



ORDINANCE No. 30 of 1956
FISHERIES ORDINANCE, 1956.



I assent.

P. M. Lennox

Governor.

16th August, 1956.

BRITISH GUIANA.

ARRANGEMENT OF SECTIONS.

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AN ORDINANCE to regulate fishing in the waters of the Colony.

A.D. 1956

Enacted by the Legislature of British Guiana:—

Short title.

1. This Ordinance may be cited as the Fisheries Ordinance, 1956.

Interpretation

2. In this Ordinance unless the context otherwise requires—

“Director” means the Director of Agriculture;

“fish” includes all or any of the varieties of marine, estuarine or fresh water fishes, crustacea, whales, porpoises, manatees, mollusca or other marine or fresh water animal life;

“fishing” means catching or attempting to catch any fish in any manner whatsoever and includes killing, gathering or destroying any such fish;

“fishing boat” means any boat which is used for the purpose of capturing fish for gain;

“fisherman” means any person who is the holder of a valid licence issued under the provisions of section 11 of this Ordinance;

“owner” in relation to a fishing boat includes the

person having for the time being the principal charge and care of such fishing boat;

“prescribed” means prescribed by Regulations made under this Ordinance;

“waters” includes the sea and any harbour, bay, creek, lake, lagoon, pond, river, stream, trench or canal.

3. (1) Every existing fishing boat and every new fishing boat, and such particulars thereof as may be prescribed, shall be registered under this Ordinance with the Director:

Register of fishing boats and particulars thereof.

Provided that the Governor in Council may by Order exempt any class of fishing boat, or fishing boats in any specified area or areas of the Colony from such provisions of this Ordinance as may be specified in the Order, and such Order may from time to time be varied or revoked by a further Order.

(2) The Director shall keep a register of all fishing boats registered under this Ordinance, and shall cause to be entered therein the particulars from time to time registered in respect of such fishing boats.

(3) The contents of such register shall be *prima facie* evidence of all the facts contained therein in all proceedings under this Ordinance.

4. (1) Every person who is the owner of a fishing boat shall,—

(a) within thirty days after the commencement of this Ordinance, in the case of an existing fishing boat; and

(b) within thirty days after the fishing boat commences to operate as such, in the case of a new fishing boat,—

Application for registration of a fishing boat and particulars thereof.

make application to the Director in the prescribed form for the registration of such fishing boat as an existing fishing boat or a new fishing boat, as the case may be.

(2) Upon receipt of an application for the registration of a fishing boat, the Director shall cause a fishery officer to inspect the fishing boat to which the application refers and if on such inspection the fishing boat is found to be fit for the purposes of fishing the Director, subject to the provisions of subsection (3) of this section, shall assign to such fishing boat a number (hereinafter referred to as the registration number) and shall issue to the owner of such fishing boat a certificate of registration thereof in the prescribed form.

(3) The Director may refuse to issue a certificate of registration for a fishing boat if he is satisfied that the issue thereof would not be in the interest of the fishing industry.

(4) The owner of any fishing boat may, within twenty-one days after such refusal appeal in writing to the Governor in Council against such refusal and the decision of the Governor in Council on such appeal shall be final.

Change of possession of fishing boat to be notified to the Director.

5. (1) On the change of possession of a fishing boat otherwise than by death—

- (a) the fishing boat shall not be used for more than thirty days after such change of possession unless the new owner is registered as the owner thereof;
- (b) the registered owner and the new owner shall within thirty days after such change of possession, make application in writing signed by both of them to the Director giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of registration. The Director shall thereupon enter in the register and the certificate of registration the name and address of the new owner and the date on which the entry is made and from such date the new owner shall for the purposes of this Ordinance be deemed to be the registered owner of the fishing boat.

(2) (i) On the death of the registered owner of a fishing boat the person into whose custody the vessel shall lawfully come shall within thirty days of its coming into his custody give notice of the fact to the Director, who shall give such instructions in writing as he may think fit as to the use of the vessel pending the registration of the new owner. Any person to whom permission to use the vessel pending such registration is given shall, for the purposes of this Ordinance, be deemed to be the registered owner of the vessel during the period for which such permission is given.

(ii) On the registration of the new owner the Director shall amend the certificate of registration in the manner prescribed by paragraph (b) of subsection (1) of this section.

(3) In lieu of amending any certificate of registration as provided in this section the Director may issue a new certificate of registration.

Cancellation of registration of fishing boats.

6. (1) The registration of a fishing boat shall remain valid so long as the fishing boat is kept for use as such and is fit for the purposes of fishing and shall only be cancelled if the Director is satisfied that it is in the interest of the fishing industry so to do or that the fishing boat is not being used as such or is not fit for purposes of fishing or has been destroyed, lost or rendered permanently unserviceable or permanently removed from the Colony.

(2) The owner of any fishing boat which is not being used as such or has been destroyed, lost or rendered permanently unserviceable or has been permanently removed from the Colony shall notify the Director of the fact within thirty days of the happening of the event.

(3) The owner of any fishing boat the certificate of registration of which has been cancelled by the Director under the provisions of subsection (1) of this section may within twenty-one days after such cancellation appeal in writing to the Governor in Council against such cancellation, and the decision of the Governor in Council thereon shall be final.

7. (1) No person shall use, or being the owner, shall permit any other person to use a fishing boat for the purpose of fishing unless the vessel has been inspected and is registered under this Ordinance.

Using unregistered fishing boat an offence.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

8. (1) The Director may take such steps as he may consider necessary to ascertain whether —

Correction of register of fishing boats.

- (a) any fishing boat registered under this Ordinance is —
 - (i) being operated as a fishing boat; or
 - (ii) fit for purposes of fishing;
- (b) any change has taken place in the particulars registered under section 4 of this Ordinance in respect of any fishing boat.

(2) Where the Director ascertains that any fishing boat registered as aforesaid is not being operated as a fishing boat, or that a change has taken place in the particulars registered as aforesaid in respect of any fishing boat, he shall remove the entries relating to that fishing boat from the register or shall make such amendment to the register as the circumstances may require, and shall notify the owner of such removal or amendment.

9. (1) The owner of every fishing boat registered under this Ordinance shall cause to be painted on the port and the starboard sides of the bow in figures each of which shall be not less than six inches in height and four inches in width a number corresponding with the registration number of such fishing boat.

Registration number to be painted on to fishing boat.

(2) No person shall —

- (a) paint or cause to be painted on the port and the starboard sides of the bow of any fishing boat any number other than the registration number of such fishing boat; or
- (b) use the registration number assigned to any fishing boat in respect of any other fishing boat.

(3) Any person who contravenes any of the provisions of subsection (2) of this section shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

Inspection of
fishing boat.

10. (1) The owner of a fishing boat shall, once in every year, and as often as is required, at such a time and place named by a fishery officer, submit his fishing boat for inspection.

(2) If on any such inspection the fishery officer shall be satisfied that the fishing boat is unfit for purposes of fishing, or if any person who is required under subsection (1) of this section to submit his fishing boat for inspection, fails, without reasonable excuse therefor, to do so, the fishery officer shall report the same to the Director who may cancel the certificate of registration of such fishing boat and such fishing boat shall thereupon be deemed to be not registered.

(3) The owner of any fishing boat the certificate of registration of which has been cancelled under the provisions of subsection (2) of this section may within twenty-one days after such cancellation appeal in writing to the Governor in Council against such cancellation, and the decision of the Governor in Council thereon shall be final.

Director to issue
licences to fish.

11. (1) The Director shall on application made to him in the prescribed form issue to the registered owner of every fishing boat registered under this Ordinance a licence to fish in any of the waters of the Colony to which this Ordinance applies and such licence shall be carried on the fishing boat whenever and by whomsoever it is being used for fishing.

(2) The Director may on application made to him in the prescribed form issue a licence to any person to fish in any of the waters of the Colony to which this Ordinance applies.

(3) No person shall engage in fishing for gain as his sole or principal occupation unless he is the holder of a valid licence issued under this section:

Provided that the provisions of this subsection shall not apply to any person while employed on a fishing boat registered under this Ordinance who is not the registered owner thereof.

(4) The Governor in Council may by Order exempt from the application of subsection (3) of this section fishing in respect of any particular waters or areas of the Colony and such Order may from time to time be varied or revoked by a further Order.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

12. The Director may, with the approval of the Governor in Council, establish and maintain out of such funds as may be voted by the Legislative Council fish centres and depots in order to afford facilities for the servicing and provisioning of registered fishing boats and for the disposal and sale of catches of fish and to provide services and amenities for the use of fishermen.

Provision of fish centres, depôts and other services.

13. (1) No person shall export from the Colony any fish without first obtaining a licence in that respect from the Director and such licence may either be a general licence or a licence for the export of a particular shipment only.

Licence to export fish.

(2) The Director may refuse to grant any such licence if he is not satisfied that the fish to be exported has been acquired in accordance with the provisions of this Ordinance.

(3) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

14. (1) The Director shall keep a register of all licences issued under this Ordinance or any regulations made thereunder and shall cause to be entered therein such particulars as may be prescribed.

Registers of licences to be kept by Director.

(2) The contents of such registers shall be *prima facie* evidence of all the prescribed particulars contained therein in all proceedings under this Ordinance.

15. (1) The holder of a licence issued under this Ordinance shall, upon being so required by any fishery officer, justice of the peace or member of the police force, produce his licence for examination within seventy-two hours of the request so made at the nearest police station.

Licences to be produced for examination.

(2) Any person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

16. (1) Subject to the provisions of subsection (1) of section 13, a licence issued under this Ordinance or any regulations made thereunder shall remain in force, unless previously cancelled, for such period being not more than twelve months, as may be stated in such licence.

Duration of licences; refusal to issue licence.

(2) The Director may refuse to issue a licence under this Ordinance or any regulations made thereunder if he is satisfied that the issue thereof would not be in the interest of the fishing industry.

(3) Any person aggrieved by the refusal of the Director to issue a licence under this Ordinance or any regulations made thereunder may, within twenty-one days of the date of such refusal, appeal in writing to the Governor in

Council whose decision thereon shall be final.

Cancellation of licences to fish and to export fish.

17. (1) The Director may at any time by notice in the Gazette cancel any licence issued under this Ordinance or any regulations made thereunder and the said licence shall cease and determine on and from the date of publication of such notice in the Gazette.

(2) Any person aggrieved by the cancellation of a licence under the provisions of subsection (1) of this section may, within twenty-one days of the date of such cancellation, appeal in writing to the Governor in Council whose decision thereon shall be final.

Fees and charges.

18. The fees for licences issued under this Ordinance and the fees or charges in respect of any facilities, services or amenities provided thereunder, shall be those prescribed by regulations made under section 33 of this Ordinance.

Power to restrict number of licences.

19. The Director, with the approval of the Governor in Council may, by notice published in the Gazette, limit the number of all or of any of the licences which may be issued under this Ordinance or any regulations made thereunder, either generally or in respect of any particular waters or area of the Colony.

Unlawful use of licence.

20. (1) No person licensed under this Ordinance or any regulations made thereunder shall knowingly permit his licence to be used by any other person.

(2) Every licensee who contravenes the provisions of subsection (1) of this section, and every person who uses the licence in contravention of the said subsection shall be guilty of an offence against this Ordinance, and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars.

Procedure on loss of licence.

21. If any licence issued under this Ordinance or any regulations made thereunder is accidentally destroyed, defaced or lost the Director may, if satisfied as to the destruction, defacement or loss of such licence, and on payment of the prescribed fee issue to the licensee a certificate setting out the purport and effect of the licence, and reciting the destruction, defacement or loss, and such certificate shall have the same force and effect as the original licence.

Offence to forge certificate of registration or licence.

22. (1) Any person who —

- (a) forges or counterfeits any licence required by, under or for the purposes of this Ordinance or of any regulations made thereunder;
- (b) gives or signs any such licence knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such licence so forged, counterfeited or false as aforesaid;

- (d) knowingly utters or makes use of as applying to any person any such licence which does not so apply;
- (e) personates any person named in any such licence;
- (f) falsely pretends to be fishery officer;
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, licence or document required by, under or for the purposes of, this Ordinance or of any regulations made thereunder to be kept, issued or submitted;
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, this Ordinance or of any regulations made thereunder; or
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

(2) In this section the term "forgery" has the same meaning as that assigned to it by section 240 of the Criminal Law (Offences) Ordinance.

Cap. 10.

23. (1) The Governor may, from time to time, appoint fishery officers for the purpose of carrying out the provisions of this Ordinance.

Appointment of fishery officers.

(2) Fishery officers shall be paid out of moneys provided by the Legislative Council such remuneration as is approved by the Governor.

24. (1) Any fishery officer appointed under this Ordinance and any member of the police force not below the rank of sergeant or in charge of a Police Station may without warrant —

Powers of fishery officers.

- (a) stop and search any vessel which he has reason to suspect of being used in fishing contrary to the provisions of this Ordinance or of any regulations made thereunder;
- (b) search and examine any fishing stake, net, line, instrument or appliance used in catching fish;
- (c) seize and detain subject to the orders of a court any vessel, net, line, stake, instrument or appliance found in possession of any person in such circumstances as to lead to a reasonable suspicion that it had been

used or that there is an intention to use it for the purpose of the capture of any fish in any manner contrary to the provisions of this Ordinance or of any regulations made thereunder, and the court may order any such vessel, net, line, stake, instrument or appliance —

- (i) to be disposed of in such manner as the court may think fit in the event of the court convicting any person of any offence in relation to which such vessel, net, line, stake, instrument or appliance was seized:

Provided that where the person convicted is not the owner of the vessel in relation to which the offence was committed no order shall be made in respect of such vessel unless the owner has been given an opportunity of being heard;

- (ii) to be returned to the owner in the event of no person being prosecuted within a reasonable time or where the person prosecuted is discharged by the court;
- (iii) to be forfeited to the Crown where the owner thereof is unknown and no claim is made thereto within one month of its being detained.

(2) If there is found as a consequence of any search referred to in paragraph (a) of subsection (1) of this section any fish or part thereof appearing to have been obtained or to have been possessed in contravention of this Ordinance or of any regulations made thereunder the same may be seized and detained and shall be sold in such manner as the Director may think fit and the proceeds of such sale shall be paid into the court of competent jurisdiction and shall —

- (i) be forfeited to the Crown in the event of any person being convicted of any offence under this Ordinance or any regulations made thereunder or in the event of such persons being unknown and no claim being made thereto within one month of the payment into the court;
- (ii) be handed to the person who captures such fish where the person who captured such fish is known and either no person is prosecuted or the person prosecuted is discharged:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred by this paragraph.

25. Any fishery officer may for the purpose of —
 (a) stocking water with fish; or
 (b) inspecting any water containing fish, at all reasonable times of the day enter, remain upon and traverse any lands. Power to enter lands.
26. Any person who wilfully obstructs, hinders, resists or assaults any person in the exercise of his powers under this Ordinance or under any regulations made thereunder shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months. Obstructing, resisting or assaulting fishery officer.
27. Every person who knowingly buys, sells or has in his possession fish taken, killed or injured in contravention of the provisions of this Ordinance or of any regulations made thereunder shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars. Dealings with fish taken, killed or injured contrary to this Ordinance.
28. Where the holder of a licence under this Ordinance has reason to suspect that an offence against the provisions of this Ordinance or any regulations made thereunder has been committed or is about to be committed by any other person, he may require that other person to give his name, description and place of abode, and in case that other person does not give his true name, description and place of abode, or refuses so to do, he shall, in addition to any penalty to which he may be liable under this Ordinance, be liable to a fine not exceeding twenty-four dollars. Failure to give true name etc. on being found offending.
29. Every person who—
 (a) assaults, obstructs, hinders or resists;
 or
 (b) aids, abets or incites any other person to assault, obstruct, hinder or resist, any fishery officer or member of the police force in the execution of his duty under this Ordinance or any regulations made thereunder shall be guilty of an offence against this Ordinance and shall, on summary conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months. Penalty for assaulting fishery officer or member of the police force.
30. Any weapon, instrument or trap used in the commission of any offence under this Ordinance or any regulations made thereunder in respect of which there is a conviction may, in the discretion of the court, be forfeited. Forfeiture of thing seized.
31. Any offence against this Ordinance committed at sea within the territorial limits of the Colony shall be deemed to have been committed in any place adjoining such sea and may be tried and punished accordingly. Offences at sea.

Expenses of Or-
dinance.

32. (1) Any expenses incurred in connection with the provisions of this Ordinance or of any regulations made thereunder shall be defrayed out of moneys provided by the Legislative Council.

(2) All fees received under this Ordinance or of any regulations made thereunder shall be paid by the Director to the Accountant General.

Regulations.

33. (1) The Governor in Council may make regulations for carrying out the provisions of this Ordinance and without prejudice to the generality of the foregoing such regulations may—

- (a) prescribe the form of application for registration of fishing boats and for any licence or authorisation to be issued under this Ordinance or any regulations made thereunder;
- (b) prescribe the form and make provision for the issue of certificates of registration of fishing boats and of licences and authorisations and the fees therefor;
- (c) make provision for facilitating the identification of holders of licences and certificates issued under this Ordinance or any regulations made thereunder;
- (d) prescribe the particulars to be recorded in respect of fishing boats;
- (e) control either generally or for any specified period or periods the taking of any fish or of any specified species of fish either throughout the Colony or in any specified water or area;
- (f) make provision for the stocking of any water with fish and for the establishment and control of fish hatcheries;
- (g) control either generally or in respect of any specified water or area the methods and traps which may be employed in taking any fish;
- (h) limit the number of fish which may be taken by any one person in any one day or in any other period;
- (i) require persons to render returns containing such information as may in the opinion of the Governor in Council be necessary for the compilation of fishery statistics;
- (j) make provision for the safety and welfare of fishermen and of men working in fishing boats or otherwise engaged in the fishing industry whether on their own behalf or as servants or employees of another person;

- (k) make provision for promoting and fostering the interest of the fishing industry in general;
- (l) regulate or prohibit the erection, maintenance, working, repair or lighting of fishing pen sites;
- (m) regulate or prohibit any method of fishing or the use of any fish traps or fishing nets, lines or other instruments or appliances for fishing;
- (n) provide for the regulation and control of the marketing, purchase, sale, processing, canning or freezing of fish either generally or in respect of any particular area or areas;
- (o) prescribe the kinds or the minimum weights and sizes of any species of fish which may be caught for the purposes of sale or consignment;
- (p) prescribe areas and periods of time within which fish or any particular species or size of fish may not be caught, or within which any particular method of fishing is prohibited;
- (q) prohibit or regulate the deposit or discharge in waters of any solid or liquid substance detrimental to fish;
- (r) prescribe anything which is to be prescribed under this Ordinance.

(2) There may be annexed to the breach of any regulation made under this Ordinance such penalty not exceeding five hundred dollars as may be prescribed and such penalty may be sued and recovered under the Summary Jurisdiction Ordinances.

(3) All regulations made under this Ordinance shall be laid before the Legislative Council as soon as may be after they are made and if not approved by resolution of the Legislative Council within twenty-one days after having been so laid, such regulations shall thenceforth be void but without prejudice to the validity of anything previously done thereunder, or to the making of new regulations.

(4) In reckoning any such period of twenty-one days no account shall be taken of any time during which the Legislative Council is dissolved or prorogued, or adjourned for more than seven days.

34. Any person acting in the execution of his office or duty under the provisions of this Ordinance or of any regulations made thereunder shall be entitled to the protection afforded by the Justices Protection Ordinance.

Special rules as to making of complaints for offences.

35. (1) No prosecution under this Ordinance shall be instituted except by or with the previous sanction of the Director.

(2) A fishery officer if so authorised in writing by the Director, may, although he is not a barrister or a solicitor, prosecute, conduct or defend before any court having jurisdiction, any information, complaint or other proceeding arising under this Ordinance or in the discharge of his duty as a fishery officer.

Application of Ordinance.

36. (1) The provisions of this Ordinance shall extend to all waters within the territorial limits of the Colony.

(2) The provisions of this Ordinance shall not apply to—

- (a) any vessel belonging to or being used by or on behalf of the Government of the Colony so long as such vessel is on fisheries duty under the provisions of this Ordinance and is being used in the course of that duty;
- (b) any person operating for or on behalf of the Government of the Colony.

Commencement of Ordinance.

37. This Ordinance shall come into operation on such date as the Governor may by Proclamation published in the Gazette appoint.

Passed by the Legislative Council this third day of August, nineteen hundred and fifty-six.

J. C. Spurr
Clerk of the Legislature.

(Agr. 201/17 II)
(Leg. Bill 12/1956).