



BELIZE

**FISHERIES ACT
CHAPTER 210**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

3

FISHERIES ACT

4

Amendments in force as at 31st December, 2000.



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CHAPTER 210

FISHERIES

ARRANGEMENT OF SECTIONS

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CHAPTER 210

FISHERIES

Ch. 133,
R.L., 1958.
CAP. 174,
R. E. 1980-1990.
22 of 1962.
40 of 1963.
8 of 1966.
2 of 1972.
17 of 1976.
1 of 1983.
10 of 1987.
22 of 1987.
12 of 1988.
19 of 1989.
Short title.

[24th September, 1948]

1. This Act may be cited as the Fisheries Act.

Interpretation.

2. In this Act, unless the context otherwise requires:-

2 of 1972.

“boat” means any vessel of any description whatever used or intended to be used for fishing;

“commercial fishing” means the taking, breeding, producing, killing or capturing of any fish by any means whatever or the attempt or preparation to do so, for the purpose of the sale or other disposition of such fish for money or money’s worth;

“crawfish” means fish of the genus *Panulirus* which is commonly known as crawfish, rock lobster and spiny lobster;

“fish” includes all or any of the varieties of marine or fresh water animal or plant life; 17 of 1976.

“net” includes seine and other fishing appliances;

“regulations” means regulations made under this Act.

3. This Act shall extend and apply to the whole of Belize. Application of the Act. 10 of 1987.

4.-(1) The Minister may appoint any public officer a fishery officer, either by name or by office, as he thinks fit, for the purpose of carrying into effect the provisions of this Act or any Regulations made under this Act. Appointment of officers.

(2) The Minister may appoint any member of the management committee of a fishing co-operative a fishery officer for the purpose of enforcing any regulation made under this Act. An appointment made under this subsection shall be valid only for so long as the person appointed continues to be a member of the said management committee. 1 of 1983.

(3) Such officers other than police officers and customs officers shall be in possession of evidence of their authority when acting in pursuance of this Act.

5.-(1) Any fishery officer appointed under this Act and any police officer may- Powers of officers.

(a) without any warrant- 2 of 1972.
1 of 1983.

(i) stop, board and search any boat, vehicle or aircraft which he reasonably suspects is being used or employed

- in fishing or carrying fish contrary to the provisions of this Act or any regulations made under this Act;
- (ii) search and examine any fishing nets which he reasonably suspects have been used in commercial fishing;
- (iii) arrest any person found committing or attempting to commit or abetting the commission of any offence under this Act or any Regulations made under this Act;
- (iv) seize and detain any boat used in the commission or attempted commission of any offence under section 6, 8 or 9;
- 17 of 1976. (v) seize and detain any fishing tackle used in the commission or attempted commission of any offence under this Act or any Regulation made under this Act;
- (vi) enter during normal working hours any business premises in which fish cooked or uncooked is sold and search refrigerators, ice boxes, freezers, or any container which may, in the opinion of the officer searching, be used for the storing or keeping of fish;
- (vii) exercise any power conferred upon him by regulations;
- 2 of 1972. (b) subject to subsection (2), enter and search any premises or board and search any boat or search any vehicle or aircraft in which he reasonable suspects that there is anything liable to seizure under paragraph (c) of this subsection;
- 2 of 1972. (c) seize, remove and detain-

- (i) anything in respect of which he reasonably suspects that an offence against the Act or any regulations made under this Act has been committed;
- (ii) anything that appears to him to be or to be likely to be, or to contain, evidence of an offence against this Act or any regulations made under this Act.

(2) Subject to the provisions of section 12, a magistrate may, if he is satisfied by information on oath that there is reasonable ground for suspecting that there is in any place anything that is liable to seizure under paragraph (iii) of subsection (1), issue a warrant authorising such place to be entered into and searched by a fishery officer or police officer. 2 of 1972.

(3) Any fishery officer appointed under this Act or any police officer may- 2 of 1972.

- (a) break open an outer or inner door of any place that he is empowered or authorised by or under this Act to enter and search;
- (b) forcibly board any boat or vehicle or aircraft that he is empowered by this Act to board and search;
- (c) remove by force any person or thing obstructing any arrest, detention, search, inspection or removal that he is empowered by this Act to make;
- (d) detain any person found in any place or on any boat or vehicle or aircraft that he is empowered or authorised by or under this Act to search until such place, boat or vehicle or aircraft has been searched;
- (e) seize and detain any boat or vehicle or aircraft that he is

empowered by this Act to board and search, or search and prevent any person from approaching or boarding such boat or vehicle or aircraft until it has been searched.

Prohibition of commercial fishing, etc., without a boat licence.
2 of 1972.

6.-(1) No person shall use or employ any boat in commercial fishing unless there is in force in respect of such boat a “licence to fish” issued under the provisions of any regulations made under this Act.

(2) For the purposes of this section, a person shall be deemed “to use or employ a boat” (notwithstanding the fact that he is not an owner, employer or master thereof) if he plays any part or assists or in any way contributes to or acts in furtherance of the use to which the boat is put, whether as a member of the crew or otherwise.

(3) In any proceedings under this section, it shall be presumed, until the contrary is proved, that the boat was at the material time being used or employed in commercial fishing.

Prohibition of commercial fishing without a personal licence.
2 of 1972.

7. No person shall engage in commercial fishing or be engaged or employed in or on any boat while in use for commercial fishing unless he is the holder of a valid “fisherman’s licence” issued under the regulations made under this Act.

Prohibition of certain scientific or research operations without a permit.
2 of 1972.

8. No person shall conduct or be engaged or employed in any scientific or research operations in any water or waters to which this Act applies which involve the taking, killing or capturing of any fish, or any interference or disturbances of fish, or with the seabed, unless there is in force in respect of such operations a licence granted under the regulations made under this Act.

Prohibition of export, etc., without a licence.
2 of 1972.
1 of 1983.
19 of 1989.

9.-(1) Subject to subsection (2), no person shall export, attempt to export or purchase with a view to export any fish unless he is the holder of a valid fish exporter’s licence issued under the regulations made under this Act.

(2) No fish exporter’s licence referred to in subsection (1) shall be

required by a person who purchases any fish from a duty-free shop provided the quantity of such fish does not exceed twenty pounds.

(3) Any person, corporation or other body desirous of selling fish from a duty-free shop shall, before selling any fish, obtain a licence from the Fisheries Administrator who may grant such licence subject to such terms and conditions as he may think fit and on the payment of such fees, if any, as may be prescribed by regulations made under this Act.

(4) The owner or manager of every duty-free shop licensed to sell fish under subsection (3) shall keep a record of every such sale and shall submit a monthly statement to the Fisheries Administrator with a copy to the Comptroller of Customs by the fifteenth day of every month, showing the total amount of fish sold during the preceding month.

10.-(1) Any person who contravenes section 6, 7, 8 or 9 commits an offence and is liable on summary conviction to a fine which shall not be less than one hundred dollars but which may extend to five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Offences and penalties.
2 of 1972.
1 of 1983.
10 of 1987.

(2) In the case of any contravention of section 6, 7, 8, or 9, the court for the first such contravention may, and for the second or subsequent such contravention shall, in addition to any penalty that may be imposed under subsection (1), order that any fish, boat, vehicle, aircraft and any fishing tackle or equipment used or employed in connection with such contravention be forfeited.

Forfeiture, etc.

11. Any person who uses poison of any description or any explosive with intent to stupefy, poison, take, or kill fish commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Use of poison or explosives.
17 of 1976.
1 of 1983.

Inspection,
seizure and
forfeiture of nets.

12.-(1) Any authority authorised by any regulations made under this Act may inspect and measure any fishing net which he may see in any part of Belize, whether or not it has been seen in actual use, and for such purpose may, without warrant enter into or upon any premises at all reasonable times.

(2) Any such person, if upon inspection he is of opinion that the construction of such net contravenes any provision of this Act or of any regulations made under this Act, may cause the net to be conveyed to the nearest convenient place where it may be measured.

(3) If on inspection or measurement it is found that any such net contravenes any provision of this Act or any regulations made under this Act, it shall be seized and taken before a magistrate who, upon being satisfied of such contravention, shall declare the same to be forfeited, whether or not any person has been charged in respect thereof.

(4) Where a net has been seized under this section and no person at the time of such seizure is found in possession of it, the order for its forfeiture shall not be made by a magistrate until the expiration of one month from the date of seizure unless the owner or other person entitled to the possession of the net sooner claims it and has been given an opportunity of showing cause why it should not be forfeited.

(5) The magistrate shall cause every fishing net forfeited under this section to be delivered to the Fisheries Administrator to be put to such use as he thinks fit.

Regulations.

13.-(1) The Minister may make regulations-

- (a) for prescribing the size of mesh, form and dimensions of nets for fishing, and for the manner of using the same;
- (b) for restricting the size of fish that may be taken, and prohibiting the sale or exposing for sale or the purchase of such as are in

spawn or under such size or weight as may be prescribed by the regulations;

- (c) for prohibiting the taking of fish at such times and within such areas as may be defined in the regulations;
- (d) for prohibiting or restricting the taking of fish by any particular means or apparatus which may be specified;
- (e) for prescribing the kinds or minimum weights and sizes of any species of fish which may be caught;
- (f) for prohibiting, restricting, regulating or controlling the taking, possession, transporting or dealing in fish; 17 of 1976.
- (g) for naming and prescribing the duties of persons authorised to see to the carrying out of the provisions of this Act;
- (h) for prohibiting or controlling the importation or the exportation of fish;
- (i) generally for all matters connected with the control and regulation of fishing and the proper carrying out of the provisions of this Act-
 - (i) for controlling and regulating standards for the processing of fish and fisheries products; 2 of 1972.
 - (ii) for the issue of licences and conditions of issue of such licences and conditions to be observed by the holders of such licences and to prescribe forms to be used in respect thereof including the payment of fees therefor; 17 of 1976.
- (j) generally for all matters connected with the control and Marine reserves. 12 of 1988.

regulation of marine reserves.

(2) All regulations made under this Act shall be subject to negative resolution.

Marine reserve.
1 of 1983.
10 of 1987.

14.-(1) The Minister may, where he considers that extraordinary measures are necessary, by Order published in the *Gazette*, declare any area within the fishing limits of Belize and as appropriate any adjacent surrounding land, to be a marine reserve:

- (a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life;
- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted;
- (c) to promote scientific study and research in respect of such area; or
- (d) to preserve and enhance the natural beauty of such areas.

(2) The Minister may, where he considers that there is no need for any area to be so reserved, revoke the Order declaring that area a marine reserve.

(3) No person shall, in a marine reserve-

- (a) engage in fishing;
- (b) damage, destroy or remove any species of flora or fauna from its place;
- (c) engage in any scientific study or research;

- (d) damage, destroy or disturb the natural beauty of such area;
- (e) do any other act which may be prohibited by any order made by the Minister from time to time,

without a licence issued by the Fisheries Administrator.

(4) The contravention of the provisions of this section shall constitute an offence, and the offender shall on summary conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(5) In the case of the first contravention of this section, the court may, and in the case of the second or subsequent such contravention the court shall, in addition to any penalty that may be imposed under subsection (4), order that any fish, boat, fishing tackle or equipment used or employed in connection with such contravention be forfeited.

10 of 1987.

15.-(1) There may be annexed to the breach of any regulation made under section 13 a fine not exceeding five hundred dollars or imprisonment for a period not exceeding six months, or both such fine and imprisonment. Such fine may be sued for and recovered under the Summary Jurisdiction (Procedure) Act, and any fish in respect of which the offence has been committed shall be forfeited.

Penalty for breach of regulations. 22 of 1962. 17 of 1976. 1 of 1983. 10 of 1987. CAP. 99.

(2) Any person found guilty of a breach of any regulation made under this Act prohibiting the taking or possession of undersized fish or the possession of fish during the closed season shall, in addition to any other penalty that may be imposed under the Act, be liable to a fine in respect of each such fish, which shall not be less than twenty dollars but which may extend to thirty dollars.

Punishment.

(3) Where any person is found guilty of contravening any regulation made under this Act, the court for the first such contravention may, and for the

Forfeiture.

second or subsequent such contravention shall, in addition to any penalty that may be imposed under this section, order that any boat, vehicle or aircraft together with any auxiliary engine and any fishing tackle or equipment used or employed in the commission of any such offence be forfeited.

Protection of
officers and agents
from personal
liability.
2 of 1972.

16. No act or thing done by any fishery officer or by any police officer, or by any other person acting under the directions of such officer, shall, if the act or thing was done *bona fide* for the purpose of carrying this Act into effect, subject him personally to any liability, action, claim or demand whatever.

Certificate as to
identity or species
of fish to be
admissible.
12 of 1988.

17. If in any proceedings for an offence under this Act or regulations made thereunder, any question arises as to the identity or species of any fish, the production of a certificate signed by the Fisheries Administrator shall be receivable at the trial, enquiry or proceeding as *prima facie* evidence of any matter or thing therein contained.