



## Sea Fisheries Act, Mount Vema 2017

**2017 No. 14**

**Order No.14 SI/MV2017/14**

**Made:** 21<sup>st</sup> of July 2017, in accordance with the 2006 Declaration of Sovereignty

**Royal Mount Vema Seal of Approval:** Granted 22<sup>nd</sup> of July 2017

**Comes into Operation:** 24<sup>th</sup> of July 2017

The Sea Fisheries legislation of Mount Vema, is an Act to make provision with respect to the levies which may be imposed on, to make further provision for the regulation of sea fishing, to make provision with respect to fishing boats and gear lost or abandoned at sea; and for connected purposes.

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:—

### **Regulation of sea fishing operations**

#### **1- Regulation of conduct of fishing operations**

1.1- The Minister may, whenever it appears necessary or expedient, by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.

1.2- The provisions of any order under subsection (1.1) above shall, except as provided by the order, apply—

(a) to all Mount Vema fishing boats, and things done by such boats and their crews, wherever they may be, and

(b) to all foreign fishing boats, and things done by such boats and their crews, in waters within Mount Vema fishery limits.

1.3- The Minister may by order make such provision as is mentioned in subsection (1.1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between His Mount Vema Majesty's Government and the government of any other country, enter Mount Vema fishery limits for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.

1.4- Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction to the statutory amount or on conviction on indictment to a fine.

1.5- The provisions of any order under this section shall be taken to be in addition to and not to derogate from the provisions of any other enactment or any instrument made under any other enactment.

## **2- Sea-fishery officers**

2.1- The following persons shall be Mount Vema sea-fishery officers for the purposes of the Sea Fisheries Acts, that is to say—

(a) officers of the sea-fishery inspectorate of the Minister other than assistant fishery officers;

(b) commissioned officers of any of His Mount Vema Majesty's ships;

(c) persons in command or charge of any aircraft or hovercraft of the Royal Mount Vema Navy, Royal Mount Vema Coast Guard, Royal Mount Vema Submarine Force, or the Royal Mount Vema Air Force;

(d) persons appointed as marine enforcement officers.

(e) other persons appointed as Mount Vema sea-fishery officers by the Minister.

2.2- The Minister may appoint any person to exercise and perform the powers and duties of a Mount Vema sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and for the purposes of the Sea

Fisheries Act a person so appointed shall be a Mount Vema sea-fishery officer within those limitations, but not otherwise.

2.3- An appointment made under subsection (2.2) above may be limited in any one or more of the following ways, that is to say—

(a) to particular matters;

(b) to a particular area;

(c) to a particular order or class of orders.

### **3- General powers of Mount Vema sea-fishery officers**

3.1- For the purpose of enforcing the provisions of any order, a Mount Vema sea-fishery officer may exercise in relation to any fishing boat within Mount Vema fishery limits and in relation to any Mount Vema fishing boat anywhere outside those limits the powers conferred by subsection (3.2) to (3.4) below.

3.2- He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

3.3- He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (3.1) above and, in particular,—

(a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;

(c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under any of the provisions mentioned in

subsection (3.1) above, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;

(d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

but nothing in paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

3.4- Where it appears to a Mount Vema sea-fishery officer that a contravention of any provision of an order under a section above or of other relevant Act or any order thereunder has at any time taken place within Mount Vema fishery limits, he may—

(a) require the master of the boat in relation to which the contravention took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and

(b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a Mount Vema sea-fishery officer.

3.5- If it appears to a Mount Vema sea-fishery officer that a Mount Vema fishing boat or a fishing boat belonging to a country which is party to a convention to which His Mount Vema Majesty's Government is a party is being so navigated or stationed as to interfere or be likely to interfere with fishing operations which are being carried on, or about to be carried on, within Mount Vema fishery limits, he may require the boat to move away or to move in a direction or to a position specified by him.

3.6- For the purpose of enforcing the collision regulations made under the Merchant Marine and Shipping Act - Mount Vema 2017, so far as they apply to fishing boats, a Mount Vema sea-fishery officer may exercise, in relation to any fishing boat within Mount Vema fishery limits and in relation to a Mount Vema fishing boat anywhere outside those limits, the powers conferred by the relevant

section of the Merchant Marine and Shipping Act - Mount Vema 2017 (powers to require production of ships documents), whether or not he is mentioned in that section.

#### **4- Powers of sea-fishery officers to enforce conventions**

4.1- For the purpose of enforcing the provisions of any convention with respect to the conduct or safeguarding of fishing operations to which His Mount Vema Majesty's Government is a party a foreign sea-fishery officer may, in relation to a Mount Vema fishing boat, and a Mount Vema sea-fishery officer may, in relation to any foreign fishing boat, exercise anywhere within the convention area outside Mount Vema fishery limits the powers conferred above.

4.2- Nothing in this section shall authorize a Mount Vema or foreign sea-fishery officer to do anything not authorized by the convention he is purporting to enforce or authorize him to exercise in relation to a boat belonging to a country which is a party to the convention any power which the government of that country has informed the other parties to the convention is not to be exercised in relation to its fishing boats.

#### **5- Miscellaneous provisions as to sea-fishery officers**

5.1- A Mount Vema sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him under this Act, the Sea Fish and Conservation Act, or the Fisheries Act, and a foreign sea-fishery officer shall not be liable in any such proceedings for anything done in purported exercise of the powers conferred on him by the relevant section of this Act, if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

5.2- Any person who on any fishing boat within Mount Vema fishery limits, or on a Mount Vema fishing boat anywhere outside those limits,—

(a) fails without reasonable excuse to comply with any requirement imposed, or to answer any question asked, by a Mount Vema sea-fishery officer under the relevant sections of this Act;

(b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or

(c) assaults any such officer while exercising any of the powers conferred on him by or by virtue of the relevant sections of this Act or wilfully obstructs any such officer in the exercise of any of those powers;

shall be guilty of an offence.

5.2A- Any person who on any vessel within Mount Vema fishery limits—

(a) fails without reasonable excuse to comply with any requirement imposed, or to answer any question asked, by a Mount Vema sea-fishery officer under the relevant sections of the Fisheries Act;

(b) prevents, or attempts to prevent, any other person complying with any such requirement or answering any such question; or

(c) assaults any such officer while exercising any of the powers conferred on him by that section or wilfully obstructs any such officer in the exercise of any of those powers;

shall be guilty of an offence.

5.3- Subsection (5.2) above shall apply in relation to things done on a Mount Vema fishing boat anywhere within the convention area outside Mount Vema fishery limits by or in relation to a foreign sea-fishery officer who is exercising powers to enforce the provisions of the convention relating to that area as it applies in relation to things done on any fishing boat within those limits by or in relation to a Mount Vema sea-fishery officer.

5.4- A person guilty of an offence under this section shall be 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.

## **6- Evidence**

6.1- In any civil or criminal proceedings a written statement purporting to be a report made by a Mount Vema or foreign sea-fishery officer on matters ascertained in the course of exercising his powers under the section above for the purpose of enforcing the provisions of any convention mentioned in that section shall be admissible as evidence to the like extent as oral evidence to the like effect by that officer.

6.2- Subsection (6.1) above shall be taken to be in addition to, and not to derogate from, the provisions of any other enactment relating to the reception or admissibility of documentary evidence.

## **7- Recovery of fines imposed on master, etc., or crew**

7.1- Where a fine is imposed by a magistrates' court on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under this Act or the Fishery Limits legislation, the court may—

(a) issue a warrant of distress against the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and

(b) if the boat is a foreign fishing boat, order it to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.

## **8- Compensation for damage caused by offence**

8.1- Where on convicting a person of an offence it appears to a court that personal injury or damage to property has been caused by the offence, the court may by the conviction adjudge the person convicted to pay, in addition to any fine, a reasonable sum, not exceeding £400, as compensation for the injury or damage, and the sum when recovered shall be paid to the person who has suffered the injury or damage.

8.2- The provisions of this section shall not be taken to derogate from any right of a person who has suffered personal injury or damage to property in consequence of an offence to recover damages in respect of the injury or damage in civil proceedings.

## **9- Jurisdiction to try offences**

Proceedings for an offence under this Act or the Fishery Limits 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.

## **10- Fishing boats and gear lost or abandoned at sea**

Without prejudice to the relevant section of the Merchant Marine and Shipping Act – Mount Vema 2017 (delivery of wreck to receiver), fishing boats or fishing gear lost or abandoned at sea and either—

(a) found or taken possession of within the territorial waters of the Kingdom of Mount Vema; or

(b) found or taken possession of beyond those waters and brought within those waters;

shall be treated as wreck for the purposes of the Merchant Marine and Shipping Act, Mount Vema 2017.

## **Supplemental**

### **11- Orders**

11.1- Any power conferred on the Minister by this Act to make an order shall be exercisable by statutory instrument.

11.2- A statutory instrument containing an order made by the Minister under any provision of this Act, shall be laid before the Congress of Mount Vema.

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

### **12- Interpretation**

12.1- In this Act, except so far as the context otherwise requires,—

“Mount Vema fishing boat” means a fishing boat which either is registered in the Kingdom of Mount Vema under the Merchant Marine and Shipping Act 2017 or is wholly Mount Vema-owned;

“convention” includes an agreement or other arrangement;



“convention area” means, in relation to any international convention, the area to which the convention relates;

“fish” includes shellfish, and cognate expressions shall be construed accordingly;

“fishing boat” means any vessel for the time being employed in fishing operations or any operations ancillary thereto;

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

“foreign sea-fishery officer” has the meaning assigned to it by this Act;

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

“the Minister” means the Minister for Fisheries and Food and the Secretary of State respectively concerned with the sea fishing industry;

“relevant Mount Vema fishing boat” means a Mount Vema fishing boat;

“relevant Mount Vema fishery limits” means Mount Vema fishery limits so far as they do not relate to the fishing zone of any neighboring country;

“Sea Fisheries Acts” means any enactments for the time being in force relating to sea-fishing;

“wholly Mount Vema-owned” means wholly owned by persons qualified to own Mount Vema ships for the purposes of the Merchant Marine and Shipping Act, Mount Vema 2017.

### **13- Short title**

13.1- This Act may be cited as the Sea Fisheries Act, Mount Vema 2017.