

REGULATIONS

Made Under

THE FISHERIES ORDINANCE, 1956.

(No. 30 of 1956).

UNDER SECTION 33 OF THE FISHERIES ORDINANCE, 1956, THE FOLLOWING

REGULATIONS HAVE BEEN MADE BY THE GOVERNOR IN COUNCIL:-

Short title.

1. These Regulations may be cited as the Fisheries (Manatee Control) Regulations, 1961.

Interpretation.

2. In these Regulations -

"food inspector" means a person entitled under section 18 of the Sale of Food and Drugs Ordinance to procure samples of food;

"waters of the colony" includes any river, creek, reservoir, trench, lake or pond in the colony.

Licence to capture etc. manatees.

3. (1) It shall be lawful for a fishery officer to issue a licence to any person to capture, collect, remove or slaughter manatees found in any waters of the colony in such numbers and subject to such conditions as shall be set out in the licence.

(2) There shall be charged a fee of five dollars in respect of each licence issued in accordance with these Regulations:

Provided that no fee shall be charged for the issue of a licence to capture, collect or remove any manatee which is at the time of the issue of such licence the subject matter of private ownership.

(3) A fishery officer shall be entitled in any case to refuse any application for the issue of a licence required by this regulation, subject to a right of review of the fishery officer's decision by the Director, whose decision shall be final.

(4) No person shall in any manner capture, collect, remove or slaughter any manatee whatsoever except in accordance with a licence issued under these Regulations.

Accidental capture or killing of manatee.

4. Any person, not being a person licensed in accordance with these Regulations, who accidentally captures or kills any manatee shall immediately make a report to the Fisheries Division of the Department of Agriculture or to the nearest police station.

Inspection of carcase of manatee.

5. (1) Every manatee that dies or is killed shall be examined by a food inspector and an officer of either the Fisheries Division or the Veterinary Division of the Department of Agriculture before any portion of the meat thereof is disposed of or used for human consumption.

(2) A food inspector who examines the carcase of a manatee shall, where he so finds, issue a certificate that the meat thereof is fit for human consumption; otherwise the food inspector shall order that the carcase be destroyed.

(3) No person shall expose for sale, sell or otherwise dispose of the meat of any manatee intended for human consumption unless such meat has been examined and certified in accordance with paragraphs (1) and (2) of this regulation.

(4) Any person found in possession of the carcase or any meat of a manatee which has not been examined and certified in accordance with paragraphs (1) and (2) of this regulation shall be guilty of an offence under these Regulations.

Private ownership.

6. Subject to the provision of regulation 3 of these Regulations, nothing in these Regulations shall prevent any person from acquiring and exercising rights or ownership over any manatee.

Cruelty to
manatee.

7. Any person who injures, molests or does any act of cruelty to any manatee whatsoever shall be guilty of an offence under these Regulations.

Unlawful
possession of
manatee.

8. Any person found in possession of a manatee or the carcase of a manatee in respect of which there has not been either -

- (a) a licence issued for its capture, collection, removal or slaughter in accordance with these Regulations; or
- (b) a report made in accordance with these Regulations that it has been accidentally captured or killed,

shall be guilty of an offence under these Regulations.

Onus of
proof.

9. In any prosecution for an offence under these Regulations the onus of proving that -

- (a) a manatee has been captured or killed accidentally;
- (b) a manatee has been captured, removed, collected or slaughtered under a licence issued in accordance with these Regulations;
- (c) a manatee or the carcase of a manatee is the subject matter of private ownership;
- (d) a manatee or the carcase or meat of a manatee has been examined by a food inspector and certified as fit for human consumption,

shall rest upon the person charged with the offence.

Offence.

10. Any person who commits a breach of these Regulations shall be liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months and to forfeiture of any licence issued to him under these Regulations.

Made in Council this 25th day of July, 1961.

A.A. ABRAHAM

Clerk to the Executive Council.

(M.P. AGR. 2/15/6).