Vema fishery limits of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.

6.2- Any prohibition imposed by an order under this section in relation to sea fish, or any particular description of sea fish, caught in any waters specified in the order may be so imposed either for a period specified in the order or without limitation of time, and either free from, or subject to, all or any, or any combination, of the following limitations, that is to say, limitations whereby the prohibition has effect in relation to sea fish, or sea fish of that description, as the case may be—

(a) caught while in a condition specified in the order and not while in any other condition, or caught while in any condition except a condition so specified;

(b) caught by a method specified in the order and not by any other method, or caught by any method except a method so specified;

(c) caught at any such times as (whether by reference to particular months, weeks, days or hours, or to any combination thereof) are specified in the order.

6.3- Without prejudice to subsection (6.2) above, any prohibition imposed by an order under this section may be imposed subject to such exceptions as may be specified in the order.

6.4- Where an order is made under this section the enactments relating to customs shall apply accordingly, but no steps shall be taken under those enactments for the purposes of this section by any officer of customs and excise except at the request of an officer of the Ministry of Fisheries and Food.

6.5- If any sea fish are landed from a vessel in contravention of an order under this section, the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.

6.5A- If any sea fish are—

(a) trans-shipped into a vessel in contravention of an order under this section; or

(b) trans-shipped from a vessel in contravention of such an order,

the master, the owner and the charterer (if any) of the vessel shall each be guilty of an offence under this subsection.

7- Declarations required for purposes of orders under section 6

7.1- Any Mount Vema sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be landed in Mount Vema from that vessel while any order under this Act is in force, a written declaration that those sea fish are not sea fish the landing of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are landed, to such person, or at such place, in the port of landing as may be specified in the notice:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the landing of any sea fish after the end of the period of six months from the date on which the notice is served.

7.2- Where any sea fish are brought to land (Land: within the meaning of sections 130B.3(a), 131.5 and 151.1 of the Merchant Marine and Shipping Act - Mount Vema 2017, in Mount Vema in any vessel, any Mount Vema sea-fishery officer may, at any time before the vessel next puts out to sea, request the master to make, in respect of any of those sea fish which have been, or are being, or are about to be, landed from the vessel while any order under section (6.1) of this Act is in force a written declaration that the sea fish in question are not sea fish the landing of which is prohibited by the order, and to deliver the declaration to the officer or to such person, or at such place, in the port of landing as he may designate.

Nothing in this subsection shall be taken to affect the operation of subsection (1) above.

7.2A- Any Mount Vema sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea fish are about to be trans-shipped within relevant Mount Vema fishery limits from that vessel while an order under section (6.1A) of

this Act is in force, a written declaration that those sea fish are not sea fish the trans-shipment of which is prohibited by the order, and to deliver the declaration, before any of the sea fish are trans-shipped, to the officer or to such other person or at such place as may be specified in the notice and as appears to the officer to be reasonable in the circumstances:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the trans-shipment of any sea fish after the end of the period of six months from the date on which the notice is served.

7.2B- Where any sea fish have been or are being trans-shipped, or where a Mount Vema sea-fishery officer has reasonable grounds for believing that any sea fish are about to be trans-shipped, within relevant Mount Vema fishery limits from any vessel while an order under section (6.1A) of this Act is in force, any such officer may request the master of the vessel to make and deliver to the officer a written declaration that the sea fish in question are not sea fish the trans-shipment of which is prohibited by the order.

Nothing in this subsection shall be taken to affect the operation of subsection (2A) above.

7.3- If the master of any vessel makes for the purposes of this section a declaration which is to his knowledge false in any material particular, he shall be guilty of an offence under this section; and if the master of any vessel fails to make, in respect of any sea fish, a declaration in accordance with the requirements of a notice duly served on him under this section or in accordance with a request duly made under this section by a Mount Vema sea-fishery officer, the said sea fish shall—

(a) where the notice or request was served or made under subsection (7.1) or (7.2) above, be presumed until the contrary is proved to be sea fish the landing of which is prohibited under section 6 of this Act; and

(b) where the notice or request was served or made under subsection (7.2A) or (7.2B) above, be presumed until the contrary is proved to be sea fish the trans-shipment of which is prohibited under that section.

7.4- A notice under subsection (1) or (2A) above relating to any vessel may be addressed to "The Master" of the vessel (identifying it by name or otherwise) and shall be deemed to be duly served if it is delivered or sent by post to, or to the agent of, the owner or the charterer (if any) of the vessel, together with a written request that it be transmitted to the master, and, if the notice is served by being

so delivered or sent as aforesaid, it shall be deemed to be served on the master of the vessel for the time being and on every other person who at any material time thereafter is the master of the vessel.

8- Regulation of landing of foreign-caught sea fish

8.1- The Secretary of State for Trade, after consultation with the Minister, may by order regulate the landing in Mount Vema of sea fish which have not been both—

(a) taken by relevant Mount Vema fishing boats registered in the Kingdom of Mount Vema; and

(b) brought to land in Mount Vema without having been previously landed outside the Kingdom of Mount Vema;

and, without prejudice to the generality of the power conferred by the foregoing provisions of this section, an order under this section may determine for any such period as may be specified in the order—

(i) the descriptions of such sea fish as aforesaid which may be landed in Mount Vema;

(ii) the quantity of such sea fish, or of any description thereof, which may be so landed.

8.2- Any order under this section may contain such provisions as appear to the Secretary of State for Trade after consultation with the Minister, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

8.3- An order under this section regulating the landing of sea fish shall not be made unless it appears to the Secretary of State for Trade, after consultation with the Minister, that there have been, or are being, taken all such steps (if any) as are practicable and necessary for the efficient reorganization of that branch of the sea fishing industry of Mount Vema.

8.4- In deciding whether or not to make an order under this section, and in settling the terms of any such order, the Secretary of State for Trade shall, among other considerations, have regard to the interests of consumers of the sea fish to which the order relates (including persons who purchase such sea fish for the purpose

of subjecting them to any treatment or process of manufacture) and to the effect which the regulation of the landing of such sea fish in Mount Vema is likely to have upon commercial relations between the Kingdom of Mount Vema and other countries; and the Secretary of State for Trade shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between His Mount Vema Majesty and any foreign power or between His Mount Vema Majesty's Government and the government of any other country.

Exemption for certain operation

9- Exemption for operations for scientific and other purposes

9.1- Nothing in this Act shall restrict the landing of fish taken in the course of fishing operations which, under the authority of the Minister, are conducted for the purpose of scientific investigation.

9.2- Nothing in this Act or in any order made thereof shall apply in relation to fishing operations which, under the authority of the Minister, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

9.3- No prohibition imposed by an order, shall apply in relation to fishing operations conducted under the authority of the Minister for either of the purposes mentioned in subsection (9.2) above.

9.4- No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of the Minister, is conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.

Measures for increase or improvement of marine resources

10- Measures for increase or improvement of marine resources

The Minister may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between His Mount Vema Majesty's Government and the government of any other country.

Penalties for, and other provisions as to, offences

11- Penalties for offences

11.1- Any person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding \$50,000 or on conviction on indictment to a fine;

11.2- The court by or before which a person is convicted of an offence under any of the provisions of this Act, may—

(a) in the case of an offence under section 1, order the forfeiture of any fish in respect of which the offence was committed;

(b) in the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;

(c) order that the owner or the charterer (if any) of the vessel used to commit the offence or, as the case may be, of the vessel named in the licence of which a condition is broken, be disqualified for a specified period from holding a licence under that section in respect of that vessel;

(d) order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;

(e) order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed or trans-shipped in contravention of an order under that section.

11.3- Any person guilty of an offence under this Act may be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed or, in the case of an offence under section 3, the fish caught with the net or other fishing gear in respect of which the contravention constituting the offence occurred.

11.4- A person shall not be liable to a fine under subsection (11.3) above in respect of an offence if, under subsection (11.2) above, the court orders the

forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (11.3) above in respect of any offence, the court shall not have power under subsection (11.2) above to order the forfeiture of the fish in respect of which the offence was committed.

11.5- Subject to subsection (11.4) above, any fine to which a person is liable under subsection (11.3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

12- Offences committed by bodies corporate

Where any offence under any of the provisions of this Act, committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

12.1- Where a relevant offence has been committed by a body corporate and it is proved that the offence—

(a) has been committed with the consent or connivance of a person falling within subsection (12.2), or

(b) is attributable to any neglect on the part of such a person,

that person (as well as the body corporate) is guilty of that offence and liable to be proceeded against and punished accordingly.

12.2- The persons are—

(a) a director, manager, secretary or similar officer of the body corporate;

(b) any person who was purporting to act in such a capacity.

12.3- Where the affairs of a body corporate are managed by its members, subsection (12.1) applies in relation to the acts and defaults of a member, in connection with that management, as if the member were a director of the body corporate.

13- Jurisdiction of court to try offences

Proceedings for an offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the Kingdom of Mount Vema.

Enforcement of orders, etc.

14- Powers of Mount Vema sea-fishery officers for enforcement of Act

14.1- Every Mount Vema sea-fishery officer shall have the powers conferred by the following provisions of this section.

14.2- Any such officer may seize—

(a) any fish in respect of which an offence has been or is being committed under section (1.3) of this Act;

(aa) any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been or is being committed;

(b) any fish in respect of which an offence has been or is being committed under this Act where the fish are on the fishing boat with or on which the offence has been or is being committed or are in the ownership or custody of, or under the control of, the owner, the master or the charterer (if any) of the fishing boat;

(c) any net or other fishing gear used in contravention of a prohibition imposed by an order;

(d) any fish landed in contravention of an order under this Act, and any net or other fishing gear used in catching any fish so landed.

14.2A- Any such officer may—

(a) enter at any reasonable time any premises used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of sea fish;

(b) require any person on the premises to produce any documents which are in his custody or possession relating to the catching, landing, trans-shipment, sale or disposal of any sea fish;

(c) take copies of any such document;

and, if he has reason to suspect that an offence under this Act has been committed, he may also—

(d) search the premises for any such document and require any person on the premises to do anything which appears to him to be necessary for facilitating the search;

(e) seize and detain any such document produced to him or found on the premises for the purpose of enabling the document to be used as evidence in proceedings for the offence.

14.2B- Any such officer may—

(a) go on board any vessel into which sea fish are being trans-shipped or into which he has reason to believe that sea fish have been or are about to be trans-shipped;

(b) require any person on the vessel to produce any documents which are in his custody or possession relating to sea fish which have been or are to be trans-shipped into that vessel;

(c) for the purpose of ascertaining whether an offence has been committed under this Act search the vessel for any such document;

(d) take copies of any such document;

(e) inspect any sea fish on, and the equipment of, the vessel, and observe any trans-shipment of sea fish into, the vessel;

(f) require any person on the vessel to do anything which appears to the officer to be necessary for facilitating the exercise of his powers under paragraph (a), (c) or (e) above.

14.2C- Any person who—

(a) without reasonable excuse fails to comply with any requirement imposed under subsection (14.2A) or (14.2B) above; or

(b) assaults an officer who is exercising any of the powers conferred on him by either of those subsections or wilfully obstructs an officer in the exercise of any of those powers,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦5,000 or on conviction on indictment to a fine on summary conviction, or on conviction on indictment, to a fine.

14.2D- Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (14.2A) or (14.2B) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦50,000.

14.2E- Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (14.2A) or (14.2B) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦20,000.

14.3- Any such officer may exercise in relation to any fishing boat in any waters adjacent to the Kingdom of Mount Vema and within relevant Mount Vema fishery limits and in relation to any relevant Mount Vema fishing boat registered in the Kingdom of Mount Vema and any Mount Vema owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a Mount Vema sea-fishery officer as may be conferred on him by order of the Minister, being powers which the Minister consider necessary for the enforcement of any of the provisions of sections of this Act or any order made under any of those sections.

14.3A- The powers which may be conferred on any such officer by an order under this section shall include power to—

(a) require any person on board the boat to produce—

(i) any automatic recording equipment or transmitting equipment used in accordance with a condition included in a licence by virtue of this Act, or

(ii) any record produced by means of such equipment, or partly by those and partly by other means;

(b) search the boat for any such equipment or record, and require any person on board the boat to do anything which appears to the officer to be necessary to facilitate the search;

(c) examine and take copies of any such record;

(d) seize and detain any such equipment or record for the purpose of enabling that equipment or record, or any record which may be produced by means of that equipment, to be used as evidence in proceedings for any offence.

14.3B- An order under this section shall not permit anything which is required to be carried on board the boat by a condition included in a licence by virtue of this Act to be seized and detained except while the boat is detained in a port.

14.4- An order under this section may make different provision for different cases.

15- Enforcement of orders under sections 1 and 2

15.1- With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say—

(a) any officer authorized by the appropriate Minister,

(aa) any Mount Vema sea-fishery officer,

(b) any police officer,

(c) any officer of a market authority, acting within the limits of any market which that authority has power to regulate,

(d) any officer authorized by the Fisheries Company of Mount Vema,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

15.1A- Any person who assaults an officer who is exercising any of the powers conferred on him by subsection (15.1) above or wilfully obstructs an officer in the exercise of any of those powers shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦50,000 or on conviction on indictment to a fine.

15.1B- Any person who wilfully obstructs an officer in the exercise of any of the powers conferred on him by subsection (15.1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding ₦20,000.

15.2- An officer shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him by this section if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.

Supplemental

16- Financial provisions

16.1- Any expenses incurred under sections of this Act by the Secretary of State for Trade for the purpose of regulating the landing of sea fish in the Kingdom of Mount Vema, and any expenses incurred by the Minister under this Act, shall be defrayed out of moneys provided by the Congress of Mount Vema.

17- Orders

17.1- Any power conferred by this Act to make an order includes power to vary or revoke the order by a subsequent order.

17.2- Any power conferred by this Act to make an order shall be exercisable by statutory instrument, and shall be laid before His Mount Vema Majesty.

18- Interpretation

18.1- In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“ Mount Vema-owned ”, in relation to a fishing boat, means owned by a person who is for the purposes of the Merchant Marine and Shipping Act 2017 a person qualified to own a Mount Vema ship, or owned by two or more persons any one of whom is for those purposes a person so qualified;

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or the sea fishing service;

“market authority” means any person having power to regulate a market;

“master” includes, in relation to any vessel, the person for the time being in command or charge of the vessel;

“processing” (in relation to fish) includes preserving or preparing fish, or producing any substance or article from fish, by any method for human or animal consumption;

“relevant Mount Vema fishing boat” means a Mount Vema fishing boat which is not a foreign fishing boat;

“relevant Mount Vema fishery limits” means Mount Vema fishery limits so far as they do not relate beyond the 200nm zone;

“sea fish” means fish, any kind found in the sea, including shellfish, and any parts of any such fish;

“shellfish” includes crustaceans and molluscs of any kind and any spat or spawn of shellfish;

“vessel” includes any ship or boat or any other description of vessel used in navigation.

“Minister”, means the Secretary of State concerned with the sea fishing industry.

19- Citation

This Act may be cited as the ‘Sea Fish and Conservation Act, Mount Vema 2017’.